

## AGENDA

### **PLANNING COMMITTEE**

**WEDNESDAY, 19 OCTOBER 2022**

**1.00 PM**

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

Committee Officer: Jo Goodrum  
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 18)  
  
To confirm and sign the minutes from the previous meeting of 21 September 2022.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR21/1072/FDL  
Land East Of Bevills Close And North Of, Eastmoor Lane, Doddington  
Erect 47 x dwellings (2 x single-storey 2-bed, 11 x 2-storey 2-bed, 19 x 2-storey 3-bed, and 15 x 2-storey 4-bed), with associated garages, parking and landscaping, involving the demolition of existing agricultural building and garage to 44 Bevills Close  
  
(Pages 19 - 64)  
  
To determine the application.

- 6 F/YR22/0604/F  
Land North Of, 60 Stonald Road, Whittlesey  
Erect 1 x dwelling (2-storey 2-bed) (Pages 65 - 74)

To determine the application.

- 7 F/YR22/0869/F  
7 Station Road, Manea  
Change of use from restaurant and 2-bed dwelling to a house of multiple of occupation (HMO) (Sui-Generis) for up to 11 persons, and retention of existing 2-bed dwelling, outbuilding for storage and demolition of existing shed (part retrospective) (Pages 75 - 94)

To determine the application.

- 8 F/YR22/0973/FDC  
Wisbech Park, Lynn Road, Wisbech  
Erect a single-storey community hub, which includes a multi-purpose hall, cafe and toilets (Pages 95 - 106)

To determine the application.

- 9 F/YR22/0063/F  
Land West Of 5 - 7, High Causeway, Whittlesey  
Erect 3 x residential units (2-storey block of 2 x 1-bed and 1 x 2-bed flats) involving the demolition of existing building within a conservation area (Pages 107 - 124)

To determine the application.

- 10 F/YR22/0459/F  
Land North Of, Red Barn, Turves  
Erect 5no dwellings (2no 3-bed, 2-storey and 3no 3-bed, 2-storey with attached garages) (Pages 125 - 156)

To determine the application.

- 11 F/YR22/0811/O  
Land South Of, Hall Bank, Tydd St Giles  
Erect up to 8 x dwellings (outline application with matters committed in respect of access) (Pages 157 - 176)

To determine the application.

- 12 F/YR22/0828/F  
Land South West Of 27A, Wimblington Road, Doddington  
Erect a dwelling (2-storey, 3-bed) (Pages 177 - 186)

To determine the application.

13 F/YR22/0900/F

Dun Cow, Green Lane, Christchurch

The formation of hard-standing to site 2 x caravans (1 x residential use and 1 x storage) at the rear of property (part-retrospective) (Pages 187 - 196)

To determine the application.

14 F/YR22/0919/O

Land South Of 733, Whittlesey Road, March

Erect up to 2no. dwellings (outline application with all matters reserved) (Pages 197 - 206)

To determine the application.

15 Items which the Chairman has under item 3 deemed urgent

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

To exclude the public (including the press) from a meeting of a committee it is necessary for the following proposition to be moved and adopted: "that the public be excluded from the meeting for Items which involve the likely disclosure of exempt information as defined in the paragraph 7 of Part I of Schedule 12A of the Local Government Act 1972 (as amended) as indicated."

16 3 Orange Grove, Wisbech -Confidential (Pages 207 - 212)

To advise members of the current situation regarding the above site and to authorise legal proceedings to secure compliance with the Notice.

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

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## PLANNING COMMITTEE



**WEDNESDAY, 21 SEPTEMBER 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 R Skoulding and Councillor W Sutton, Councillor A Miscandlon (Substitute)

**APOLOGIES:** Councillor M Cornwell and Councillor M Purser,

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

### **P48/22      PREVIOUS MINUTES**

The minutes of the previous meeting of the 24 August 2022 were agreed and signed as an accurate record.

### **P49/22      F/YR22/0464/LB MARCH TOWN HALL, MARKET PLACE, MARCH WORKS TO A LISTED BUILDING COMPRISING THE REPLACEMENT OF FRONT ACCESS DOOR**

David Rowen presented the report to members.

Members received a presentation, from Councillor Mrs French, who had been given permission to address the committee by Councillor Mrs Davis who had assumed the position of Chairman for this agenda item.

Councillor Mrs French explained that in 1985 the building was listed, and it is her understanding that the building had once been owned by Cambridgeshire County Council and had been used as a Magistrates Court for many years. She added that when the building ceased to be used as a court it was purchased in its dilapidated state by a local person and it was handed to March Civic Society, so that the building was protected.

Councillor Mrs French stated that the March Civic Society were then awarded a National Lottery Grant of £1,000,000 and the building was renovated to include the double-glazed units in the café element of the building which has gone on to be very successful. She added that it appears that whenever the Civic Society apply for further works to be undertaken to the building they encounter problems.

Councillor Mrs French made the point that there were problems with their application for double glazed windows which needed to be replaced due to the condition of the existing windows which were falling out and the approval was conditioned to state that the wood used had to be soft wood instead of hard wood. She explained that the existing door to the building is original and is 120 years old and has been repaired between 15 and 20 times and it is very difficult to open.

Councillor Mrs French expressed the view that she does want this type of building preserved and the Civic Trust have tried their utmost to do that and have been prepared to spend money on the upkeep of the building. She made the point that the new door is not a cheap door and will cost in

the region of £10,000 to £12,000.

Councillor Mrs French stated that she found it interesting to hear the view of the County Council and added that under the March Area Transport Study there will be major changes undertaken in the Market Place and she questioned whether the County Council Highway Department will need a Listed Building because it is in the setting of a Listed Building.

Members received a presentation in accordance with the public participation procedure from Matthew Hall, the Agent. Mr Hall explained that the committee will recall that the building was given Listed Building consent for the replacement of existing timber framed windows to double glazed units in 2018 and a further application in 2020. He stated that the proposal is to replace the existing double doors with new double doors with double glazed fan lights which will all match the existing style with no change in the actual opening size.

Mr Hall explained that the joiner D R Betts who made the windows and installed them, has visited the site and inspected the door and he made reference to an email which the joiner has provided following that visit. Mr Hall read the email to members which stated that ' I have been and inspected the doors and feel that it is better to replace them as there are several layers of thick paint on the doors which has hidden the features of the mouldings, particularly the staff bead moulds on the meeting rails and in my experience the best way to remove this is to have them dipped, however this could cause problems once it dries out as it may cause the panels to crack, having said that I noticed that there are a couple of panels already cracked with a crack running down them and there are mouldings which have been cut through for the letter box and pieces of timber inserted where the lock has been removed. The hinge style on the left-hand side appears to have split where it meets the curved top rail, the door looks like it has dropped due to its weight and may require clamping and re gluing'.

Mr Hall stated that the door has been repaired on numerous occasions with new wood being spliced in along with adjustments to the ironmongery and locking mechanism and replacements to the locking mechanism on several occasions. He explained that it is his opinion along with that of the March Civic Trust that when reviewing the comments of the Conservation Officer on 30 August, it would appear that the Conservation Officer has not visited the site to review the doors.

Mr Hall explained that the applicant is happy to provide joinery details of the proposed doors and the locking mechanism referred to by Cambridgeshire Constabulary as part of a condition. He stated that the existing doors can be removed and donated to March Museum to keep them within the Town of March as a relic of the town's history.

Mr Hall added that the approved replacement of the windows previously in the Listed Building, together with the earlier setting of the aluminium framed windows and doors in the café, shows approval for the replacement of the fabric in the building.

Members asked Mr Hall the following questions:

- Councillor Miscandlon asked Mr Hall whether he was aware of the comments made by the Conservation Officer before the report came before the Planning Committee? Mr Hall confirmed he had received an email on the 30 August and was aware of the comments. Councillor Miscandlon questioned why the additional information had not been provided in order for a more pragmatic decision to be made? Mr Hall stated that when the application was submitted the Planning Officer requested some further information and this was submitted along with a covering email to explain why he felt the door should be replaced but nothing further has been submitted.

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

- Councillor Murphy stated that the applicant wishes to install a reasonable door on the building. He added that he welcomes the fact that it is not for in perpetuity otherwise in 200

years it will require a replacement again. Councillor Murphy expressed the view that it is of a nice design and will add to the building. He stated that it is a building that has been brought to life and it will be enhanced with the replacement doors.

- Councillor Miscandlon stated that he agrees with the points made by Councillor Murphy. He expressed the view that the building has been subject to various modifications to bring it up to date and the current door is in a very poor state of disrepair and it needs to be replaced rather than keep making interim repairs. Councillor Miscandlon added that the applicant is not replacing it with a plastic door and it is being replaced with something far more substantial and he will support the application.
- Councillor Marks stated that he fails to understand why something is repaired on numerous occasions until nothing of the original fabric of the door is left and it should just be replaced.
- Councillor Mrs Mayor highlighted the fact that the elements need to be considered and the fact that there is a draught. She added that the cost of heating a building now needs to be taken into consideration and she will be voting against the officer's recommendation.
- Councillor Benney stated that that he agrees with the comments made by the other members. He added that he can recall when the application for the replacement windows was submitted, and he made the point that at that time that the best way to keep a building in good repair is to keep it used and maintained to a good standard. Councillor Benney stated that a new door is maintenance and although it is expensive that is because it is being done properly and he will support the application.
- Councillor Mrs Davis stated that when you stand in front of the existing doors the old repairs are visible, including the thickness of the paint and some of the beading that is lifting. She added that she is aware that the door has recently caused visitors to the building having problems when leaving as they were unable to physically push the door open, resulting in having to call somebody to open the door from the outside. Councillor Mrs Davis made the point that from the drawings that members have seen it is a very fair replacement of the door which is costing a significant amount of money. She added that she agrees with the point raised by Councillor Mrs Mayor who made reference to the cost of heating and the door will go some way to mitigate that.

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

Nick Harding stated that the likely conditions would relate to the material to be used to construct the door and with regards to the design details, the Agent has already stated that they would be willing to provide detailed drawings of the design of the door.

Members did not support officers' recommendation for refusal as they do not feel that the replacement door will be detrimental to the historic nature of the building in any way whatsoever.

*(Councillors Connor, Skoulding and Councillor Mrs French declared that they are all members of March Town Council and following advice sought from the Legal Officer decided that they would take no part in the discussion and voting thereon on this item)*

*(Councillor Mrs Davis took the Chair for this item)*

**P50/22      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)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent. Mr Bevens stated that he is disappointed to see that the wording on the description of the development is incorrect and that he had specifically worded the application originally and completed the application form, based upon nice self-build and custom-built dwellings. He made the point that the Council has been legally required from the 1 April 2016 to keep a register of individuals and associations of individuals who are seeking to require surplus plots of land in their area in order to build their own homes and he has asked the Council on several occasions for a copy of the register, and it is only recently that he has been provided with the figures from 2016 onwards.

Mr Bevens expressed the view that it is unclear whether the figures provided are for specific self-build custom builds as described within the qualifying terms of the Self-Build Custom House Building Act. He stated that if the Council is bound by this Act to keep and publicise the register then he cannot understand why it is not a public document.

Mr Bevens stated that in considering whether a home is a self-build or custom build the Council need to be satisfied that the initial owner of the house will have primary input into its final design and layout. He expressed the opinion that he is unsure whether the criteria has been met and added that if the application is approved it will meet all the required criteria to comply with Self-Build Custom House Building Regulations 2016.

Mr Bevens stated that the officer's report refers to the site lying predominantly in the countryside, and referred to the presentation screen which shows the open countryside is delineated by Darcy Lode to the north and the public footpath to the northern side of the site. He pointed out that beyond Darcy Lode it is typical Fenland farmland which he agrees is open countryside and he referred members to the second slide which has been taken from the Ordnance Survey footpath maps which highlights the footpath that runs along the northern boundary alongside Darcy Lode and that the land south of Darcy Lode which is coloured grey infers it to be in the built-up area of Manea.

Mr Bevens stated that, in his view, the development is not out of keeping with the area and he added that on the first slide it shows Glebe Close to the south west of the site which is not a linear frontage site and therefore it breaks the linear frontage pattern along Westfield Road together with development along Dunvegan Close and the recent approval for planning at 18 Westfield Road. He stated that the proposal does recognise the intrinsic character and beauty of the countryside by including a green frontage to Westfield Road and the retention of all of the trees and fauna at the northern end of the site which is adjacent to Darcy Lode.

Mr Bevens explained that the layout suggests that the area would also have the inclusion of additional tree planting to screen the development even further and the hedgerows will be retained and increased along the west and eastern boundaries. He pointed out that a surface water attenuation facility will create a significant ecology enhancement on the site.

Mr Bevens stated that members may recall an application for 26 dwellings in Westfield Road earlier in the year, which was refused by the committee. He added that the officer has referred to the site within their report outlining its similarities but, in his opinion, the proposal before the committee has more cohesiveness to nearby housing and is less dense than the other application and offers better mitigation to the countryside beyond its boundary.

Mr Bevens pointed out that the proposal has a clear ecology strategy that could be further reinforced in a future reserved matters application. He added that the site does not require affordable housing provision and there are numerous letters of support for the proposal which outweigh the letters of objection received and the Environment Agency, Natural England, Highways, Wildlife Officer, Fire and Rescue and Environmental Health all have no objection to the proposal.

Mr Bevens stated that in the report at paragraph 10.9 the officer makes reference as to whether the application can be deemed as brownfield and Mr Bevens expressed the view that the land lies within the curtilage of an existing structure currently, which was purchased and mortgaged under one title with no agricultural restrictions and in accordance with the description of brownfield as described in the National Planning Policy Framework which was also recognised in the Court of Appeal and accepted as case law in a case with Dartford Borough Council v the Secretary of State. He stated that the site should have been entered onto the brownfield register by the Council by 31 December 2017 and recognised as a brownfield site.

Mr Bevens added that the Parish Council's reasons for refusal, in his opinion, are not strictly accurate as it is a brownfield site and whilst the entrance is opposite the fire station, access will be made easier by virtue of the fact that cars will no longer be able to park opposite the entrance. He stated that there is infrastructure to support the proposed dwellings with shops, schools, bus services and a train station and he added that the officer has noted that affordable housing is not a reason for refusal.

Mr Bevens concluded by stating that he would ask the committee to consider his counter argument to support the application to give nine applicants the opportunity to design their own dwellings.

Members asked officers the following questions:

- Councillor Mrs French asked whether the application site is within walking distance of the train station at Manea. Mr Bevens stated that it would be about a 30-minute walk to get there.

Members asked officers the following questions:

- Councillor Marks stated that officers had advised the committee that there is a quantity of self-build plots available, and he asked whether that was within the Manea area or within the district? Nick Harding explained that the register that the Council maintains, is not a public document in its own right, because the register comprises of personal names and addresses which cannot be shared under General Data Protection Regulations. He added that the key point about the register is the numbers of the persons that are on the register and those that have an interest in constructing customer self-build accommodation. Nick Harding stated that the information that has been provided to the agent is available on the Council's website and can be found in the Annual Monitoring Report which has been compiled in accordance with the requirements of the legislation in relation to monitoring of custom and self-build properties. He pointed out that the register relates to the district as a whole and is not location specific, however, when somebody registers, they can indicate if they have a particular interest in custom and self-build properties in a particular part of the district. Nick Harding pointed out that the statistics that are published on the website and also provided to Government each year and have been shared with the Agent, demonstrate that the number of planning permissions that the Council grants is significantly higher than the required figure. He pointed out that since October 2016 and annually the requirements have been 18, 23, 7, 2, 5 and the number granted has been in excess of 100 every year except for the period ending 23 and by looking at HMRC information about reclaims the average number of reclaims in our area is 36 per annum and therefore in terms of actual deliverable custom self-build homes, the Council is exceeding its requirement. Nick Harding explained that the Council has to monitor the number of planning permissions granted that may go on to be used by custom and self-build homes.
- Councillor Marks asked for clarity that the dwellings could be anywhere in the district and Nick Harding stated that there is no requirement for that to be monitored or factored into the decision making.

- Councillor Marks stated that a self-build dwelling is more affordable than a property already on site and he asked whether that is considered when taking affordable homes into account? Nick Harding explained that custom build and self-build homes do not come under the consideration of affordable homes and, therefore, it would not be lawful to consider it on that basis.
- Councillor Mrs Davis asked officers to confirm whether the site is a brownfield site? David Rowen provided a definition of previously developed land from the National Planning Policy Framework which states that land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.' David Rowen expressed the opinion that his interpretation of the site in the context of that definition is that even though there is a dilapidated building on the front part of the site, in his view, it would be very difficult to say that the four fifths of the site that stretches back into the grassland paddock area could be defined as brownfield.

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

- Councillor Benney stated that he does not necessarily class the land as brownfield, but the site is Flood Zone 1, and it is the land that should be built on first and the proposal will provide 9 homes in what is classed as a growth village. He added that whilst the site is at the other end of the village to the train station, there is a very large car park at the train station, and he would like to see it used to its full potential and, in his opinion, anything that can be done to encourage the use of the railway at Manea is good. Councillor Benney stated that every business is struggling, and Manea has a few shops and a good Indian restaurant, and they all need customers to spend money and if more homes are not built then the businesses are going to suffer, and the businesses and the village of Manea will go backwards, with the village currently thriving with a very good community spirit. He expressed the view that the application is for a good development, and within the officer's report it states that Glebe Close is in the open countryside which he does not agree with as the lane at the back is garden land as opposed to fields of wheat and barley and, in his view, it is a piece of land which needs development. Councillor Benney stated that it will make access into the fire station easier and, in his opinion, the site is not on the outskirts of Manea. He expressed the view that there have been other approvals of developments on the entrance into the village of Manea and the proposal will provide 9 good homes. Councillor Benney stated that regardless of the fact whether the Council has a land bank that meets Government targets, which are a success story in their own right and the number of HMRC returns for VAT reclaims demonstrates to him that this is what people want. He stated that 2,800 homes have received planning permission already in Fenland which are still to be built and just because they are approved does not mean that it has got to be built making the point that if there is land with self-build dwellings approval on it, some of those will not be developed. Councillor Benney expressed the view that he feels it will be a good development and it will be built out and provide homes, with the Council and the Combined Authority having spent a considerable amount of money in the area around the railway station and if development is not supported then, in his opinion, the Council is remiss because they are not supporting the very thing that public money has been spent on and the application is something that the village of Manea is suited to. He will support the application.

- Councillor Mrs Davis stated that reference was made earlier concerning the application which was refused for the 26 dwellings at 96 to 100 Westfield Road but, in her opinion, it cannot be compared as it is on the edge of the village of Manea.
- Councillor Mrs French clarified that the Cambridgeshire and Peterborough Combined Authority financed the car park at the train station which is for 116 car parking spaces and prior to its development she is aware that they had looked at the local infrastructure and possibility of growth and, in her opinion, they would not have funded such a project if they had not agreed that Manea was a growth village. She added that there is a shortage of houses in Manea, which is a nice village with an underused car park which she hopes will be utilized more when people move in as the local roads are not good. Councillor Mrs French stated that she will be supporting the application.
- Councillor Marks stated that he is the local Ward Councillor and explained that over the last 18 years he has seen the village grow. He explained that there have been some recent self-build dwellings constructed in Station Road and they have good space around them. Councillor Marks added that due to a lack of footfall a local shop has just closed and whilst the train station has just been improved there is still the need for people to live in Manea. He stated that he will support the proposal and believes in the new Local Plan the boundary of Manea is being extended down to the Darcy Lode and there will be development along that piece of land as well.
- Councillor Connor stated that he agrees and will also be supporting the application.
- Nick Harding stated that the consultation of the emerging draft Local Plan shows the proposal site sitting outside of the village boundary. Councillor Marks asked for clarity as to whether that is the suggestion of the Council or what the Parish Council had suggested previously as he is of the opinion that there are two differences in the boundary position. Nick Harding stated that it is the proposal of Fenland District Council in the Local Plan as opposed to the opinions of the Parish Council.
- David Rowen stated that with regards to the point made by Councillor Mrs Davis in terms of the developments not protruding out into the open countryside beyond Glebe Close, the indicative layout shows the dwellings extending out approximately 50 metres beyond the line of Glebe Close.

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

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

Nick Harding stated that during the debate a number of members made reference to the sort of benefits that this development would bring in terms of delivery of custom self-build dwellings and he asked for confirmation as to whether the committee would want a legal agreement to secure that the development is delivered in the form of customer and self-build dwellings. Members agreed that they would want a legal agreement to form part of the conditions applied to the planning permission.

**P51/22      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)**

David Rowen presented the report to members.

Members asked officers the following questions:



- Councillor Miscandlon stated that officers have advised that the applicant was given the opportunity to amend their application from a solid to a see-through screen and he asked officers if they are aware why the applicant failed to consider the advice given? David Rowen stated that he is unaware why the applicant chose to rebut the option presented to them. Councillor Miscandlon stated that, in his opinion, the applicant was probably misled by the salesperson into purchasing a solid shutter even though the advice from officers was to have a see-through shutter which would have been more acceptable.
- Councillor Marks stated that there a number of premises in Chatteris which have the solid roller shutters including the old Budgens site at the roundabout. He added that there are four or five properties that he can recall, and he questioned as to whether they would have obtained planning permission? David Rowen stated that they probably should have done, and he explained that he has researched planning permissions for the inclusion of shutters, and he is not aware of many permissions which have been granted recently. Councillor Marks stated that if the property is in a Conservation Area a precedent has been set by allowing other solid roller shutters being allowed. David Rowen reiterated that he is not aware of too many examples of roller shutters having been granted in the Chatteris Conservation Area and if permissions had been granted historically then that does not automatically mean that permission should be granted in this case particularly given how explicit Policy LP17 is in terms of its resistance to solid roller shutters being installed on premises.
- Councillor Mrs Davis asked whether the applicant submitted an application for the roller shutters at the same time as they submitted the application for the bi-fold doors? David Rowen explained that the previous two applications at the premises were purely for the shop fronts and contained no details of the shutters at all.

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

- Councillor Sutton expressed the opinion the officer's recommendation is correct.
- Councillor Benney stated that the building has been there for many years and was derelict and over time it has been brought back to life and has become a thriving business. He added that he is aware that the owner of the business has suffered from vandalism before the bi-fold doors were installed and, in his opinion, the roller shutters are to stop vandalism as if the whole glass frontage was vandalised it would cost a significant amount to replace, and businesses cannot afford to do that. Councillor Benney expressed the view that application such as these should be approved as they allow for individuals to protect their properties and to safeguard their investment. He referred to a business four doors from the application site which has a stone clad frontage with a tree growing from it, which has been like it for some considerable time and there has been no enforcement undertaken. Councillor Benney notes that within the emerging Local Plan it states that roller shutters can be installed where there is a history of violence and damage and, in his opinion, this property fulfils the criteria as set out, with the business smartening up that particular area of the town which has had some very derelict buildings in area. He added that the shutters will allow the business owner to protect his business and continue and he cannot see anything wrong with the proposal as a boarded-up premises is not beneficial to the business, customers or the residents that live there and he will support the application.
- Councillor Mrs Davis stated that she appreciates the points raised by Councillor Benney, however, if the applicant had chosen alternative mesh roller shutters the application would not have had to come before the committee. She added that the committee need to be very careful about setting a precedent when considering solid roller shutters when premises can install mesh shutters instead. Councillor Mrs Davis added that she sympathises with the owner, and she agrees with Councillor Miscandlon that the owner was probably given advice from the roller shutter installation company that the solid shutters were better, however, in her opinion, the owner of the business should have taken the advice from the Planning Officers. She added that as much as she would like to support the business and she does have sympathy for them due to the ongoing vandalism, she is not content about setting a precedent for the solid shutters being installed.



- Councillor Benney explained that the business is open from early morning and late at night and the shutters are only down when the premises is closed. He added that the owners work very long hours, and the vandalism happens at night and whilst he agrees with the comments concerning perforated shutters, he made the point that the BP garage has solid roller shutters and that is also in a Conservation Area. Councillor Benney expressed the view that every application is judged on its own merit and although the application is a retrospective application, he questioned whether the business is going to be further penalised from the Covid recovery period and high energy bills. He expressed the view a number of businesses are going to be lost from the High Street if they are not supported and to make the applicant remove the roller shutters and replace them would mean an unnecessary cost.
- Councillor Mrs Davis addressed Councillor Benney and asked him to clarify that a precedent has already been set as there are other businesses in Chatteris which already have the same type of roller shutter. Councillor Benney stated that he is fairly certain that the BP garage has roller shutters.
- Councillor Marks stated that old Budgens store has solid shutters and added that is also very close to the road, which in the past has caused stones to fly up and that is another reason why most people go for solid shutters as opposed to see through.
- Councillor Miscandlon referred to 5.3 of the officer's report which makes reference to designing out crime, with the crime statistics which have been provided not reflecting much evidence of crime having been reported over the past three years and he made the point that by using crime as a justification for the installation of something which is not in keeping with the area is totally misleading.
- Councillor Murphy stated that that the application site is not within the desirable part of the town and that area has many different styles and types of buildings and the premises itself is very smart and, in his view, it is a very good business which appears to be successful. He added that the business is in the part of the town where it is needed and there are a lot of housing estates in the vicinity. Councillor Murphy expressed the view that the business is in the part of Chatteris which unfortunately does suffer from vandalism, and he cannot see why there is concern about the shutters standing out from the building, adding that historically he had a business which suffered from vandalism and as a business owner he can empathise with the applicant. He stated that the report states that the shutters are not in keeping with the area and he questioned what could be classed as in keeping with the area as everything is different in that part of town and nothing is uniform in design. Councillor Murphy expressed the view that the applicant has invested well into their business which is very well supported and he will be supporting the application.
- Councillor Sutton expressed the view that it appears that all the applicant has had to do is spend money, go against planning regulations, bring the application to committee and it will be approved. He stated that the elected members for Chatteris appear to be keen to see the application approved and he questioned whether they would like to see the whole of the High Street with black shutters installed as he has seen that in other parts of the country, with a town having numerous shutters installed and the area unfortunately deteriorating.
- Councillor Murphy expressed the view that unfortunately you have to think of the future as vandalism is an everyday occurrence nowadays and, in his opinion, it will only get worse. He stated that Chatteris Town Council are in support of the proposal.
- Councillor Mrs Davis stated that she had made a comment earlier about being careful of setting a precedent, but it would appear that from the comments made by the Chatteris Councillors that a precedent has already been set and, therefore, she has changed her mind on the proposal, and she will be supporting the application.
- Nick Harding pointed out to members that the BP petrol station which formed part of the members debate is actually outside of the Conservation Area and the application site being determined is inside the Conservation Area. Nick Harding clarified that the BP station he is referring to is located on the corner of Park Street and Huntingdon Road which Councillor Murphy stated is right within the centre of Chatteris.
- Councillor Benney made the point that Budgens has solid shutters which is within the

Conservation Area.

**Proposed by Councillor Sutton that the application should be REFUSED as per the officer's recommendation however this was proposal was not supported due to no member seconding the proposal.**

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

Members did not support officer's recommendation for refusal as they feel that the principle of the application is needed which outweighs policy LP17(e) in the Local Plan and they feel that the proposal is not detrimental to the area and will be of benefit the town of Chatteris.

*(Councillors Murphy and Benney 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)*

**P52/22      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)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the Agent. Mr Hall stated that members will have noted from the officer's report that there are no technical objections to the proposal, with the applicant trying to achieve executive self-build style properties which are similar in style to those at the front of the site and although the site plan which was shown as part of the presentation is indicative, the proposal is likely to be for bungalows or chalet bungalows and not full two storey properties. He stated that in the Whittlesey Neighbourhood Plan it states that development proposals which make a provision for self-build and custom build housing will be supported and schemes which provide executive homes as part of a wider housing mix will also be supported which is what the applicant is trying to achieve, and any design of the properties would be agreed with officers.

Mr Hall stated that the officer's report refers to the proposal as being in the open countryside, butd directly to the east of the site there is a proposal for in excess of 200 houses on land that abuts this site all to the east and is set far back from March Road as the proposal before the committee. He stated that the proposal would not result in a loss of agricultural land as it iss currently used as grassland and is maintained by each property and the application still retains large gardens to the rear of the existing dwellings which are located at the front of the site.

Mr Hall pointed out that the land is all located in Flood Zone 1 and there has only been one objection received to the proposal which he has reviewed, with the proposed site being in excess of 85 metres from the objector. He expressed the opinion that the officer's report appears to be a positive report and it confirms that there are no technical objections to the proposal, and he pointed out that he has received a number of enquiries from persons wishing to purchase the site or individual plots which confirms that there is interest in the development to be built out.

Mr Hall stated that under 1.3 of the officer's report it confirms that a policy compliant scheme could be achieved at the site in relation to highways, refuse collection, flood risk, ecology, residential amenity, and drainage.

Members asked officers the following questions:

- Nick Harding pointed out that there was also an objection submitted from Whittlesey Town

Council.

- Councillor Benney asked officers to clarify that the application is adjacent to the big site that is earmarked for development further out as stated in the SHELA report in the draft Local Plan? Nick Harding confirmed that is correct. Councillor Benney asked officers to confirm that as that is the case then if the proposed piece of land does come forward as a development it would be between the built-up form and the new development and Nick Harding confirmed that is correct.

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

- Councillor Mrs Mayor stated that she knows the area very well and, in her opinion, officers have made the correct recommendation. She added that the access is dreadful and the four properties that have already been built are superb executive properties, but to place an access between two of those properties to build behind them, in her opinion, is not suitable. Councillor Mrs Mayor stated that she will support the officer's recommendation and added that she can understand why people wish to build beautiful properties but to include an access which will go through the driveways of two of the existing properties is not right and she cannot agree to the proposal.
- Councillor Miscandlon pointed out for clarification purposes only that the access to the proposed site is actually up the back end of the last property and it is actually not over two properties.
- Councillor Mrs Davis stated that she agrees with the officer's recommendation and added that notwithstanding that the field next door stands to be built out under the new Local Plan which cannot be taken into consideration as that is still out for consultation.
- Nick Harding explained that because the first draft version of the Local Plan is out for consultation virtually no weight can be given to the emerging Local Plan. He added that as the plan works through the process then more weight can be given to it when making decisions where there are no objections to a particular policy or allocation that is in play that is pertinent to the application at the time.
- Councillor Mrs French stated that she agrees that officers have made the correct recommendation and she expressed the view that she thinks that the application is slightly premature, and the applicant should maybe have waited until the new Local Plan is in place.

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

*(Councillor Miscandlon declared that he is the Chairman of Whittlesey Town Council Planning Committee and took no part in the discussion or voting thereon on this item)*

**P53/22      F/YR22/0863/F  
18 EAST PARK STREET, CHATTERIS  
ERECT A FIRST-FLOOR REAR EXTENSION TO EXISTING BUILDING**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Mark Williams, the applicant. Mr Williams explained that he is the CEO of the Police Firearms Office Association which is a registered charity and has 11,000 members across the United Kingdom. He explained that the members and their families are all looked after by the association and the members are all officers involved in armed policing in the UK, with the charity providing counselling, physiotherapy, financial support, respite breaks and anything that can help the officers be at work or back to work if they are absent.

Mr Williams explained that the charity moved into Chatteris Police Station in 2015 and a fifteen-year lease was signed with the Police and Crime Commissioner and shortly afterwards the Constabulary chose to close the Police Station. He stated that six staff are employed on a full-time

basis, three are employed in a part time capacity and in 2019 a museum of armed policing was opened which was housed in the dilapidated garage area which was converted into a museum attracting over 2,000 visitors a year educating and informing the public about armed policing including schools where the younger generation can learn about the dangers of knife and gun crime.

Mr Williams explained that in 2019, Her Royal Highness Princess Anne, visited the museum, and she expressed her delight in what had been achieved including the work of the staff who support Police Officers nationally. He pointed out that the planning application has been submitted to future proof the future of the association and to ensure that it can remain in Chatteris, with the detail of the application being as sympathetic as possible which includes the wooden cladding that blends in with the buildings immediately around the existing building and consultation has been undertaken with the neighbouring properties and particularly the older neighbours that live to the right-hand side of the Police Station and there have been no objections to the proposal.

Mr Williams expressed the view that the application will provide an increase in office space, a bigger and better museum and a state-of-the-art virtual reality firearms range which does not make noise, but it is a new form of technology, and the association will be one of the first in the UK to have it. He pointed out that it is hoped that the footfall to the museum will also increase, and Insight Days will also be introduced for Police Officers who are interested in armed policing and for those looking to join the Police.

Mr Williams explained that the Police Station in Chatteris will also be re-introduced for at least two days a week, which Cambridgeshire Police have agreed to, and it will reopen at the expense of the Association and not the public. He added that the increased footfall to the museum will create money for the local economy and also increase employment.

Mr Williams stated that the 30-metre-high radio mast will be removed, with the Police already making arrangements for its removal and the Police Station will remain a focal part of the town of Chatteris and will provide a much-needed facility for the community.

Members asked Mr Williams the following questions:

- Councillor Benney stated that he is always very interested to know what is happening in Chatteris as he is a local Councillor for the town. He explained that he had recently had a conversation with a member of staff who works at the Police Firearms Office Association and initially he had thought that the building was just a museum, and he did not realise that there was the charity element of supporting firearms officers which he thinks should be publicised more. Councillor Benney stated that he is very pleased to hear that the building is also going to be used as a base for officers to come and take their rest breaks which in turn will mean that there are more Police in Chatteris. He expressed the view that the residents of Chatteris will very much welcome the news that the Police Station is going to reopen in the town, and asked Mr Williams to clarify how long the Police Station will be open for during the day. Mr Williams stated that he can confirm that the Police Station will re-open for two days per week and will open from 9am-5pm to enable the community to report crime and speak to somebody for enquiries.
- Councillor Mrs French asked Mr Williams to confirm how the Police Firearms Office Association is funded and he advised that the funding is through donations and sponsorship.
- Councillor Marks asked Mr Williams if he could give the committee an indication on the number of visitors he would expect if the application is approved? Mr Williams explained that prior to Covid the number of visitors was 2,000 and he added that the figure will increase due to the steps proposed to modernize the building and make it bigger to include more features, which will attract more visitors. He added that he is aware of the issues concerning parking, however, parking in Chatteris is adequate and many visitors do visit in groups. Mr Williams explained that the tours of the museum are undertaken with 8 to 10

people at a time and three tours a day can be accommodated quite comfortably.

- Councillor Murphy thanked Mr Williams for all of the information he has provided, and he added that the Police Station is needed, and he will whole heartedly support the application.
- Councillor Mrs Davis stated that she is full of admiration for the plans and the proposal before the committee, but asked for clarification with regards to the neighbouring properties. She added one of the properties is going to be quite overshadowed and asked Mr Williams to confirm whether they have been contacted? Mr Williams stated that the occupiers have been spoken to and have also been met with to discuss the proposed plans and given advice and guidance should they wish to object to the proposal. He added that the residents are very happy that crime has reduced, due to the installation of the CCTV cameras outside of the Police Station, and he has provided them with details concerning the design which is almost cantilever in design, so it is not too steep, and they have not objected to the proposal. Mr Williams added that if they had objected to the proposal then he would not have continued with the application.

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

- Councillor Miscandlon expressed the view that it is nice to see an application brought before the committee that has been undertaken properly and is complete. He added that all too often applications are submitted which are short of information or have misleading information provided and he will fully support the application.
- Councillor Mrs French thinks the work that Mr Williams is involved in is excellent and that visitors to the museum will find it extremely interesting. She will fully support the application as it is good for Chatteris and for Fenland.

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

Members do not support the officer's recommendation of refusal as they feel that the proposal makes a positive contribution to the area and the proposal does not adversely effect any of the neighbouring dwellings and complies with the criteria of Policy LP16 of the Fenland Local Plan.

*(Councillors Murphy and Benney 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)*

2.56 pm

Chairman

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**F/YR21/1072/FDL**

**Applicant: Mr A King  
Ashwood Homes**

**Agent : Mr Nigel Lowe  
Peter Humphrey Associates Ltd**

**Land East Of Bevills Close And North Of, Eastmoor Lane, Doddington,  
Cambridgeshire**

**Erect 47 x dwellings (2 x single-storey 2-bed, 11 x 2-storey 2-bed, 19 x 2-storey 3-bed, and 15 x 2-storey 4-bed), with associated garages, parking and landscaping, involving the demolition of existing agricultural building and garage to 44 Bevills Close**

**Officer recommendation: Grant subject to conditions and completion of a S106 legal agreement**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 Doddington is a growth village (policy LP3 of the Fenland Local Plan) within the settlement hierarchy where small village extensions will be appropriate. LP3 does not define what small means, however policy LP4 states that large scale housing of 250 dwellings or more should be directed to market towns. Taking into account the shape and size of the village and the proposed 47 dwellings, it is considered that the scale of development and location of the site are acceptable in principle and accord with policies LP3, LP4 and LP12 of the Local Plan.
- 1.2 The key issues (other than principle) in relation to this site are access provision and drainage. The statutory consultees i.e. the Highway Authority and the Lead Local Flood Authority have raised no objections to the proposals subject to conditions. Similarly Anglian Water confirms that there is adequate capacity in the sewerage network to accommodate the development. The proposals demonstrate that adequate vehicular and pedestrian access is provided, and that surface water and foul sewage can be satisfactorily drained from the site. It is considered that in terms of highways and drainage issues, the proposal is acceptable and complies with policies LP12, LP14 and LP15 of the local plan.
- 1.3 With regard to other detailed matters including biodiversity, layout/appearance/design, impact on neighbour and future occupier amenity etc, the proposal is considered acceptable subject to conditions. In particular, the Council's Wildlife Officer comments that it will be easy to ensure that the site provides for a net gain in biodiversity.
- 1.4 The proposal is unable to meet the requirements for affordable housing set out in

local plan policy LP5 together with the infrastructure requirements to serve the development, which previously the local planning authority has accepted will be in the order of £2000 per dwelling (due to viability issues within the district). The applicant has submitted a viability assessment which concludes that the development can afford contributions to a value of £72,000. In lieu of this, a serviced land transfer has been negotiated which has an accepted value of £136,000. The likelihood of the school being able to obtain more land is low and so it is considered that this provision carries significant weight in favour of the scheme. The viability assessment must carry weight in favour of the scheme due to the acknowledged issues around viability within Fenland and because the Council's Senior Planning Obligations Officer has found this particular viability appraisal to be robust.

- 1.5 The latest Five-Year Housing Land Supply report (September 2021) shows that the Council currently has a 6.69 years supply of deliverable sites. The details of the supply can be found within the report which includes details of the calculations for the Local Housing Need figure. This indicates that 517 dwellings per annum will be required. An updated 5 Year Housing Land Supply report is due to be published in Autumn 2022 which will include calculations based on the most up-to-date available data. As such the tilted balance set out within the NPPF is not engaged. However, the existence of a 5-year supply is not reason to refuse acceptable residential developments coming forward. The NPPF sets out at paragraph 60 that the government's objective is to significantly boost the supply of homes. The lack of provision of affordable housing counts against the scheme but the provision of a mix of 47 market dwellings counts in favour of the scheme and balancing the two carries moderate weight in favour of the scheme.
- 1.6 In other respects, the proposal complies with the provisions of the development plan. It is acknowledged that the construction traffic and build programme generally will have a negative impact on nearby residents, but this is a temporary impact and not reason to refuse the application. This issue can only carry limited weight and can be tempered to degree by a CMP condition.
- 1.7 In conclusion, the application is considered to be acceptable subject to the imposition of conditions and the entering into of a S106 agreement to transfer the land for the school to the County Council.

## **2 SITE DESCRIPTION**

- 2.1 The site comprises a roughly rectangular parcel of land currently in use for arable agriculture and measures approximately 3.12 hectares. It is situated to the east of residential properties off Harvest Close, Bevills Close and Eastalls Close. To the north of the site is Lionel Walden Primary School. To the east of the site are the properties located on the Manor Estate and to the south of this further agricultural land. To the south is Eastmoor Lane, which at this location is little more than a track and beyond that agricultural land.



- 2.2 To the east and north boundaries are drainage ditches and there is a strip of land which runs inside the majority of the west, south and east boundaries that forms a drainage easement and therefore cannot be built upon. There is an existing pond within the southern central area of the site. There are sporadic trees and hedging to the boundaries and various types of fencing where the site abuts the rear boundaries of adjacent dwellings. There is a row of trees along the north boundary with the school. There is no formal “made” vehicular access to the site at present except agricultural access off Eastmoor Lane. This lane contains a Public Right of Way which runs in a west/east direction crossing over the A141 and joining the wider network of footpaths in the countryside. The PROW also links through Eastalls Lane, terminating at St Mary’s Church.
- 2.3 The site lies within Flood Zone 1 which is the area at least risk of flooding. There is a sewage pumping station adjacent to the southeast corner of the site off Eastmoor Lane.
- 2.4 The Doddington Conservation Area lies to the northwest of the site and to the west, beyond Bevills Close. The northwest corner of the site abuts the corner of the Conservation Area boundary.

### **3 PROPOSAL**

- 3.1 This is a full application to erect 47 x market dwellings (2 x single-storey 2-bed, 11 x 2-storey 2-bed, 19 x 2-storey 3-bed, and 15 x 2-storey 4-bed), with associated garages, parking and landscaping, involving the demolition of existing agricultural building and garage to 44 Bevills Close. The proposal provides for a single vehicular point of access via Bevills Close. The new road and footpaths would be situated off the existing stub road between 10 and 20 Bevills Close and would run to the south of the block of maisonettes comprising 12 – 18 evens Bevills Close. It would utilise existing highway land (the stub road) and an area of open space/landscape that is owned by Fenland District Council. Certificate B has been completed and notice served on the Council in this regard.
- 3.2 A cycle/footpath/emergency link is proposed to link into the site via the stub road and using part of the curtilage that currently comprises 44 Bevills Close (a bungalow in the ownership of the applicant). This bungalow shares a “joined” detached garage belonging to the owner of 39 Bevills Close, the neighbouring detached bungalow to No. 44 and situated to the north. In order to facilitate the new access, the part of the garage and the bungalow comprising No. 44 is proposed to be demolished and the new link would proceed where the garage now stands. The exposed wall of the remaining garage (belonging to No 39) would be made good. It is proposed to build a new 2 bed bungalow in place of the existing No. 44 property and provide two parking spaces within its remaining front garden. The proposed footpath/cycleway/emergency link would be a metalled surface of 3.75 metres in width. It would not be available for use by vehicles, and this would be achieved by placement of collapsible bollards at either end of the link and prohibitive signage (which would need to be agreed with the local highway authority as part of highway agreements). As in similar situations elsewhere, the emergency services would hold keys to the bollards.

- 3.3 Within the site, the new vehicular access enters from the west (as described above) and then turns north to form a central spine road from which the proposed dwellings are accessed directly or otherwise from a series of private drives. There is a hammer shaped turning head at the northern end of the spine road and a single spur at the southern end. The whole length of the spine road contains footways to either side.
- 3.4 Approximately one third of the site at the southern end is proposed to comprise public open space and will contain a rill and the existing pond with a separate further “dry” attenuation basin. This means that for the majority of the time this basin will remain dry and will become wet at times of heavy rainfall. The surface water would eventually discharge into the Anglian Water network at Eastmoor Lane. It is also proposed that this area of open space will contain an equipped children’s play area as well as soft landscaping. There will be a “hoggin” path/cycleway or similar linking from the new access south to join the PROW along Eastmoor Lane. It is proposed that this area of land will be managed by a private management company. The northern most part of the site is proposed to be conveyed to the primary school so that the school can extend its grounds. A footpath link is proposed to the northeast corner which will provide gated access to the rear of the school and a small hard surfaced pedestrian waiting area for parents, dropping off and picking up children. This area of land and pedestrian access would be managed by the school.

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

## **4 SITE PLANNING HISTORY**

F/YR07/1307/F – 44 dwellings refused 27.06.2008

F/YR14/0503/FDL – 66 dwellings refused 24.08.2015

F/YR16/0730/FDL – 62 dwellings refused 21.11.2016 for the following reasons (summarised);

- Village thresholds
- Lack of capacity at Doddington Waste Water facility for treatment of foul sewage
- Impact on amenity of existing residents from the proposed vehicular access and lack of alternative parking for occupiers of 12 – 18 Bevills Close
- Impact of noise from access on 12 – 18 Bevills Close and 15 Eastalls Close
- Development of 62 dwellings is not small scale and will have a cumulative detrimental effect on the neighbouring housing estate through vehicle movements into the village

## **5 CONSULTATIONS**

### **5.1 Doddington Parish Council**

*The revised plans do not appear to help the vast number of objections that the original application has generated. Our main concerns are the access to the site being via the quiet and very narrow residential streets of the historic part of the*

*village – through Church Lane, Eastalls Close and Bevills Close. This issue has not been addressed nor has the issue of parking facilities for the residents of 12 – 18 Bevill's Close. We reiterate our comments made at the last revision in May 2022.*

*The Parish Council comments made on 19 May 2022 are as follows;  
The analysis for both the site and access road shows very little clearance between passing vehicles and certainly does not address the issue of vehicles parked on the road which will make it impossible for large lorries to access the site meaning that the visibility and swept path are no longer valid. The new access to the site past the flats 12 – 18 Bevill's Close means that those occupants will lose their existing parking area. The new access drawings also makes mention of "minor amendments" to 44 Bevill's Close on one drawing, but a second drawing clearly shows it rebuilt in a completely different location. Demolishing 44 Bevill's Close and rebuilding in a new location would surely further impact the viability of the development, which the developer already claims is marginal. The proposed development is totally unacceptable, and the revised proposals do nothing to address the concerns of the village.*

## **5.2 FDC Environmental Health**

No objection in principle to the proposed scheme subject to further comments. The EHO team agree with the recommendations in the submitted Desk Study Report undertaken by Geodyne that a further ground investigation is necessary. This should include as a minimum a programme of exploratory hole undertaking and the subsequent testing of soil samples taken from the relevant parts of the site. This should be followed by a certified geotechnical analysis, the recommended asbestos survey and the installation of gas monitoring points and a programme of gas monitoring to be undertaken to determine the extent of gas presence and if gas protection measures will therefore be necessary. It is recommended this is required by pre-commencement condition along with the remaining suite of contaminated land conditions if planning permission is granted.

Consideration should be given to providing alternative sources of heating e.g. air source heat pumps, measures to promote sustainable travel and electric vehicle charging points. New developments can play a part in mitigating climate change and improving air quality. Use of ultra-low NOx boilers with NOx emissions of less than 0.04g/KWH of heat are more favourable than combined heat and power plant.

Given the nature of the proposal a Construction Management Plan (CMP) should be required and the EHO response sets out what sort of measures should be included in a CMP.

*Officer comment: No comments made concerning proximity to pumping station*

## **5.3 FDC Housing Strategy**

*Understand that a viability assessment has been submitted as part of the planning application and has demonstrated that it is not viable to provide affordable housing therefore no further comments to make.*

#### **5.4 FDC Planning Obligations Officer**

*Based on the evidence submitted and reviewed, I accept that the proposal is unable to deliver on site affordable housing but is able to provide a sum of £72,000 for S106 mitigation which delivers a profit level of 17.5% of GDV to the developer.*

*The value of the land proposed to be transferred to the education authority for the use by the primary school has been valued correctly. Agrees that the land to be offered up to the County Council has a higher value than the £72,000 accepted as the level of contribution the proposed development can afford.*

#### **5.5 FDC Estates**

*Part of the proposed access route is over public open space land owned by FDC. There is a restrictive covenant on the land which was transferred to FDC from Barratt Homes and it is our understanding that this remains the case. From an estates point of view, I have no view on the application, merely wished to highlight that the access could be problematical.*

#### **5.6 FDC Wildlife Officer**

Responded that whilst the submitted Biodiversity Plan answers some of the points previously made further details will be needed. Any habitat creation methodology will need to demonstrate how the condition level described within the biodiversity metric 2.0 calculations will be achieved with on-going management. In addition, not all of the trees around the pond have been included within this plan, therefore it is unclear as to how the tree removals will impact the biodiversity net gain. The biodiversity metric has been updated since this submission so further information should be done using the Biodiversity Metric 3.1

The Wildlife Officer has clarified that it will be easy to achieve a biodiversity net gain on this site and that the further details required could be conditioned.

#### **5.7 Highway Authority**

Officer note: The comments below are based on the most recent plans which have been amended to taken into account (amongst other things) the original comments of the LHA. It is noted that the original comments made in October 2021 confirm that the officer responding visited the site.

*With regard to the vehicle access arrangements around 12 – 18 Bevills Close, the submitted plans are acceptable with regard to carriageway and footpath widths and that forward visibility using a design speed of 20mph in accordance with Manual for Streets (MfS) is acceptable. The tracking plans show a refuse vehicle can negotiate the whole site including the left turn in and right turn out of Bevills Close. The tracking plans do not show two cars parking each other on the bends in this section. (Officer note: the applicant has now submitted a tracking plan showing that two cars can pass one another here).*

*Vehicle access in general – There is only a single point of access into the site via Eastalls Close and Bevills Close. Taking these two roads plus Walden Close means that there will be in the order of 131 dwellings (including the proposed site) served off a single point of access. An emergency access has been provided through plots 1, 2 and 44 to connect to Bevills Close. The emergency access should be moved slightly south of the footpath link and should follow the private access road alignment. (Officer note: The applicant has shown this on the most recent site plan). Collapsible bollards can be conditioned to ensure appropriate use of the emergency access. They can be secured using emergency locks – emergency services will have keys.*

*Parking with regard to 12 – 18 Bevills Close has been shown on the latest plans and is acceptable.*

*Footways have now been provided to the side of the access road adjacent to the public open space and on the south side through the S bend although the boundary treatment plan and site plan show a slightly different alignment. A 1.5 metre footpath link to the primary school is shown and will provide an overall shorter walk to the school. On road walking along Ingles Lane is far from ideal but a footpath cannot be provided here. The footpath link to the school should remain private.*

*The LHA agrees with the submitted transport statement with regard to trip generation and that these flows will not have a material impact on the highway network. The trip figures show that during the AM peak a total of 23 vehicles will arrive and depart; during the PM peak a total of 22 vehicles will arrive and depart and daily a total of 202 vehicles will arrive and depart.*

*Vehicle to vehicle and vehicle to pedestrian visibility splays are achievable and a 5.5-metre-wide continuous carriageway has now been provided. The parking spaces for plots 4 and 10 are a bit tight.*

## **5.9 CCC Definitive Mapping Team**

*No objections. The developer must be aware that Public Footpath No. 6 runs to the south of the development site and must take account of its alignment and width.*

## **5.10 CCC Archaeology**

No objections in principle to development proceeding in this location. A Written Scheme of Investigation (WSI) has been submitted and agreed by CCC and if permission is granted, this WSI would need to be subject of a condition requiring that the investigations and reporting contained within the WSI are carried out.

## **5.11 CCC Education**

The education authority is happy to accept the land at the north of the site in a serviced condition as it will provide more space for the primary school and that this would be in lieu of any other education contributions as it is understood that the

land is more valuable than the contributions would be and would enable better provision for the school.

(Officer comment: The County Council would be a party to the proposed legal agreement to secure the transfer of the land in question to the education authority)

### **5.12 Cambridgeshire Constabulary**

The developer has been in consultation with the designing out crime officers and they have no particular concerns with this development. Has requested that a lighting plan be conditioned and that all private drives serving 4 or more dwellings are also lit with column rather than bollard lighting.

If cycle parking is by way of hoops, then they need to be cemented rather than bolted into the floor.

Entry to rear alleyways is limited and gates are shown. They should be as near to the house as possible and self-closing and lockable. The rear footpath to plot 15 should be gated at the fence line to the rear of plot 16 with a lock and self-closer, particularly as it is beside the waiting area and footpath for the school.

Queries the buffer zone to the rear of plots 6 – 16 i.e., who will manage it and who will be responsible for opening and closing the school gate? Comments that most burglaries are committed through rear gardens. The gate should only be open for a short time at times of school opening and closing.

Public footpaths should be straight, column lit and tree crowns raised to 2 metres to improve surveillance and to encourage residents' use of the green space which is a natural crime deterrent.

Overall, this layout this layout appears to be acceptable in relation to crime prevention and fear of crime.

### **5.13 Fire and Rescue Service**

Fire hydrants should be secured through condition or S106 agreement

### **5.14 Lead Local Flood Authority (LLFA)**

*Based on the Flood Risk Assessment and Drainage Strategy, Inspire, AHL-1549 01-FRA-001-P3, July 2022, the LLFA has no objection in principle to the proposed development.*

*The above documents demonstrate that surface water from the proposed development can be managed through the use of a detention basin discharging to Anglian Water public surface water sewer and subsequent water course, restricting surface water discharge to 2l/s.*

*It is noted that some information has been omitted from the current application and request that a condition requiring this detailed information is imposed if planning permission is granted.*

*Consent from the relevant IDBs (Middle Level Commissioners and/or Curf and Wimblington Combined whose consents are managed by MLC will be needed for increased discharges into watercourses directly or indirectly or works affecting them will be required.*

### **5.15 Anglian Water**

The development is within 15 metres of a sewage pumping station. This asset cannot be practically relocated. AW consider that dwellings within 15 metres of this pumping station would place them at risk of nuisance in the form of odour, noise or general disruption from maintenance work. The layout should take this into account through a necessary cordon sanitaire e.g. open space or highway infrastructure to provide the development with a 15 metre separation from the boundary of the sewage pumping station.

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

The Drainage Strategy/SuDS proposals are acceptable to AW.

AW had previously commented that the development may lead to flooding downstream and suggests that the applicant work with the drainage authority to develop a feasible drainage strategy, however, it has since removed this comment from its latest response forwarded on 07/09/22.

(Officer note: The LLFA has accepted the submitted drainage strategy but requires a condition to be imposed which requires submission of further details. If approved, such a condition would be imposed and AW as well as the LLFA would be consulted).

### **5.16 East Cambs NHS**

The change of use from agricultural to housing will impact on emergency ambulance services. A capital contribution may be required to help mitigate the ambulance service impact arising from the proposed development. The increase in demand for blue light services would generate a need for a contribution of £9,234 for the population arising from this development.

More people are likely to work at home as a result of the covid pandemic and the potential for community gardens/planting areas would be welcomed and would help support community physical and mental health and well-being.

Notes the development is in flood zone 1

Notes the transport statement and daily predicted trip rates of two-way vehicular flow of 202.

## 5.17 Cambridgeshire and Peterborough NHS

The development is likely to have an impact on the GP services operating in the vicinity of the application Fenland Group Practice: Doddington and Wimblington. The development will see an increase in patient pressure of 151 new residents which would require an additional GP/Nurse/admin support the increase in appointments and a need for 7.73 square metres net internal area. The model evidence from Cambridge Analytics shows that a contribution of £27,247.70 is required to mitigate the impact of the development.

## 5.18 Local Residents/Interested Parties

### Objectors

A petition was sent to Cllr Connor, Chair of Planning Committee which set out that the access and traffic was the main issue of concern for most residents and that construction traffic would need to find another route. Also refers to the cul de sac leading to the proposed emergency access adjacent 44 Bevills Close, being a private road. There are 136 names on the petition.

At the time of writing, individual objections have been received from 166 households, the vast majority of which are in Doddington. The issues raised by objectors are summarised as follows;

- Access (see Traffic or Highways below)
- Density/over development – too many houses to close together
- Design/appearance
- Devaluing property – the people with views over the field bought their properties in good faith and this was reflected in the price. The development will impact on people's ability to sell their houses
- Loss of outlook/view – it will block the view of the field for all residents on that side of Bevills Close. It will be an eyesore from where my house is (1 Walden Close)
- Out of character with the area. The whole character of the area is being changed in the name of greed by selfish individuals who have no concern for current residents or future.
- **Traffic or highways**. Increase in traffic will be dangerous and noisy for those who live where it cuts through. The route to the site will be through narrow roads which will be a safety issue. Tweaking the plans here and there does not solve the problem. The site is still served by a single access off Church Lane and not only the increase in cars but also the construction traffic. Has anyone assessed how the construction traffic will enter the site? It doesn't matter how many times the plans are revised, the roads in Bevills Close and Church Lane simply cannot take the amount of traffic this proposal will generate. The traffic survey was carried out during covid so it is not realistic as most people were working from home. The High Street is already too busy in school times and this will make matters worse. Construction traffic should enter the site via a temporary entrance off the A141 and Eastmoor Lane. The footpath to the school makes it easier for school children but as the school is oversubscribed no children from this development will be able to attend. The swept path analysis shows little or no clearance between passing vehicles and doesn't take into account vehicles



parked on the road. The visibility splays at Bevills Close, Eastalls Close, Church Lane and Ingles Lane are entirely inadequate. Parts of Ingles Lane and Church Lane have no footpaths so pedestrians have to walk in the roadway. Church Lane is often lined with vehicles attending the church or Three Tuns pub as neither has its own parking. No mention of the narrow corner on Church Lane which would be the access to the site. These roads have no parking restrictions and are in poor condition. There is no traffic calming in the Church Lane area and speeding is prevalent and there is at present considerable risk of an accident. Each house will take at least 15 HGVs of materials to build and with groundworks that could mean over 2000 HGV vehicle movements going through narrow village roads. The majority of residents will have cars and the bus is unreliable. If this development is going to be considered, then the whole stretch of road between the 40mph and Wimblington should be considered. Also, a dedicated footpath/cycle path between Chatteris and March. Currently have to walk in the road from the corner at Primrose Hill. The traffic will pass my property (No 8 as it turns into the entrance road to the development and will be seriously impacted.

- It is an emotional view but why should two years of misery be imposed on us whilst the development is built?
- Visual impact. Doddington is an idyllic village with the area around the church being particularly enchanting. The development will destroy this part of the village. All the big developments in Chatteris and now Doddington will turn the area into March new town. The village will lose its appeal. Doddington village is being put at risk of losing its identity as a friendly quiet little village that has a strong close community. Fencing aims to create a gated community separate from the village
- Building unnecessary luxury houses on a greenfield site is wilful destruction of the environment
- Lack of affordable housing. New properties are supposedly to help first time buyers but these 3 to 4 bedroom houses will be beyond what most people can afford. They will be bought by wealthy people not solving the housing problem at all.
- Noise, air and light pollution. Noise from construction traffic
- Anti social behaviour- already a problem at the church from teenagers and this development will exacerbate this
- **Drainage.** If the surface water is made to move more slowly off the site (2 l/s) is there potential for it to back up and cause surface water flooding of the site? Contrary to comments from Anglian Water, the drainage can't cope and villagers have sewage and flood water in their gardens. They (Anglian Water) are always having to pump out the overflow down Eastmoor Lane. Anglian Water has acknowledged the plant down Conneywood Road is at capacity and is compensating by sending tankers to collect waste. Comments directed at Anglian Water concerning the duty to protect existing home owners/occupiers and the example of flooding in The Larches in Jan/Feb 2021 and the lack of interest from AW because it was surface water and not foul water and yet you comment on both matters in your response to this planning application. Since then a further 88 properties have been approved. The farmer has to leave the strip of land behind the existing houses unploughed due to the presence of the water pipe – surely this will be a problem for the developers. There are 6 large manholes along the rear of Bevills Close on the edge of the field that run from Eastmoor Lane to Harvest Close. Surely there has to be enough room left to

service these. Concern that surface water on the site will be displaced into neighbouring properties. One resident commented that she will not be seeking compensation from her insurance company but from FDC and Anglian Water if she is flooded and would encourage other residents to take the same approach until concerns are taken seriously and dealt with (this resident lives near to Juniper Close development)

- **Flooding.** Eastalls close flooded again as the drains can't cope. The Flood Risk Assessment is based on a broad scale and does not take into account local circumstances, in particular there have been recent flooding events which have been ignored (August 2014 – flooding caused stormwater drains to block and in December 2020 caused sewers to block. Both these led to flood water in my home (4 Church Lane) a grade II listed building. The development doesn't seem to take into account climate change and increasing rainfall
- Overlooking/loss of privacy
- Village cannot cope with more expansion. The school is oversubscribed, trying to see a GP at a local practice is challenging. The Council allowed the school car park to be built over in 1993 – don't make another mistake. Surely all of this site is needed to extend the school.
- Lack of facilities in the village – oversubscribed school and doctors. The development will generate approximately 23 children who would get priority due to proximity to the adjacent school but other children in Doddington will have to go elsewhere meaning more car journeys/traffic. Sending a four year old from Doddington to a school in Chatteris is ludicrous.
- Loss of agricultural land. Loss of food production land in Fenland. With what is happening in the world more land will be needed in this country for food production
- Parking arrangements – the proposal gets rid of the parking for the flats at 12 – 18 Bevills Close. Workers at the site are likely to park on surrounding streets.
- Proximity to property
- Residential amenity – loss of light to the rear of our property (15 Harvest Close). The houses would back onto me reducing privacy and open views. I am a keen astronomer, and the development would cause considerable light pollution (25 Manor Estate)
- Smell – already a smell because of the poor drainage
- Trees – use of Church Lane by heavy vehicles is likely to damage trees along that route
- Waste/litter
- Wildlife concerns. Although the plans depict trees this will not make up for the current flora and fauna supplied by the field to be built on. Bats are present in Harvest Close but they will disappear if this development goes ahead. Not sure if the proposals really compensate for the natural reserves on the site – particular reference made to birds. Could the green areas just be for wildlife? Could there be green roofs and wildflower areas? The development will drive more birds off the land and into gardens. The ecology report states the existing barn on site is used as a stopping point for a barn owl – shouldn't we be preserving their current hunting grounds rather than providing artificial owl boxes. The site is surrounded by sites identified by RSPB as potential breeding grounds for turtle doves.
- Would set a precedent
- Development has been refused 3 times already

- The human elements that make up the village will dwindle (neighbourly spirit of village). The identity of the place will be lost and places will be blended to make one mega town. It will bring more stress and unsettlement to the village
- Backfill
- Outside DAB
- The developer in latest published accounts (June 2021) acknowledged he is facing the impact of increased costs and supply issues of materials and labour following Brexit.
- The archaeological evaluation said the site is currently a lorry depot with buildings and a store but currently the land is used to grow crops
- This application has dragged on for such a long time and residents are looking forward to a conclusion
- Lack of security for school children using new entrance
- Policy LP12 refers to local support being required where development in Doddington exceeds 15% since April 2011. There is no clear evidence of support as the number of objections shows. Doddington has already exceeded its quota of housing set out in the local plan.
- Extension to the housing stock is not small scale as defined in policy LP3
- The current FDC Local Plans says that growth in homes and jobs will be closely linked to each other and that development will be appropriate and sensitive. This development falls short of these standards.
- 47 houses will increase the number of homes by c. 4.5 percent which is a huge increase and not sustainable.
- Conservation - Ingles Lane, Church Lane and part of Eastalls Close are all in Doddington Conservation Area and the church and 2 and 4 Ingles Lane are listed. Increased vibrations could cause damage over time to these walls and buildings.

#### Other comments

- The proposed wire fence around the development will give the appearance of a detention centre
- The development will make it very difficult for the occupier of 10 Bevills Close who will need to cross over the access road to get to his parking. The plans ignore numbers 8 and 10. The widened access will be nearer to the door of No. 10 and it is not clear if the footpath will remain on this side of the road.
- I live in one of the properties that backs onto the land that is proposed to be given to the school and will be enclosed by a weld mesh fence. This will be unsightly and will also mean that I have to erect a close boarded fence across the rear of my garden to maintain my privacy at my expense which is unacceptable. (comment from 11 Harvest Close)
- Reference made to central government's pledge to build beautiful homes in the right places and that the government was reconsidering its manifesto pledge to build 300,000 homes a year by the middle of this decade
- The developers have already suggested modifications to construction methods to reduce build costs – one wonders what other cost cutting will take place
- Question the demolition and rebuilding of 44 Bevills Close. This must be to increase access to the site for construction traffic before rebuilding it at the end of the project in a different place.
- I do have concerns but am not averse to the developers reconsidering their plans to be more accommodating

- The mobile phone signal is currently extremely poor and this will only get worse with more people trying to access it.
- There are some boarded up houses on the main road through the village. Why are these not being completed before any additional planning consent is granted?
- Electricity supply – the village has frequent power cuts. Even if heat source pumps are used, electricity will be the default supply and will be an unacceptable strain on an already unstable supply.
- Profit should never be put ahead of welfare and safety
- Why not move the school to Wimblington Road between the two villages and build on the old school property. This would result in removing a bottleneck in the village, more school places and sensible infill with adequate fall for the drainage
- Looks like the only problem this will resolve is the planners retirement fund
- The field itself is a valuable green area in the village and it should not be used to pack in more housing when surrounding towns have ample space for housing and the amenities to accommodate them.
- Safety concerns for children at school from the general public
- Children will not be able to play out in Bevills Close as they do now
- Two residents commented that no notification was received of the application
- The authorities seem to favour this application but who will speak up for the residents who have raised numerous objections?
- Cannot blame the public for thinking there are “back handers” and people being blindsided by the authority changing things after agreement is made
- Just reducing the number of properties by 20 from the last time the application was refused is not acceptable
  
- Occupier of 42 Bevills Close (in addition to many of the comments set out above)
- I am astonished that the highway authority find the plans acceptable and question the reasoning behind accepting this access. The only viable access is directly off the A141. I am led to believe that FDC must work with applicants to resolve problems but the unsolvable cannot be resolved. The access is not viable in real life, only on a drawing.
- I have never known such anger about an application and conversation is littered with words like “done deal” (officer comment: other similar phrases set out in response) and who can blame people for thinking that? The authority is helping the developer and not giving a damn about the local residents
- Regarding the lockable bollards at the emergency access in Bevills Close – these will be completely ineffective as motorcycles and scooters will avoid them. This problem exists between Bevills Close and Ingles Lane. The only effective barrier would be to clone the “access only” gate at the top end of Hospital Road, just off Benwick Road.
  
- Occupier of 15 Eastalls Close
- The development encroaches upon my property. My boundary goes up to the tree trunk and the fence was placed inside the tree to protect it.
- I live in the bungalow next to the proposed access. The disruption to me and my neighbours would be horrendous. Many of us are elderly. I am in poor health and I don’t think I could cope with all the noise and my house being shaken by the large lorries

- This would set a precedent for all the large fields
- How is this helping our carbon footprint?
- Occupier of 39 Bevills Close (in addition to comments set out above)
- I live at 39 Bevills Close and my garage is attached to the garage that the developers plan to take down. Where will I stand if this happens? I will have a wall partly on someone else's property. Would the developer be willing to give me an extra couple of inches of land so the garage remains wholly on my land? The developer has not contacted me directly about this.

## **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)**

Paragraph 11 – Presumption in favour of sustainable development  
 Paragraphs 60 – 77 – Delivering a sufficient supply of homes  
 Paragraphs 92 – 103 Promoting healthy and safe communities  
 Paragraphs 104 – 113 Promoting sustainable transport  
 Paragraphs 124 – 125 Achieving appropriate densities  
 Paragraphs 126 – 136 Achieving well-designed places  
 Paragraphs 159 – 169 Planning and flood risk  
 Paragraphs 174 – 188 Conserving and enhancing the natural environment

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

Viability and decision taking – applicant to provide evidence and it is for the decision maker, having regard to all the circumstances in the case to decide how much weight to give the viability assessment.

Use of conditions including Circular 11/95 Model Conditions

### **National Design Guide 2021**

#### **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 25<sup>th</sup> 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:

LP1, LP2, LP7, LP8, LP12, LP18, LP20, LP22, LP24, LP27, LP28, LP31, LP32

## **8 KEY ISSUES**

- **Principle of Development**
- **Access, highway safety, parking**
- **Appearance, Character, Layout and Design**
- **Biodiversity**
- **Drainage/Flood Risk**
- **Neighbour amenity (future occupier amenity)**
- **Infrastructure and viability**
- **Other Issues**
- **Planning balance and conclusions**

## **9 BACKGROUND**

See site history set out above

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Doddington is identified as a growth village within the spatial strategy and settlement hierarchy for Fenland as set out in policy LP3 of the Fenland Local Plan 2014 (the local plan). The policy states that for growth villages, development and new service provision either within the existing urban area or as small village extensions will be appropriate, albeit at a considerably more limited scale than that appropriate to market towns.
- 10.2 The policy contains a note which states that for development in Wimblington and Doddington, development will be appropriate provided that capacity at or in the sewerage network leading to the wastewater treatment work at Doddington can be addressed. Developers are advised to contact Anglian Water.

- 10.3 Policy LP4 sets out the housing targets for the district and the plan enables 11,000 new homes to be built in the district between 2011 and 2031. For development in and around villages, policy LP4 points to policies LP3 and LP12 for criteria to assess proposals for housing. Large scale housing i.e., 250 dwellings or more is directed to specific and broad locations around the market towns. Any other large-scale housing on the edge of market towns or away from these areas will be refused.
- 10.4 Policy LP12 Part A sets out that for villages, new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside. Any proposal will need to satisfy the applicable policies of the plan, including policy LP3 (settlement hierarchy) and the following criteria;
- (a) The is in or adjacent to the existing developed footprint of the village; and
  - (b) It would not result in coalescence with any neighbouring village; and
  - (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; and
  - (e) It would not extend linear features of the settlement or result in ribbon development; and
  - (f) The site retains and respects natural boundaries such as trees, hedgerows, embankments and drainage ditches; and
  - (g) The site retains and respects ecological, heritage and biodiversity features; and
  - (h) It would not result in the loss of important open space within the village; and
  - (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; and
  - (j) It would not put people or property in danger from identified risks; and
  - (k) It can be served by sustainable infrastructure provision, such as surface water and wastewater drainage and highways.
- 10.5 Doddington is a growth village, therefore is one of the second-tier settlements within the district after the market towns where development within or adjacent to the built-up area will be appropriate, albeit at considerably more limited scale than in the market towns. Whether development comprising 47 dwellings is an appropriate scale is somewhat subjective. However, policy LP4 identifies large scale proposals as being 250 plus dwellings and sets out that these are only appropriate in the identified locations at market towns. Compared to the scale of development sites being proposed at the market towns, this site is relatively modest and is of a considerably more limited scale than that appropriate to market towns.
- 10.6 In terms of location, the site its partially within and certainly adjacent to the developed footprint of the village and so is compliant with parts (a) and (b) of policy LP12. It is immediately to the east of the built-up area comprising Bevills Close, Eastalls Close and Harvest Close. The northern part of the site is immediately to

the west of the built-up area of the Manor Estate and the north boundary lies adjacent to the south of the primary school. The shape and general density of the development and the size of the site is akin to the Bevills Close development and cannot be said to be out of keeping with the core shape of the village, nor does it extend linear features or create ribbon development. The proposal would also not create coalescence with a neighbouring village. In this regard the development is compliant with parts (b), (d) and (e) of policy LP12.

- 10.7 Part A of Policy LP12 states that if a proposal within or on the edge of a village would, in combination with other development built since 2011 and committed to be built, increase the number of dwellings in a growth village by more than 15%, the scheme should have demonstrable evidence of clear local community support. The appeal decision for application F/YR14/0838/O relating to a residential development in Manea provided the following comments from the Inspector, who in allowing the appeal stated *“the Council’s objection to the scheme is based solely on the lack of clear community support. However, it is highly unusual for any new housing scheme to be supported by the local community particularly where it would involve the loss of open land as is the case here. The Planning Practice Guidance advises that planning is concerned with land use in the public interest and that the level of local objection is not in itself a reason to withhold planning permission.”* Since this criticism of this aspect of policy LP12, the local planning authority has not sought to engage this part of the policy.
- 10.8 It is therefore considered that the principle of residential development at this location is acceptable in principle. The other parts of policy LP12 fall to be considered within the following sections of this report and alongside the other relevant policies within the local plan. Whilst little weight can be attributed to this currently, the site is shown as being outside the settlement boundary for Doddington within the emerging local plan.

### **Access, highway safety and parking**

- 10.9 The proposed vehicular access to the site is to be taken off Bevills Close, between Nos. 10 and 20 and adjacent to the block of 4 maisonettes comprising 12 – 18 Bevills Close. The area of highway here presently comprises a rectangular shaped turning area with footpaths to all sides. The proposals would see the majority of this turning area become an access road into the site, passing through the existing landscape area to the south of the maisonettes before entering the site. Within the site the access road comprises a 5.5-metre-wide carriageway with 2 metre footpaths to both sides. Dwellings are served either directly off this road or off private drives.
- 10.10 A second access is proposed further north and is to be taken off Bevills Close in the location of an existing bungalow, No. 44. This access comprises a 3.75-metre-wide shared footpath cycleway and would also serve as an emergency access. It would not serve as a vehicular access to the site and would have lockable bollards at either end of the link to prevent this. In order to accommodate this access, the bungalow at No. 44 is to be demolished and a new bungalow rebuilt in a different position within the plot. The part of the joint garage shared with No. 39 will also be removed and the shared wall made good resulting in this garage becoming a single



detached garage for No. 39. A further footpath/cycleway is proposed to link the development through to Eastmoor Lane.

- 10.11 Bevills Close is reached from Eastalls Close which in turn is accessed from Church Lane. Church Lane has three entry/exit points off High Street and New Street. The entrance from High Street is via Ingles Lane which varies in width, as does Church Lane and in part contains no footpaths. St Marys Church (grade II listed) lies at the corner of Church Lane. This area comprises the historic core of the village and forms part of Doddington Conservation Area.
- 10.12 Concerns about the access to the site and the route leading to it through the historic core of the village is one of the key concerns raised by the objectors, as well as its impact upon existing residents. These comments are summarised in the above neighbour comments section of the report.
- 10.13 Policy LP15 (C) requires all development proposals to demonstrate they have had regard to the following criteria;
- Development on a site should be located and designed so it can maximise accessibility and help to increase non-car modes
  - Proposals which include new public highway should ensure such new highway complements the character of the area
  - Proposals for one dwelling or more should be accompanied by a Transport Statement, Transport Assessment and Travel Plan (commensurate with the scale of the development)
  - Development schemes should provide well designed safe and convenient access for all, give priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors which give easy access and permeability to adjacent areas
  - Development schemes should provide well designed car and cycle parking appropriate to the amount of development proposed and in accordance with the Council's defined parking standards set out in Appendix A (to the local plan)
- 10.14 A Transport Statement was submitted with the application. This statement sets out the predicted traffic to be generated from the proposed development once completed. The statutory consultee with regard to highway matters is the Local Highway Authority. The initial comments provided by the LHA raised no concerns with regard to the location of the proposed vehicular access but did raise detailed comments about adjustments and amendments to the road alignment and requirement for tracking plans. The LHA commented that the proposed vehicular access was the single point of access to a development that would lead to in the order of 131 dwellings being served off Eastalls Close and Bevills Close and as such a second point of access would be envisaged. It was requested that a second point of access (which could take the form of an emergency access) be provided. The proposed cycle footpath from Eastmoor Lane was suggested as a potential vehicle access. No comments were received from the LHA or have been received since which question the sufficiency of the local roads to take the additional traffic and indeed in response to the Transport Statement, the LHA agreed with the findings of the statement and concluded that traffic flows would not have a material impact on the highway network. The revised plans show the

emergency access with bollards being provided via the new footpath/cycle route through Bevills Close (No. 44). The highway authority has not objected to this being the required emergency access. The case officer has checked with Cambridgeshire County Council as to whether this part of Bevills Close is adopted or private road as this has been raised by residents. The County Council has confirmed and provided evidence of the adoption agreement for this part of Bevills Close which confirms that it is highway land.

- 10.15 The LHA comments also noted the narrow parts of Ingles Lane and lack of footpath and asked if consideration had been given to a direct link into the school as the site shares a border with the school. The revised plan shows a direct footpath link to the school from the development, and this has been accepted by the County Education Authority. The access point to the school via this footpath would be managed by the school and the land would be part of the parcel “given over” to the County Council via the proposed legal agreement.
- 10.16 The LHA comments also noted the previous reason for refusal concerned with lack of parking for 12 – 18 Bevills Close. The access road removes the alignment of the square. The LHA comments *“while this has been used for parking this is not allocated parking because allocated parking cannot be provided on the public highway. 12 – 18 appears to have their own off street parking area.”* The maisonettes do have allocated off road parking adjacent to this part of the highway. In agreement with the comments made by the LHA, although parking may occur on the highway, this does not mean that the highway constitutes a parking area.
- 10.17 Other comments referred to detailed design elements of the access roads and footways etc. No comments were made about construction traffic.
- 10.18 Since then, several iterations of the plans have been received and the latest comments from the LHA are set out in the Consultee Comments section of the report. Of note is that the proposed footpath into the site via 44 Bevills Close has been “upgraded” to provide the emergency access required by the LHA who have not objected to this in principle.
- 10.19 As the LHA has not objected to the proposed access points nor the basic design of the accesses at these locations, the LPA must have due regard to this advice and consider that the proposed access points will provide safe access to serve the development. The case officer does not doubt that the local change to these areas in Bevills Close will be keenly felt particularly by near neighbours, but this does not mean that the proposed accesses do not come up to standard and indeed the developer proposes to put the access forward for adoption by the local highway authority.
- 10.20 Access to the site for construction traffic is difficult and will mean that vehicles attending the site will need to travel along Church Lane and Eastalls Close prior to entering Bevills Close. The agent for the developer was asked about this and responded *“we did look at alternative access routes and unfortunately the key part of Eastmoor Lane (which connects to the A141) is privately owned and not suitable for delivery vehicles. We regularly deal with the management of deliveries in built up areas and employ a materials co-ordinator to schedule deliveries, agree routes, timings, logistical site storage etc, together with any necessary road cleaning and*

*liaison with residents. All deliveries to the Doddington site would be carefully co-ordinated, with off-site holding areas identified as required (public laybys, lorry parks etc – not neighbouring streets). Obviously, no development is completely without some inconvenience to local residents...”*

- 10.21 The local planning authority regularly imposes a condition on larger developments to require submission of a Construction Management Plan (CMP). It would be possible to include within such plan hours of working, times of deliveries, dust management, provision of parking for workers on site, materials store areas on site etc. Circular 11/95 sets out advice on use of conditions. Paragraph 71 of this document states that planning conditions are not an appropriate means of controlling the right of passage over public highways. It states that it may be possible to encourage drivers to follow preferred routes by posting site notices to that effect or by requiring them to use a particular entrance or exit from the site, but where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under either section 1 or 6 of the Road Traffic Regulation Act 1984.
- 10.22 Construction traffic and construction in general is disruptive by nature. Development often takes place in close proximity to other occupiers. However, it is of a temporary nature and can be managed to a degree by a robust CMP. It is therefore proposed that if planning permission is approved that it is subject to a CMP but that this cannot include controls outside of the site area or control over the public highway. The CMP should also contain the contact details for the site manager or person on site responsible for implementing the CMP and out of hours contact details so that members of the public can contact the developer directly should problems arise. It is very unlikely that a reason for refusal based upon disruption caused by construction traffic would stand up to scrutiny on appeal. It is noted that the Council's Environmental Health team has not raised this as an issue.
- 10.23 Appendix A to the local plan sets out the Council's car parking standards. Dwellings up to three bedrooms require 2 parking spaces. Dwellings of four bedrooms or more require 3 parking spaces. Garages can be counted as a parking space provided the internal measurement meets or exceeds 7.0 x 3.0 metres internally. Appendix A does not set out minimum sizes for parking spaces but the usual practice of the LPA is to seek spaces measuring 3.0 metres wide by in the order of 6.0 metres in length. The parking spaces proposed are generally 2.75 metres in width by a varying length. The majority are at least 5.5 metres in length. The spaces serving plots 15, 16, 17 and 19 are shown as 5.0 metres in length but the width of the private drive at this location (ie 7.0 metres) provides some scope for overhang if necessary. In many instances the driveways enable some flexibility as they are slightly longer than the spaces as marked out on the submitted site plan. The LHA highlighted two plots where it considered the parking a bit "tight" but is now satisfied that the parking arrangement for plots 4 and 10 has been improved. Each plot has the correct number of spaces for the size of dwelling proposed. The proposed garages do not meet the specifications set out in Appendix A to be counted as parking spaces, except the double garages can be counted as one space. Nevertheless, for plots that have garages, there are sufficient on drive parking spaces to meet the requirements set out in Appendix A. Whilst there is some frontage parking, much of the parking is set back between the

dwellings so that the street scene is not dominated by parking. Overall, it is considered that the parking layout and provision for each plot is acceptable.

- 10.24 With regard to sustainability, the site is in a sustainable location in relation to the centre of Doddington. Apart from the road access, the footpath/cycleway access via the proposed emergency access provides a link through to Bevills Close and then in turn through the existing footpath to the north of Bevills Close onto Church Lane. The footpath through the open space will link to Eastmoor Lane which is a public right of way. The footpath link through to the school will provide a safe route to the school from the site and from Bevills Close.
- 10.25 In summary, the LHA has confirmed that the traffic generated by the development once complete, will not have a material impact on the highway network. It has not raised any issues of highway safety. The design of the access road and emergency link are accepted in principle and would be subject to further detailed design which can be conditioned. The site provides footpath/cycle links in addition to the main access and also provides a new pedestrian link to the school. The route for construction traffic is not easy but this is temporary and not all sites can be accessed directly from a main road. The imposition of a condition to require a CMP will help reduce the impact to residents and no working or deliveries will take place at unsociable hours. It is therefore considered that the proposal is acceptable in highway terms and complies with policy LP15 of the Local Plan. It must be noted that paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **Appearance, character, layout and design**

- 10.26 Policy LP16 of the local plan states that high quality environments will be delivered and protected throughout the district and that all new development will only be permitted where it meets criteria set out within the policy. In terms of layout and design, criteria (d) requires that development makes a positive contribution to local distinctiveness and character of an area, enhancing 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 scale or design terms, on the street scene, settlement pattern and landscape character of the surrounding area. Criteria (i) requires provision of well-designed hard and soft landscaping incorporating sustainable drainage systems as appropriate. Criteria c), d) and e) of policy LP12 require developments to be appropriate for the character and appearance of the area, in scale and in a location that is in keeping with the core shape and form of the settlement and do not extend linear features/create ribbon development.
- 10.27 Paragraph 174(b) of the NPPF states that policies and decisions should recognise the intrinsic character and beauty of the countryside and wider benefits from natural capital and ecosystem services – including the economic benefits of best and most versatile land and of trees and woodland. Paragraph 130 of the NPPF sets out a series of criteria for achieving good design – planning policies and decisions should function well and add to the quality of the area, are attractive as a result of good architecture and landscaping, sympathetic to local character and

history, establish a strong sense of place, using arrangement of streets, spaces building types and materials to create attractive places, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public open space) and support local facilities and transport networks and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users and where crime and fear of crime does not undermine the quality of life.

- 10.28 The site comprises “green field” land abutting the settlement but is considered to be countryside therefore it has value for its own sake i.e., its intrinsic character and beauty and the wider benefits it brings. The site is also closely related to Bevills Close to the west, Manor Estate to the east and the school to the north. It comprises generally flat arable farmland with hedges and trees to the borders particularly to the south and southeast boundaries and it contains a stand of trees adjacent to the pond within the southern portion of the site. The proposed area for the vehicular access presently comprises a small area of open space with trees. Otherwise, the site is devoid of features.
- 10.29 The site is of a similar shape and size to Bevills Close, which from the records the LPA holds appears to have been built in the late 1970’s/early 1980’s. The Manor Estate development appears to date from a similar period. The Bevills Close estate separates the proposal site from the historic core of Doddington and the Conservation Area. Only the very top northwest corner of the site abuts the corner of the Conservation Area. Bevills Close comprises a mixture of two storey and single storey dwellings and contains 44 dwellings. The proposed development comprises two storey detached, semi-detached and some terraced dwellings and two bungalows. Aside from fewer bungalows, the layout and overall density of development is not too dissimilar to that in Bevills Close. The properties in Bevills Close, Harvest Close and Walden Close contain various plot sizes and also some gardens that are irregularly shaped. Again, this is not too dissimilar to the layout being proposed. The proposal provides for a layout that is of a similar character to that of the adjacent development and it is therefore considered that it is in keeping with the character of the adjacent and most comparable layout and density of development.
- 10.30 The proposed dwellings “address” the main spine road i.e. the front elevations face the street. There are no instances where only a side elevation faces the main street. At key corners, the Humber house type is used which has a two-storey outshot from the main part of the dwelling so providing an L shape which follows the corner around. The outshot does contain two windows at ground floor and a small window at first floor, thereby not presenting an entirely blank elevation to the street. Each dwelling has space to the front in the form of a small front garden area, including the smaller terraced type properties at the northern end of the site. The submitted materials schedule and plan shows four proposed brick types – a red, red multi, cream and cream multi and a mix of concrete plain grey tiles and two different pantiles. Properties on the adjacent development comprise a mix of red and buff/cream bricks, rendered properties (mainly the bungalows) and brown/red concrete tiles. The proposed materials are not out of keeping with the existing properties on Bevills, Eastalls land Walden Closes.

10.31 Any development on a greenfield site will inevitably result in the change of the openness of that site. In this case, the site is surrounded on 2.5 sides by built development. The site itself is relatively flat and devoid of features except for the existing pond and stand of trees to the southern end. It is an arable field. The countryside to the east and to the south beyond Eastmoor Lane is similar arable land comprising even larger fields, is flat and devoid of features except for small amounts of boundary hedgerow. There are no public rights of way along the edges or within the site except for the right of way along Eastmoor Lane to the south. It is considered that there are no particular features nor landscape character that makes this site stand out from surrounding farmland that warrants its retention for its own sake. Therefore, in terms of character and appearance, the proposal is considered to be acceptable, subject to conditions, and is in compliance with policy LP16, particularly criteria d and i in this regard and the relevant criteria of policy LP12.

## **Biodiversity**

10.32 Policy LP16 requires that development protects and enhances biodiversity on and surrounding the proposal site. Policy LP19 requires the Council to work in partnership with relevant stakeholders to conserve, enhance and promote biodiversity in the interest of the natural environment in Fenland. It requires particular protections for priority habitats and species and that opportunities be taken to incorporate beneficial features for biodiversity in new developments.

10.33 Paragraph 180 of the NPPF states that where significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for, then planning permission should be refused. Paragraph 179 states that opportunities should be sought for securing a measurable net gain in biodiversity.

10.34 The submission includes an Extended Ecological Survey and Addendum. This sets out that the building on site is used as an occasional bat roost and by a barn owl. The survey of the building concluded negligible potential for bat roost with no evidence of a bat roost and absence of suitable roosting features. The site offers suitable foraging and commuting habitat for bats. Suitable habitat exists on surrounding land for this purpose and for nesting birds. There was no evidence of badger setts or reptiles. Recommendations include 25% of properties being constructed with bird boxes, provision of bat boxes, a barn owl box to a retained tree and hedgehog friendly fencing. In terms of biodiversity enhancement, the ecological consultant for the developer considers that an improvement by 10 percent is achievable. The development will result in some tree loss – to the public open space where the main access is to be located and removal of trees near the existing pond. However, there is adequate land to provide for new tree planting to compensate for this loss as well as providing enhancements. The trees at the borders of the site are being retained.

10.35 The Council's Wildlife Officer has stated that a biodiversity net gain should be relatively easy to achieve on this site and that further detail with evidence of an up-to-date measurement of the biodiversity should be conditioned through submission with a landscaping scheme and associated Ecological Design Strategy.

10.36 The site does not contain priority habitats or wildlife designations. Due to the arable and open nature of the site, i.e. lack of many features, the development will not result in significant harm to biodiversity. There will be some loss, but this is capable of being compensated for and enhanced and this can be achieved through further submissions. The loss has to be seen in context of the arable nature of the site and the vast areas of open countryside that remain especially to the east and south of the site. The development therefore complies with the NPPF and relevant parts of policies LP16 and LP19 of the Local Plan.

### **Drainage/Flood Risk**

10.37 The site lies within Flood Zone 1 which is land at least risk of flooding. The site (northern part) is partially within a large area of groundwater vulnerability that covers the majority of the northern part of Doddington.

10.38 The proposed foul drainage strategy is to provide a sewer pipe with manholes along the main spine road. The land naturally falls slightly towards the south. Each dwelling will connect to the main foul sewer and this in turn will travel south, across the proposed open space and connect with the existing Anglian foul network at Eastmoor Lane. The surface water strategy is to provide permeable paving to the private drives and a 600 diameter surface water drain along the main spine road. This will carry surface water to a filter drain strip located along the southern most edge of the access road. Surface water will be attenuated to a greenfield run off rate at 2 litres per second and will discharge to the Anglian Water network on Eastmoor Lane. The existing pond is to be retained within the public open space and a dry basin with an ability to store 1140 cubic metres of surface water in times of heavy rainfall will be provided. Most of the time this basin will be dry. This will also connect to a hydrobrake manhole at the southwest corner of the site where the water will discharge at a rate of 2 litres per second into the existing network.

10.39 Many of the people who have raised objections have referred to existing drainage issues in Doddington including flooding or waterlogging in gardens (especially at times of high rainfall), need to have sewage pipes pumped out regularly by Anglian Water and issues of smell. The concern is that the proposal will make the situation worse.

10.40 The LLFA is the statutory consultee on issues of flood risk and surface water drainage and does sometimes comment on foul drainage where this might impact flood risk or surface water. Anglian Water is consulted as the drainage undertaker who provides infrastructure for carrying and dealing with surface water run-off and sewerage. The Internal Drainage Board is consulted where it manages infrastructure such as drainage ditches, that might be impacted by proposals.

10.41 Anglian Water has stated that the Doddington Water Recycling Centre does have capacity to deal with sewerage from the proposed development. It states that it accepts the drainage strategy for surface water and foul drainage (which is that both will drain to existing AW network). The developer would need to apply to Anglian Water to connect to its apparatus. The LLFA has accepted the surface

water drainage strategy but requires further details concerning its design which can be conditioned.

- 10.42 Policy LP12 requires new development to be served by sustainable infrastructure such as surface water and wastewater. Policy LP14 requires all development to adopt a sequential approach to flood risk and to use Sustainable Drainage Systems to ensure that surface water run-off is to green field run off rates.
- 10.43 As the site lies within flood zone 1, there is no requirement to apply the sequential test to this proposal. Neither the LLFA nor Anglian Water have objected to the most recent drainage strategies which show that surface water run-off can be attenuated to a run-off rate of 2 litres per second. Anglian Water has its own consenting regime which the developer would need to follow, should planning permission be granted. The LLFA require details of the surface drainage strategy to be submitted prior to any laying of services, hard surfaces or erection of a building takes place. The case officer considers this condition to be appropriate.
- 10.44 The application has shown that the proposed drainage is a sustainable drainage system. Neither the LLFA nor AW has objected to the proposals. The application complies with the above policies of the local plan subject to further details being submitted. Given that this is the case, the application cannot be recommended for refusal for drainage issues.

#### **Neighbour Amenity (future occupier amenity)**

- 10.45 Policy LP16 of the local plan requires that development does not adversely impact on the amenity of neighbouring users in areas such as noise, light pollution, loss of privacy and loss of light.
- 10.46 The proposed dwellings situated nearest to the west boundary of the site adjoining neighbouring rear gardens, have been positioned so that the side elevations face the rear of the neighbouring dwellings. The only exceptions are proposed plots 37 and 38, however, these dwellings are set in by 19 metres from the west boundary of the site and there is a 46-metre separation distance between the dwellings (20 and 22 Bevills Close and plots 37 and 38). There is a 25 metre separation distance from the rear of the flats at 14 and 16 Bevills Close and the rear of the proposed dwelling at plot 37 and additionally these buildings are slightly off set. Where there are side elevations facing properties in Bevills Close, the proposed dwellings are set back from the site boundary due to the need to maintain the drainage easement along the boundary but within the site. A similar relationship occurs where the side of proposed dwellings faces the rear of dwellings on Manor Estate. Notably the gardens to the existing properties here are very long. This results in there being no issue of overlooking or overshadowing to existing dwellings as a result of the scale and positioning of the new dwellings.
- 10.47 In general terms the positioning of residential development adjacent to existing residential development is not going to raise issues of noise nuisance or light pollution because the uses are compatible. In other words, the proposed use is not employment or other such development where noise, once constructed could continue to be an issue. No doubt the actual construction works will be disruptive as construction works are, but they will only take place at reasonable hours and



can be tempered to a certain degree by the imposition of a Construction Management Plan. Existing residents will not doubt feel the loss of the view across the field, but loss of a view is not a material planning consideration and as stated above, the proposed dwellings are not situated so close to the existing as to create issues of overbearance.

- 10.48 It is noted that the previous refusal of planning permission F/YR16/0730/FDL included two reasons based on impact of noise from the proposed access on the amenity of 15 Eastalls Close and on 12 – 18 Bevills Close and impact on amenity to residents due to the vehicular access. It would have been difficult to substantiate concerns over noise had there been an appeal due to no objections at the time from FDC environmental health. Nevertheless, the previous scheme was for 62 dwellings whereas the current proposal is for 47 dwellings. The access as previously proposed was closer to the side elevation of 15 Eastalls Close. The current plan includes a footpath adjacent the boundary to No. 15 which is separated from the carriageway by green planted area. This is an improvement over the previously refused arrangement. The positioning of the access road in relation to 10, 20 and 12 – 16 Bevills Close and to 15 Eastalls Close is no different than many other comparable situations where there is a junction in an estate road layout. There will be traffic passing by these properties where currently there is none, but the access road is not considered to have an unacceptable relationship with the neighbouring properties. In addition, vehicles will not be travelling at speed here due to proximity to the junction and the kink in the new road layout.
- 10.49 Anglian Water has stated that dwellings placed within 15 metres of the sewage pumping station to the southwest (adjacent to the site off Eastmoor Lane) may be affected by issues of odour and nuisance from maintenance activity. The proposal provides for the open space area to be located adjacent to the pumping station and the closest proposed dwelling is more than 15 metres away.
- 10.50 The proposed emergency access through what is presently part of 44 Bevills Close, will lead to increased footfall past all of the dwellings in this part of Bevills Close where currently it is limited to those people who live and visit the dwellings in the cul-de-sac. This route is to be situated adjacent to 39 Bevills Close and a re-built new bungalow at 44. Although an emergency vehicular access, it will not be permanently open to vehicular traffic. There are two sets of lockable bollards proposed at either end of the access. However, the detailed design would be subject to condition if permission is granted. Whilst this will result in a very noticeable change over the current situation, it is considered that this is not a significant loss of residential amenity. The new bungalow in place of the existing at No. 44 will not have any adverse impact on the amenity of the neighbouring residents due to its scale, orientation and position of windows. The developer will need to liaise with the owner of No. 39 with regard to the demolition of half of the shared garage. Concerns have been raised about potential misuse of the footpath/cycleway by persons on motorbikes or scooters but this is not a reason to not allow a new footpath/cycleway. Efforts will be taken through the design of the barrier and signage (possible traffic regulation if adopted by CCC) to reduce the potential for misuse.

- 10.51 Once the development is completed, the development will not have a significant detrimental impact on neighbours in terms of noise, light pollution, loss of privacy or loss of light and therefore complies with policy LP16 in this regard.
- 10.52 Policy LP16 (h) requires that developments provide sufficient amenity space suitable to the type and amount of development proposed. This means that a minimum of a third of the plot curtilage should be set aside as private amenity space. The proposal complies with this policy. The size of rear private gardens is commensurate with the size of dwelling it serves. Distances between the new dwellings are also acceptable.

### **Infrastructure and Viability**

- 10.53 Policy LP13 of the Local Plan states that planning permission will only be granted where there is sufficient infrastructure capacity to support the requirements arising from the proposed development. Developers will make direct provision or contribute towards local and strategic infrastructure required by the development either alone or cumulatively with other developments.
- 10.54 Policy LP13 is underpinned by the Developer Contributions SPD which sets out the Council's approach to seeking developer contributions.
- 10.55 The Local Plan CIL Viability Assessment published in December 2019 suggests that the current typical contribution of about £2000 per dwelling will continue if an affordable housing target of 20% is sought. Due to the difference in land values between the north and south of the district and also between greenfield and brownfield sites, achieving affordable housing and contributions on sites with lower values will be challenging.
- 10.56 The NPPG sets out the approach that should be taken towards viability. The weight to be given to a viability assessment submitted with an application is a matter for the decision maker. In decision making (and plan making), viability helps to strike a balance between the aspirations of developers and landowners in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through granting of planning permission.
- 10.57 The viability assessment submitted with the application has been examined by the Council's Senior Planning Obligations Officer who concluded that the development could afford a total contribution of £72,000 and no affordable housing.
- 10.58 The land to the northern part of the site was offered as possible public open space or land that could be transferred to the County Council Education Authority as an extension of the Walden Primary School site. Discussions were held with the County Council and school who stated that they would like to take the land due to the small outside space associated with the school and difficulty in providing expansion. The case officer agreed that the land would best serve the local community as school land rather than public open space (especially as the south of the site also provides open space). A valuation report was submitted which values the potential school land at £93,500 and the cost of the works required to make the land suitable for sports/play use by the school at £42,500. Therefore, the total benefit being transferred by the applicant to the County Council is £136,000. The

Council's Senior Planning Obligations Officer has reviewed this report and agrees with its findings.

- 10.59 Therefore, both in terms of value and the transfer of land to education use, it is considered that this is the best that can be achieved from the site and that incorporation of this land into the school is the most beneficial outcome for the local community that can be achieved, given the viability constraints associated with the proposal.

## **Other Issues**

### **10.60 Archaeology**

The applicant has submitted a Written Scheme of Investigation which has been accepted by CCC Archaeology. A condition would need to be imposed requiring the WSI to be implemented in full.

### **Crime and Fire Safety**

- 10.61 The Designing out Crime Officer for CCC Constabulary has requested a lighting scheme be conditioned and that garden gates be self-closing and lockable. These requests are considered to be reasonable and in compliance with policies LP16 and LP17 which require incorporation of safety measures to create safer environments and to deter crime. The provision of fire hydrants as requested by the Fire Service also meets this requirement.

### **10.62 Access through historic core of village/damage to trees and listed buildings (raised by objectors)**

As set out in the above report, the site is separated from the historic core of the village by the existing Bevills Close estate. This development directly joined onto the historic core of the village. Only the very northwestern corner (the point) is adjacent to a corner of the Conservation Area. It is considered that the completed development preserves the character and appearance of the Conservation Area due to the separation from the conservation area boundary. Access to the site will result in additional traffic as well as construction traffic passing through the historic core and past listed buildings. The access roads are still public highway and so traffic has a right to use these unrestricted roads. By the nature of these roads, HGVs involved in the construction should not be travelling at speed. It would be difficult if not impossible to provide evidence that vehicles travelling to the site would cause damage to historic buildings and if this were to be a reason for refusal it would need to be substantiated at any appeal with evidence. This is unlikely to be the case.

### **10.63 It will set a precedent (raised by objectors)**

If this application is approved, it does not set a precedent. This site is very different to other land in the vicinity and in the village and each application must be considered on its own merits.

### **10.64 There will be anti-social behaviour (raised by objectors)**

This is unsubstantiated speculation.

10.65 Part of the site is FDC owned land (raised by objectors and FDC Estates)

Any discussions or considerations concerning FDC owned land are for the developer to have with FDC Estates outside of the planning process and this has no bearing on the recommendation being made.

10.66 Devaluation of property (raised by objectors)

This is specifically excluded from being a material planning consideration

10.67 This is a “done deal” etc (raised by objectors)

The application has been assessed against the policies of the development plan and any other material considerations. Had, for instance, there been irrevocable issues with drainage or highways, the application would not have been recommended for approval. Whilst the case officer notes the genuine concerns raised by objectors, on matters of a technical nature, the advice of statutory consultees carries significant weight. On other matters such as design and impact on neighbours, the report above demonstrates that these more subjective issues have been carefully considered.

10.68 Previous Refusals

Planning history is a material consideration in determining a planning application, especially where it is recent, and the previous application(s) were considered against the prevailing development plan policy. As set out above, applications were refused in 2015 and 2016 for 66 and 62 dwellings respectively. Reasons for refusal were based on the following matters;

- Village thresholds
- Lack of capacity at Doddington Waste Water facility for treatment of foul sewage
- Impact on amenity of existing residents from the proposed vehicular access and lack of alternative parking for occupiers of 12 – 18 Bevills Close
- Impact of noise from access on 12 – 18 Bevills Close and 15 Eastalls Close
- Development of 62 dwellings is not small scale and will have a cumulative detrimental effect on the neighbouring housing estate through vehicle movements into the village

The majority of these issues have been considered in the main body of the report above, however, in summary, the response to these issues as follows;

- Village thresholds and requirement for evidence of local support as set out in policy LP12: Appeal inspectors have criticised this element of policy LP12 stating that planning is based upon land use principles and development would not come forward if acceptance were based upon local support. Notwithstanding this, the current proposal is now 15 dwellings less than the proposal refused in 2016.

- Lack of capacity at Doddington Waste Water Facility: this is not supported by Anglian Water who have not objected to the proposal.
- Impact on neighbouring residents and lack of parking for 12 – 18 Bevills Close – The proposal will result in a new street in this location where there is presently a turning head and no through traffic: This will of course be noticeable but is not unusual where new developments are accessed through existing areas. The new road provides adequate separation from adjacent dwellings. The allocated parking for 12 – 18 Bevills Close is retained. The existing highway cannot be considered to comprise parking for existing residents (as confirmed by the LHA). No objections concerning noise nuisance have been raised by the Environmental Health team.
- Impact of noise from the access on 12 – 18 Bevills Close and 15 Eastalls Close: response is as above. The current proposal moves the access and path further away from the side of 15 Eastalls Close than the previous refused scheme.
- 62 dwelling scheme is not small scale: the current proposal for 47 dwellings is considered to be small scale given the settlement hierarchy and the scale of development compared to the rest of Doddington. No objections from the LHA or EHO concerning vehicle movements through village. It is not considered that adequate evidence could be provided to substantiate this reason for refusal at appeal if the current proposal were refused for this reason. In addition, the current proposal is 15 dwellings less than the previous refused scheme.

10.69 The other issues raised by objectors have been covered in the preceding parts of this report.

## **Conditions**

10.70 From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

10.71 The applicant was sent a copy of the draft pre-commencement conditions set out below and has agreed to them.

## **11 CONCLUSIONS AND PLANNING BALANCE**

11.1 Doddington is a growth village (policy LP3 of the Fenland Local Plan) within the settlement hierarchy where small village extensions will be appropriate. LP3 does not define what small means, however policy LP4 states that large scale housing of 250 dwellings or more should be directed to market towns. Taking into account the shape and size of the village and the proposed 47 dwellings, it is considered that the scale of development and location of the site are acceptable in principle and accord with policies LP3, LP4 and LP12 of the Local Plan.

11.2 The key issues (other than principle) in relation to this site are access provision and drainage. The statutory consultees i.e. the highway authority and the lead local flood authority have raised no objections to the proposals subject to conditions. Similarly Anglian Water confirms that there is adequate capacity in the sewerage

network to accommodate the development. The proposals demonstrate that adequate vehicular and pedestrian access is provided, and that surface water and foul sewage can be satisfactorily drained from the site. It is considered that in terms of highways and drainage issues, the proposal is acceptable and complies with policies LP12, LP14 and LP15 of the local plan.

- 11.3 With regard to other detailed matters including biodiversity, layout/appearance/design, impact on neighbour and future occupier amenity etc, the proposal is considered acceptable subject to conditions. In particular, the Council's Wildlife Officer comments that it will be easy to ensure that the site provides for a net gain in biodiversity.
- 11.4 The proposal is unable to meet the requirements for affordable housing set out in local plan policy LP5 together with the infrastructure requirements to serve the development, which previously the local planning authority has accepted will be in the order of £2000 per dwelling (due to viability issues within the district). The applicant has submitted a viability assessment which concludes that the development can afford contributions to a value of £72,000. In lieu of this, a serviced land transfer has been negotiated which has an accepted value of £136,000. The likelihood of the school being able to obtain more land is low and so it is considered that this provision carries significant weight in favour of the scheme. The viability assessment must carry weight in favour of the scheme due to the acknowledged issues around viability within Fenland and because the Council's Senior Planning Obligations Officer has found this particular viability appraisal to be robust.
- 11.5 The latest Five-Year Housing Land Supply report (September 2021) shows that the Council currently has a 6.69 years supply of deliverable sites. The details of the supply can be found within the report which includes details of the calculations for the Local Housing Need figure. This indicates that 517 dwellings per annum will be required. An updated 5 Year Housing Land Supply report is due to be published in Autumn 2022 which will include calculations based on the most up-to-date available data. As such the tilted balance set out within the NPPF is not engaged. However, the existence of a 5-year supply is not reason to refuse acceptable residential developments coming forward. The NPPF sets out at paragraph 60 that the government's objective is to significantly boost the supply of homes. The lack of provision of affordable housing counts against the scheme but the provision of a mix of 47 market dwellings counts in favour of the scheme and balancing the two carries moderate weight in favour of the scheme.
- 11.6 In other respects, the proposal complies with the provisions of the development plan. It is acknowledged that the construction traffic and build programme generally will have a negative impact on nearby residents, but this is a temporary impact and not reason to refuse the application. This issue can only carry limited weight and can be tempered to degree by a CMP condition.
- 11.7 In conclusion, the application is considered to be acceptable subject to the imposition of conditions and the entering into of a S106 agreement to transfer the land for the school to the County Council.

## 12 RECOMMENDATION

- (i) Grant subject to the conditions listed below and completion of a S106 Agreement,
- (ii) Delegate to Head of Planning to refuse planning permission if there is insufficient progress towards the completion of the legal agreement,
- (iii) Delegate authority to Head of Planning to impose any other conditions which may be required;

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>No development shall take place until detailed drawings, specifications and phasing plans for the roads and footpaths including the emergency access have been submitted to and approved in writing by the local planning authority. The roads other than private drives shall be designed to an adoptable standard. The details for the emergency access shall include details of the lockable bollards and/or alternative/additional measures to deter this access from being used by vehicular traffic except in an emergency situation. The phasing plan shall include details of the timing of delivery of the roads and footpath/cycleways alongside the delivery of the dwellings. The development shall only take place in accordance with the approved plans and details. The approved lockable bollards or alternative/additional measures to be installed at the emergency access shall be retained and maintained as such in perpetuity.</p> <p>Reason: In the interests of ensuring that the development is served by sustainable access in accordance with policy LP15.</p>
3	<p>Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall contain as a minimum:-</p> <ul style="list-style-type: none"> <li>- Hours of Site working and deliveries</li> <li>- Parking provision for site workers</li> <li>- Layout of site compound and materials store</li> <li>- Dust management measures</li> <li>- Measures to minimise mud from being taken onto the highway from the site</li> <li>- Name and contact details for on site person responsible for compliance with this CMP (including an out of hours contact)</li> <li>- Details of temporary fencing during construction</li> <li>- Measures to prevent avoidable noise nuisance to neighbours e.g. no radios or amplified music</li> </ul> <p>The approved CMP shall be implemented in full throughout the construction period.</p>

	Reason: In the interest of neighbour amenity in accordance with policy LP16 of the Fenland Local Plan
4	<p>Prior to the commencement of the development and clearance of the site, details of tree protection measures for all trees to be retained (including trees where the canopy overhangs the site boundary from adjacent land) shall be submitted to and approved in writing by the local planning authority. Such tree protection measures shall accord with BS 5837:2012. The approved tree protection measures shall be put in place prior to any site clearance, materials being brought onto site or any development commencing and shall remain fully in place until the development is completed. Where development is completed in relation to a particular tree i.e. no further development will take place in the vicinity of the tree then that particular tree protection measure may be removed.</p> <p>Reason: In the interests of the visual appearance of the development and protection of retained trees/existing biodiversity in accordance with policies LP16 and LP19 of the Fenland Local Plan.</p>
5	<p>Further to the submitted Phase 1 Desk Study report by Geodyne Ref: D39218, no development shall take place until a programme of ground gas monitoring has been undertaken to confirm the presence of ground gas. In addition an asbestos survey shall be carried out to identify any potential presence of asbestos within the dilapidated building on site. In addition, an exploratory ground investigation shall be carried out to further investigate the potential for risk of contaminants at the site. This shall include as minimum programme of exploratory hole undertaking and the subsequent testing of soil samples taken from relevant parts of the site, a certified geotechnical soil analysis, the asbestos survey and installation of ground gas monitoring points and a programme of ground gas monitoring to determine the extent of gas presence.</p> <p>No development shall take place until the results of the above investigations have been analysed and written up into a report by suitably qualified persons and submitted to and approved in writing by the local planning authority. The report shall include any necessary remediation measures to make the development safe and a timetable for undertaking such measures which shall be implemented in full. No dwelling shall be occupied until a verification report written by a suitably qualified person, which verifies that approved remediation measures have been fully implemented has been submitted to and approved in writing by the local planning authority. If ground condition circumstances suit, this may be able to be done on a phased basis.</p> <p>Reason: In the interests of public safety and prevention of pollution to the environment in accordance with policy LP16 of the Fenland Local Plan</p>
6	Prior to the commencement of the development, the site investigation

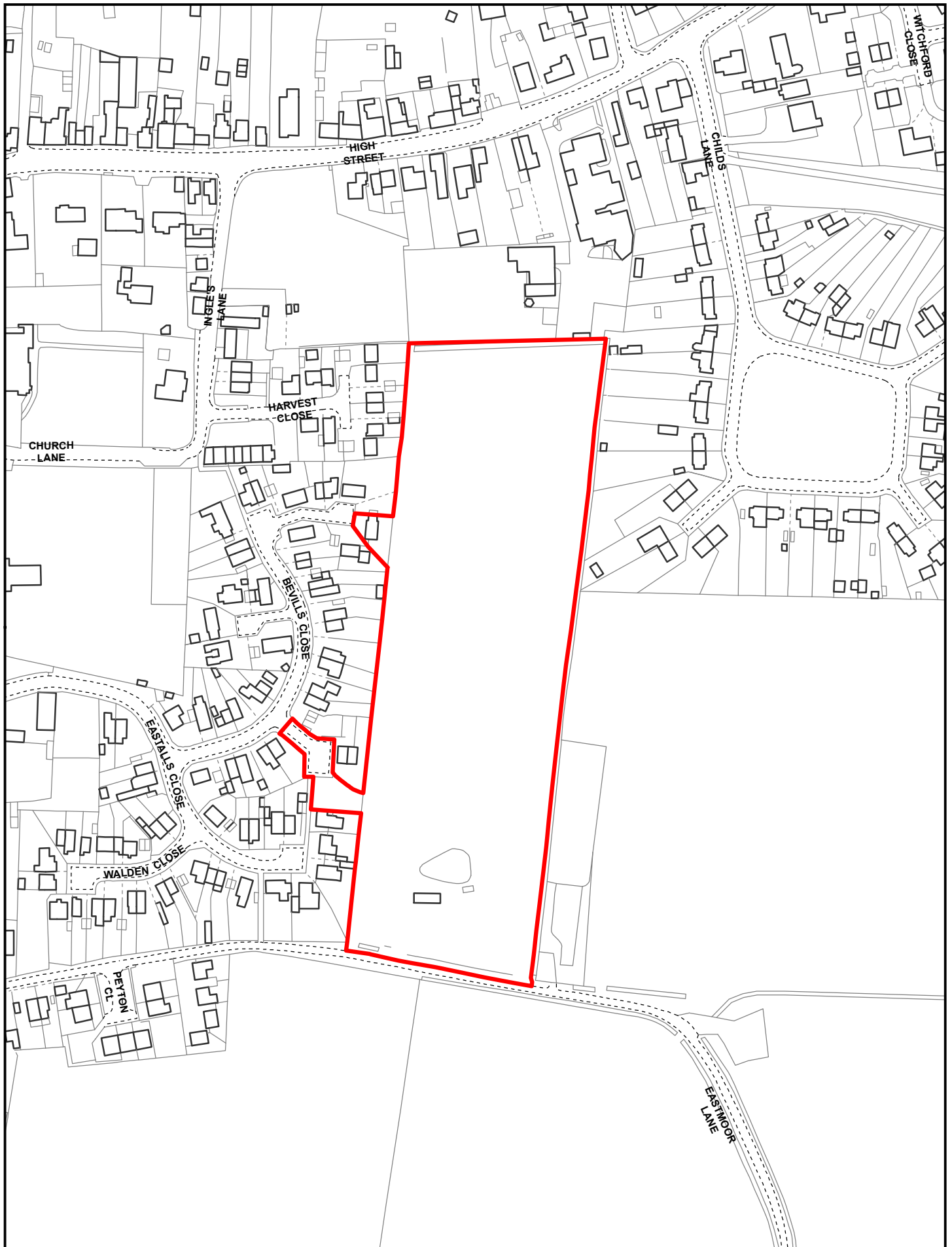


	<p>shall be carried out in complete accordance with the approved Written Scheme of Investigation dated April 2022 (version 2 on page 17 of the report), prepared by APS. Thereafter, the development shall only take place in accordance with the remainder of the approved WSI including the post excavation report, report deposition, archive and publication, the details of which shall have been submitted to and approved in writing by the local planning authority prior to the completion of the development or the occupation of the 40<sup>th</sup> dwelling, whichever is the sooner.</p> <p>Reason: In the interests of recording and preserving any historic assets that may otherwise be destroyed by the development in accordance with policy LP18 of the Fenland Local Plan and the NPPF.</p>
7	<p>No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment &amp; Drainage Strategy report prepared by Inspire (ref: AHL-1549-01-FRA-001-P3) dated July 2022 and shall also include:</p> <ul style="list-style-type: none"> <li>a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;</li> <li>b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;</li> <li>c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);</li> <li>d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);</li> <li>e) Temporary storage facilities if the development is to be phased;</li> <li>f) A timetable for implementation if the development is to be phased;</li> <li>g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;</li> <li>h) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;</li> <li>i) Full details of the maintenance/adoption of the surface water drainage system;</li> <li>j) Measures taken to prevent pollution of the receiving groundwater and/or surface water The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF and PPG</li> </ul>

	<p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts</p>
8	<p>No development shall take place above slab level until full details of all hard and soft landscaping and biodiversity enhancements have been submitted to and approved in writing by the local planning authority. The details shall include but not be limited to the following;</p> <ul style="list-style-type: none"> <li>-All existing trees to be retained and removed</li> <li>-All new soft landscaping, including species, sizes, numbers and spacing of plants</li> <li>- Identification on a drawing of all trees and plants which contribute towards biodiversity enhancement and towards the net gain in biodiversity</li> <li>- Details of all other biodiversity enhancements including specifications and locations based on the approved Biodiversity Plan and Construction Ecological Management Plan (drawing 53-BDP-01 Rev A) together with details of evidence of how the stated biodiversity net gain of 11 percent across the site will be achieved and how the condition level, described using Biodiversity Metric 3.1 calculations (or subsequent variations) will be reached through on-going management of the site.</li> <li>- Details of all hard surfaced areas</li> <li>-Timetable for provision</li> </ul> <p>The development shall only take place in complete accordance with the approved details.</p> <p>Any plants or trees that contribute towards the biodiversity enhancement of the site shall be retained and if any die, become diseased or are removed or uprooted, shall be replaced in the next planting season with a plant of similar species, size and biodiversity value. All other biodiversity enhancements (e.g., bird boxes) shall be retained and maintained in perpetuity.</p> <p>Reason: In the interests of the visual appearance of the development and to achieve a net gain in biodiversity in accordance with policies LP12, LP16 and LP19 of the Fenland Local Plan and the NPPF.</p>
9	<p>No development above slab level shall take place until a full specification for the approved play area has been submitted to and approved in writing by the local planning authority. The details shall include but not be limited to;</p> <ul style="list-style-type: none"> <li>-Detailed drawings to scale or manufacturers specifications of all play equipment</li> <li>-Means of enclosure</li> <li>-Surfacing</li> <li>-A dog waste bin (to be located outside of the play area within the public open space)</li> <li>-Timetable for provision</li> </ul>

	<p>The development shall only take place in complete accordance with the approved details and timetable for provision.</p> <p>Reason: In accordance with the submitted site plan and in the interests of public amenity and health and well-being in accordance with policies LP2 and LP16 of the Fenland Local Plan</p>
10	<p>Prior to development above slab level taking place and concurrently with the details to be submitted in respect of the discharge conditions 8 and 9, details of the management arrangements for all areas that will fall outside the curtilage of a dwelling, the adopted highway and other land to be transferred to the County Council shall be submitted to and approved in writing by the local planning authority. The details shall include but not be limited to the following;</p> <ul style="list-style-type: none"> <li>-Name and full contact details of the management company</li> <li>-Drawing showing the areas to be managed by the management company</li> <li>-Maintenance details and schedules for all hard and soft landscaping, the play area, dog bin, lighting and biodiversity enhancements that fall within the management company area of maintenance</li> </ul> <p>All such areas shall be maintained by the developer until such time as the management company takes over responsibility for these areas. The developer shall provide written notification to the local planning authority that the management company has taken over the maintenance of these areas within 5 working days of this event taking place.</p> <p>Reason: To ensure that all landscaped areas, play area, biodiversity enhancements and other items as approved continue to be maintained in the interests of the visual appearance of the area, residential amenity, health and well-being of residents and biodiversity in accordance with policies LP2, LP12, LP16 and LP19 of the Fenland Local Plan</p>
11	<p>Prior to the commencement of development above slab level details of all external lighting shall be submitted to and approved in writing by the local planning authority. This shall include details of lighting columns to serve both the vehicular access to be adopted and private drives. The lighting shall be provided prior to the first occupation of the development areas which it serves and retained as such thereafter.</p> <p>Reason: In the interests of public safety and the reduction of crime in accordance with policies LP16 and LP17 of the Fenland Local Plan</p>
12	<p>Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.</p> <p>Reason - To ensure a satisfactory form of development in the interest of community safety in accordance with policies LP16 and LP17 of the</p>

	Fenland Local Plan.
13	<p>All boundary screening/treatment shall be provided prior to the occupation of the dwelling or area it serves in accordance with the approved Boundary Treatment Plan 53-BT-01 Rev G. All gates serving private rear gardens to dwellings shall be self-closing and lockable, the details of which shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any dwelling.</p> <p>Reason: In the interests of visual appearance, privacy and security in accordance with policy LP16 of the Fenland Local Plan.</p>
14	<p>The external materials to be used for each dwelling shall accord with the details shown on the submitted Materials Schedule Layout drawing 53-MSL-01 Rev D.</p> <p>Reason: To achieve a satisfactory external appearance in accordance with policy LP16 of the Fenland Local Plan</p>
15	<p>No dwelling shall be occupied until the car parking and any turning area to serve that dwelling has been provided in accordance with the approved Site Layout Plan 53-SL-01 Rev I.</p> <p>Reason: To ensure that adequate parking provision is made in accordance with policy LP15 and Appendix A of the Fenland Local Plan.</p>
16	Approved plans



Created on: 25/04/2022

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**F/YR21/1072/FDC**

Scale = 1:2,500





HOUSE TYPES



DEE - 2b 4p



WARWICK - 2b 4p



AIRE - 3b 5p



NENE - 3b 5p



LOCK - 3b 5p



MERE - 3b 5p



RIBBLE - 4b 7p



BALMORAL - 4b 7p



HUMBER - 4b 7p



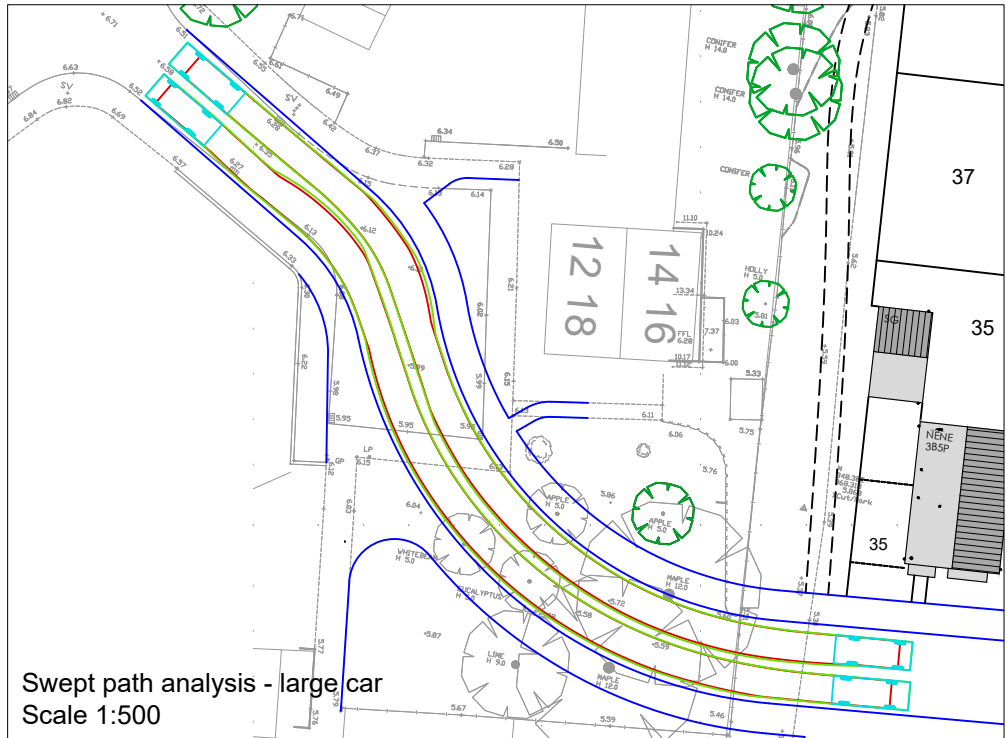
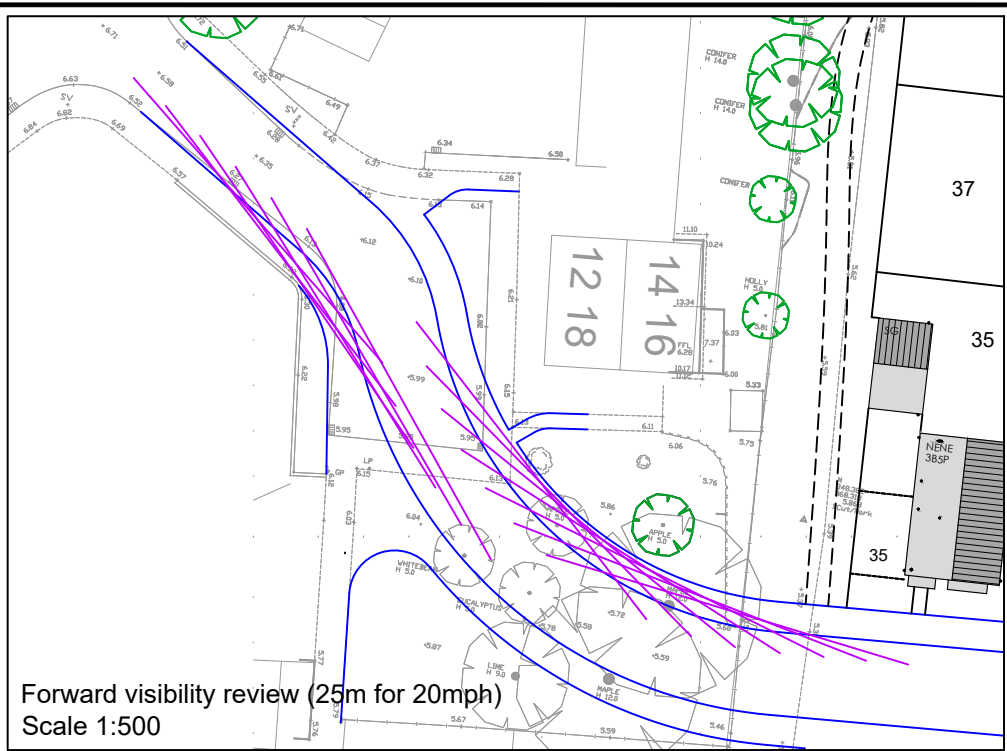
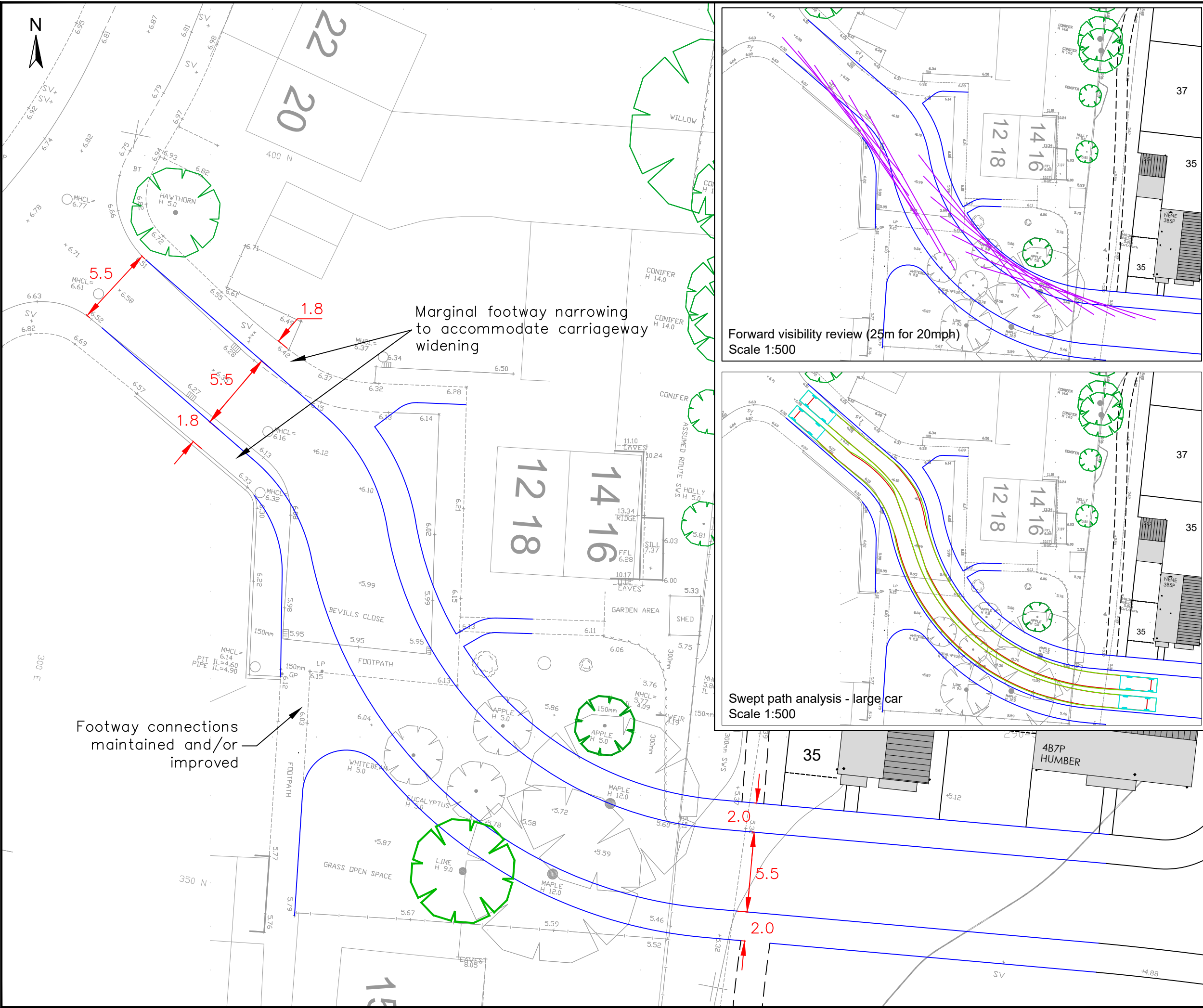
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REVISION	REVISION	REVISION



1 Goodison Road, Lincs Gateway Business Park,  
Spalding, Lincs, PE12 6FY T: 01406 490590

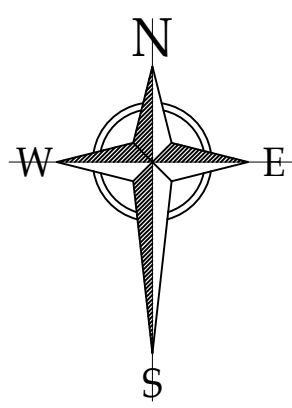
PROJECT:	Proposed Residential Development at Bevills Close Doddington
DRAWING:	Site Layout Colour
SCALE:	1:1000 A1
DATE:	01/01/2022
DRAWING No:	53-SL-02





A	30.11.21	Revised alignment and analysis	IW	—	—
Rev.	Date	Amendment	Drawn	Chkd.	Appd.
<div><div>RSK</div><div>Fourways House 57 Hilton Street Manchester M1 2EJ</div><div>Tel: +44 (0) 161 236 2757 Email: <a href="mailto:communications@rsk.co.uk">communications@rsk.co.uk</a> Web: <a href="http://www.rsk.co.uk">www.rsk.co.uk</a></div></div>					
Client					
Ashwood Homes					
Project Title					
Bevills Close Doddington					
Drawing Title					
Proposed Site Access Arrangements: South Stub - Main Access					
Drawn MQ	Date MAY21	Checked IW	Date MAY21	Approved —	Date —
Scale 1:250		Orig Size A3		Dimensions METRES	
Project No. 663069			Drawing File		
Drawing No. 663069-10-02				Rev. A	
0 2.5 5 Scale 10 15					





Walden  
Primary  
School

## KEY

- SITE BOUNDARY
- SITE WELFARE  
SITE OFFICE & CANTEN
- SILOS  
STORAGE CONTAINERS
- COMPOUND STORAGE
- SITE INGRESS & EGRESS  
TO COMPOUND & SITE PARKING
- TRAFFIC IN
- TRAFFIC OUT

## SITE WORKING HOURS

To be 7.30am - 5.00pm Monday to Friday. In the event that Saturday working becomes necessary this is to be restricted to the hours of 8.00am - 1.00pm.

Materials suppliers are to be instructed not to arrive to site prior 7.30am to avoid disturbance to neighbors or potential highway obstruction.

## Control of dust

Where dust issues are likely to occur, for example when cutting and excavating, dust suppression and use of RPE (respiratory protection equipment), and where appropriate wetting practices should be implemented.

The condition of site haul routes should be monitored. Mud is not to be taken onto public roads. Road sweeping and road wetting to be implemented as required.

## Noise Management

The site manager should monitor noise pollution across their site at all times.

Where practically possible, 'quite' equipment should be used. Machinery and equipment should only be used for the required time.

Vehicles should not be revved and engines should not be left running when not required to be in operation.

A	01.08.2022	UPDATED TO NEW LAYOUT
Rev.	Date	Description



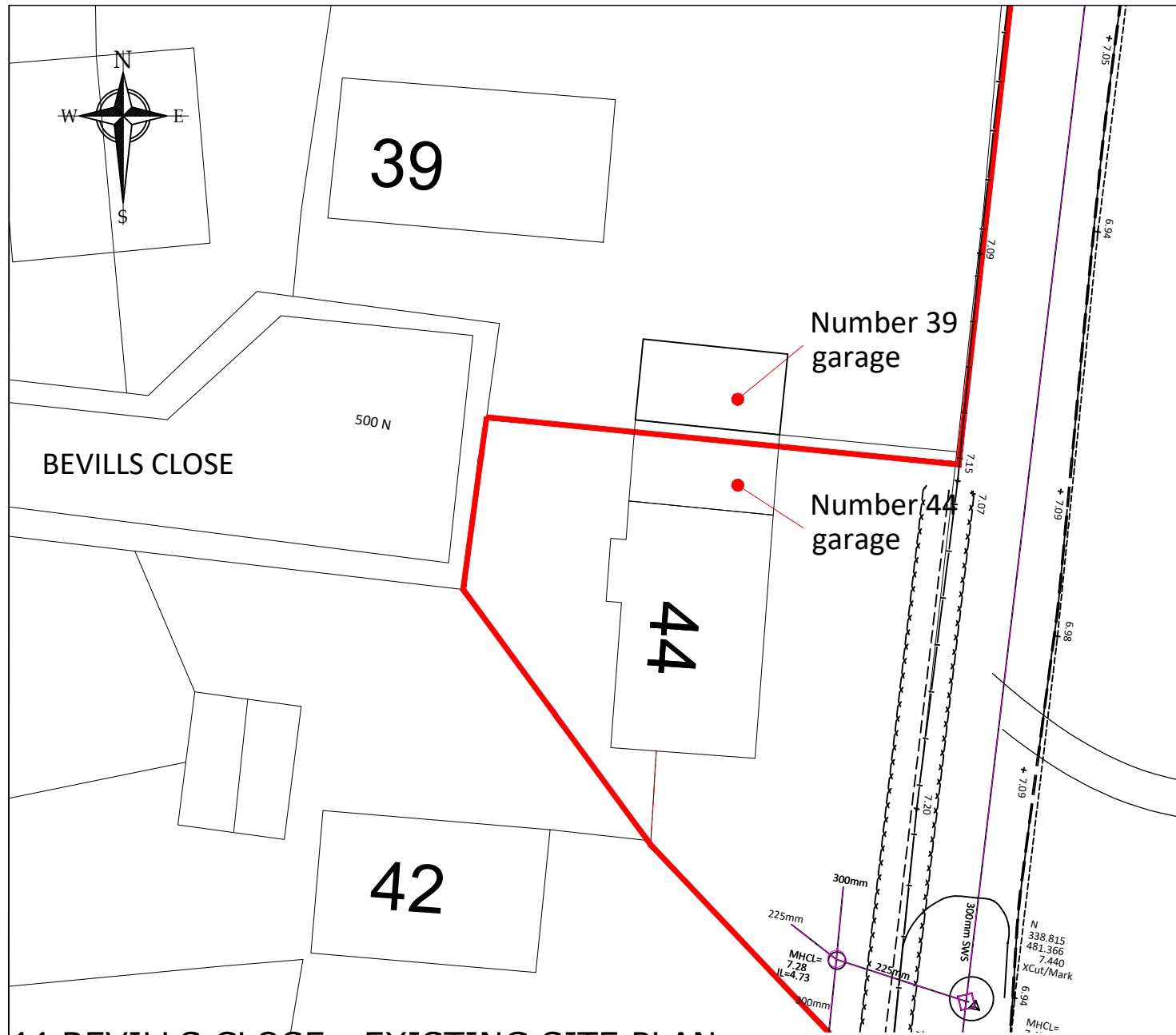
1 Goodison Road, Lincs Gateway Business Park,  
Spalding, Lincs, PE12 6FY T: 01406 490590

PROJECT:	Proposed Residential Development at Bevills Close Doddington
DRAWING:	Construction and Traffic Management Plan
SCALE:	1:500@A1
DATE:	DEC.2021
DRAWING No:	53-CMP-01

## CONSTRUCTION MANAGEMENT PLAN

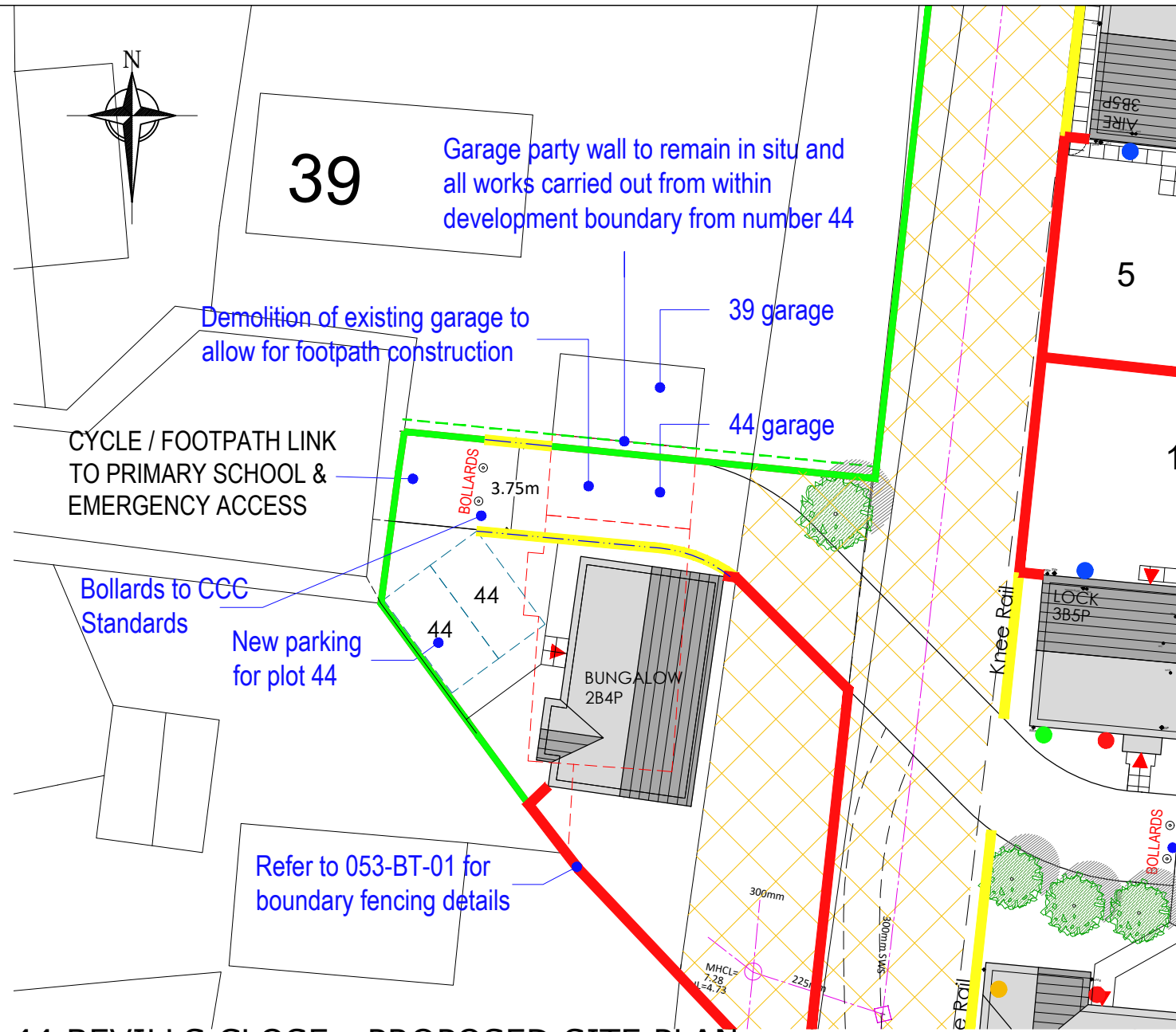
Scale 1:500





44 BEVILLS CLOSE - EXISTING SITE PLAN

Scale 1:250



44 BEVILLS CLOSE - PROPOSED SITE PLAN

Scale 1:250

44 Bevills Close to be carefully dismantled and demolished. Plot 44 garage to be removed from within development boundary retaining party wall to Plot 39 Garage.

Proposed 2 Bed 4 Person Bungalow to be built with 2 front parking spaces.

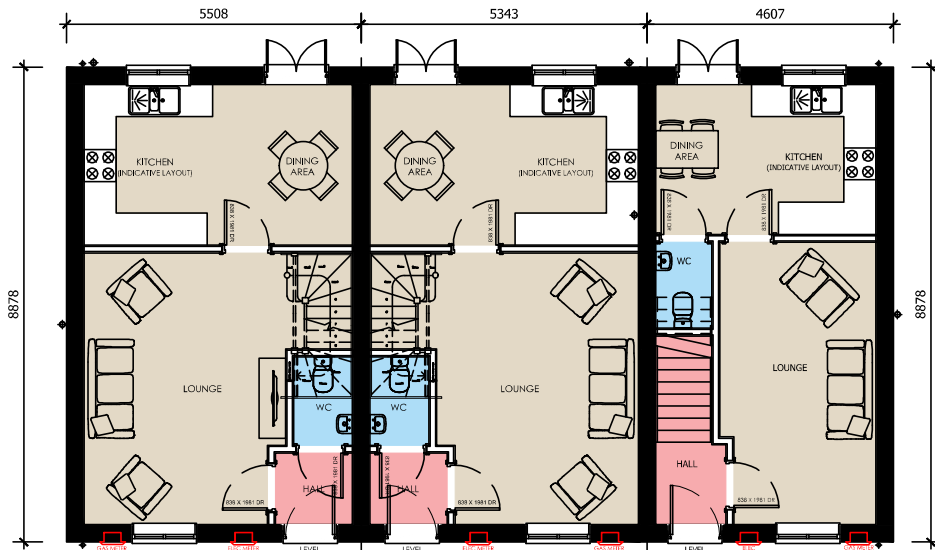
3.75m Cycle / Footpath Link to be constructed between plots 39 and 44 to link the development to Bevills Close. This is to be constructed to Cambridgeshire County Council Highway standards and will act as an emergency vehicular access only. Removable bollards will be placed at the front to prevent unauthorised vehicles accessing the link. For normal situations, this will serve as a pedestrian and cycle link.

Rev	Date	Description
A	23.05.2022	Bollards moved back, knee rail fencing added

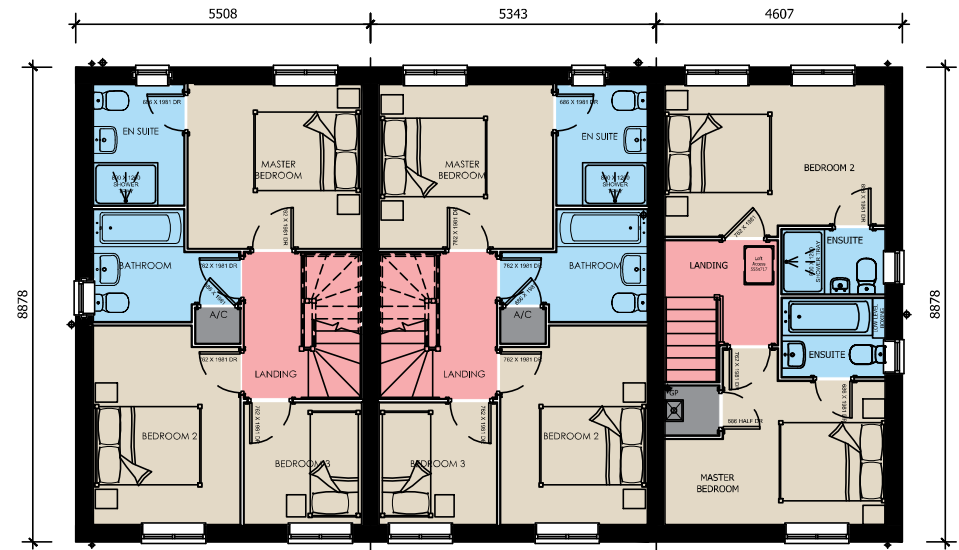


1 Goodison Road, Lincs Gateway Business Park,  
Spalding, Lincs, PE12 6FY T: 01406 490590

PROJECT:	Proposed Residential Development at Bevills Close, Doddington
DRAWING:	44 Bevills Close Existing and Proposed Plans
SCALE:	1:250@A3
DATE:	MAY.2022
DRAWING No:	053-BV-01
DRAWN:	GB
REVISION:	A



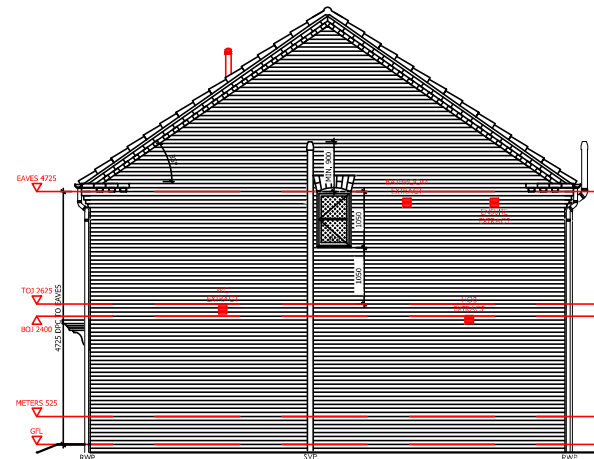
GROUND FLOOR



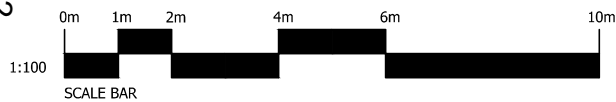
FIRST FLOOR



FRONT ELEVATION



SIDE ELEVATION



 <p>1 Goodison Road, Lincs Gateway Business Park, Spalding, Lincs, PE12 6FY T: 01406 490690</p>	HOUSE TYPE: Aire - Aire - Dee (902 / 902 / 732 FT <sup>2</sup> )
	DRAWING TITLE: DESIGN SHEET
	DRAWING NUMBER: Aire/Aire/Dee-001



FRONT ELEVATION



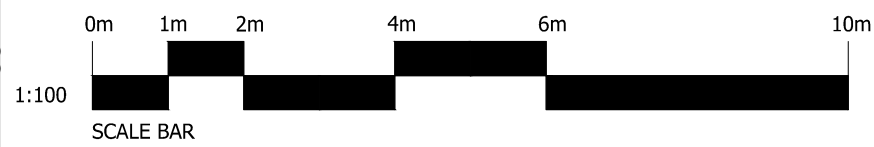
SIDE ELEVATION




REAR ELEVATION



SIDE ELEVATION

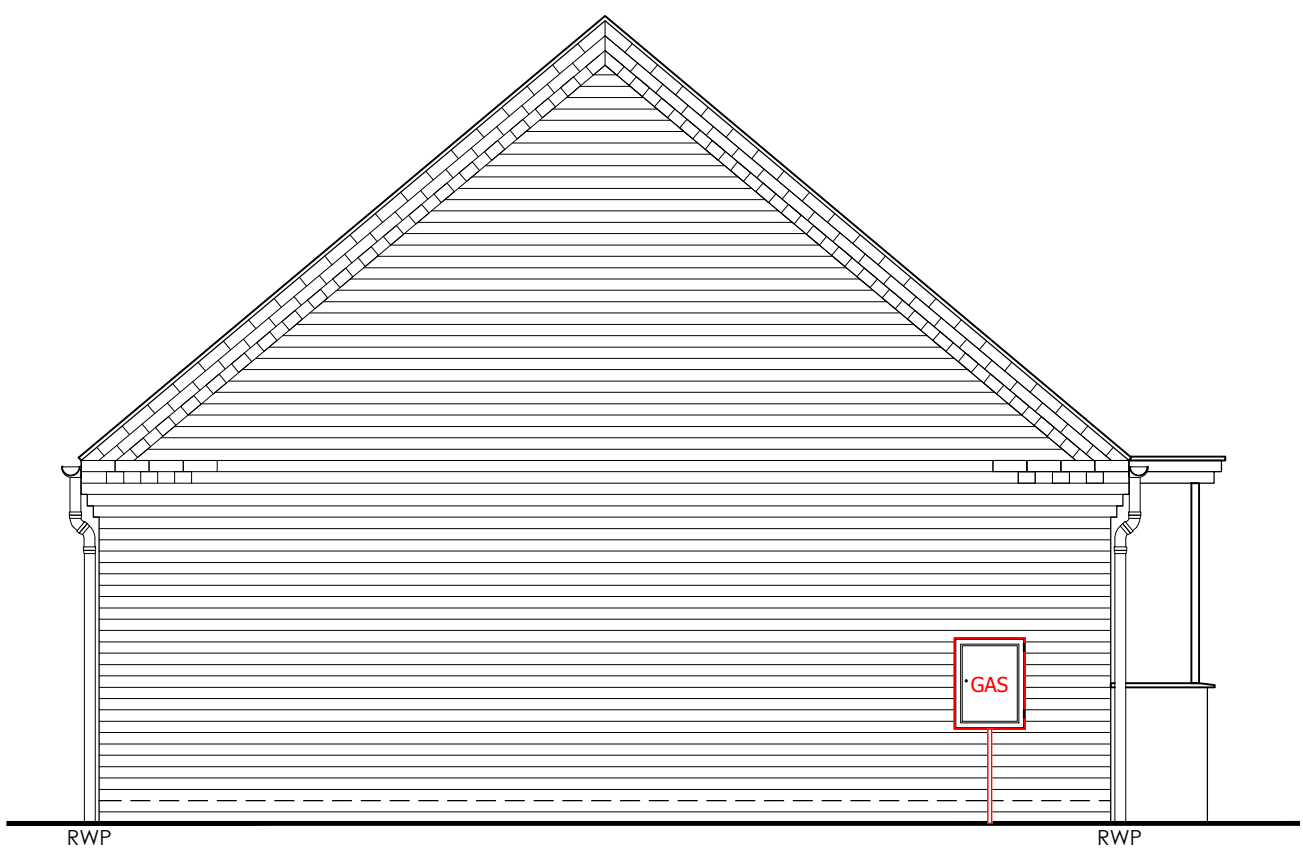
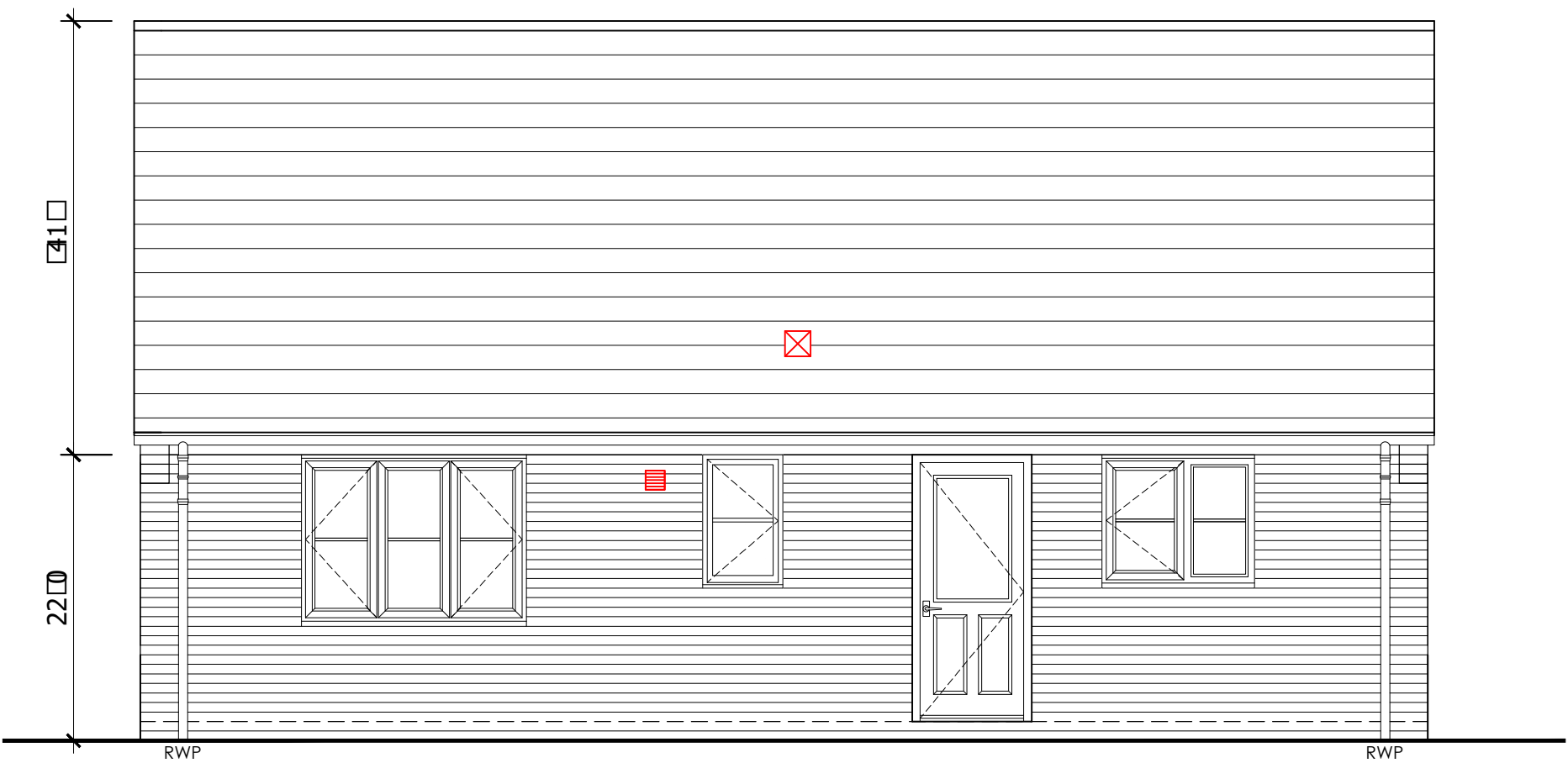




ASHWOOD  
HOMES

1 Goodison Road, Lincs Gateway Business Park,  
Spalding, Lincs, PE12 6FY T: 01406 490590

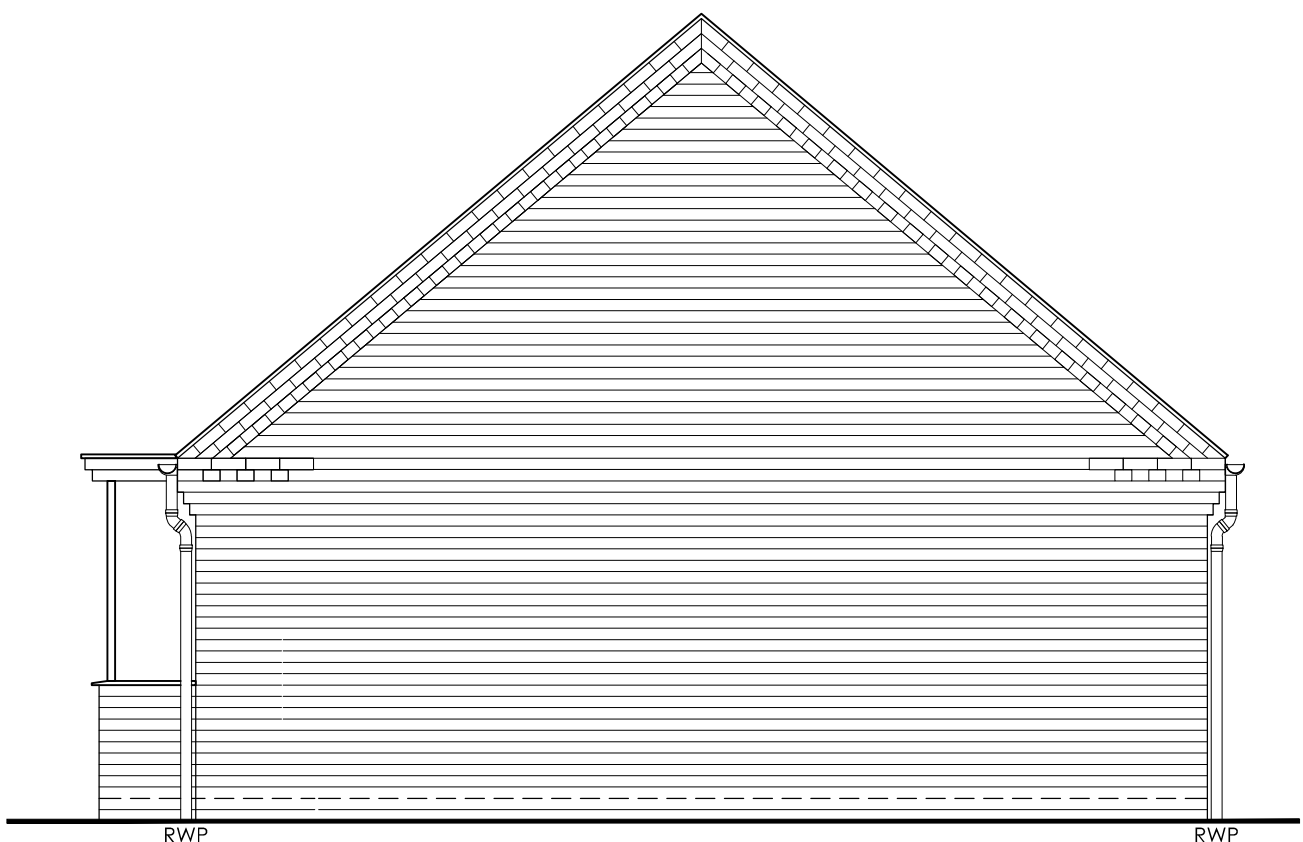
HOUSE TYPE:	HUMBER (1578 FT <sup>2</sup> )
DRAWING TITLE:	DESIGN SHEET
DRAWING NUMBER:	HUMBER-002



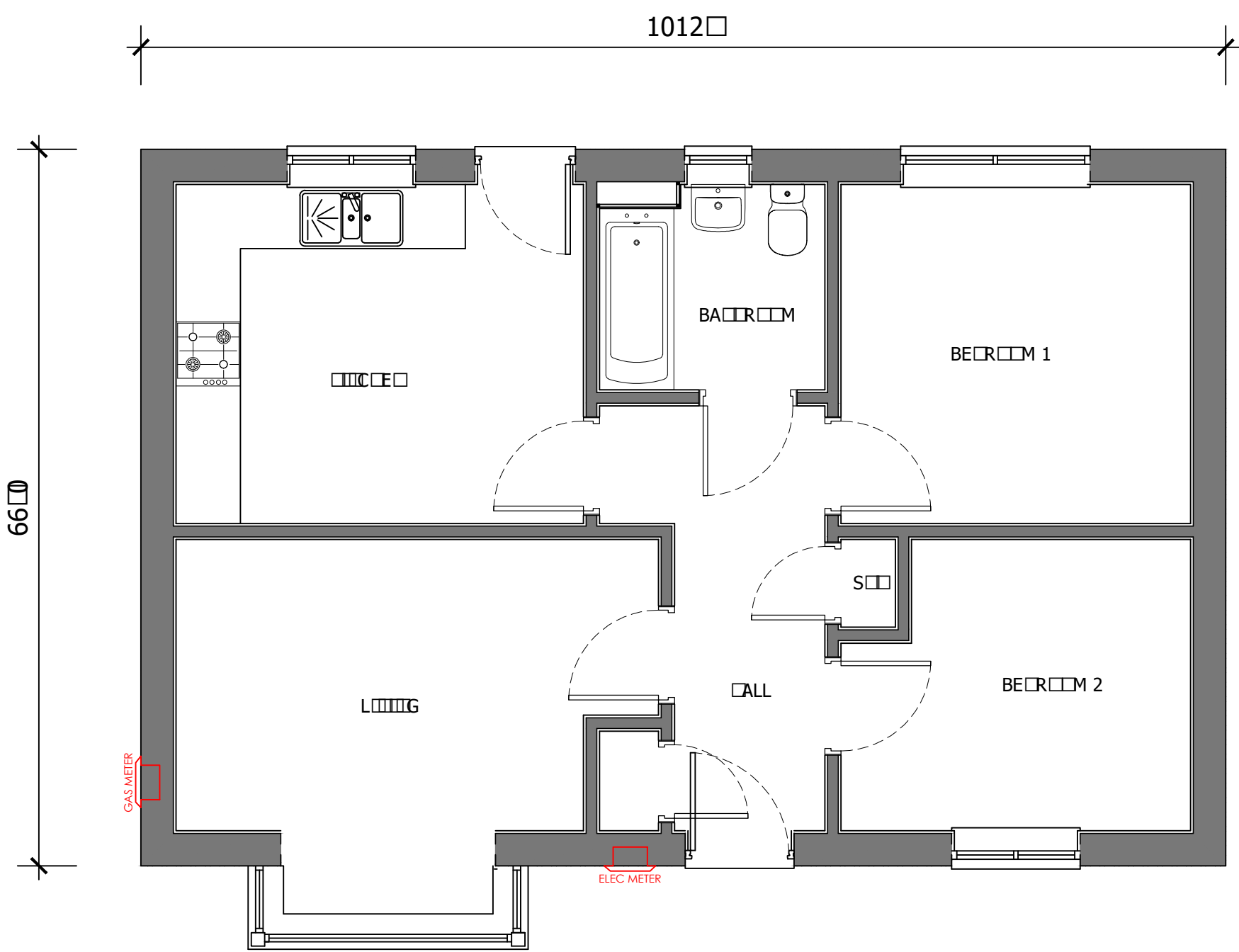
PROPOSED SIDE ELEVATION



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



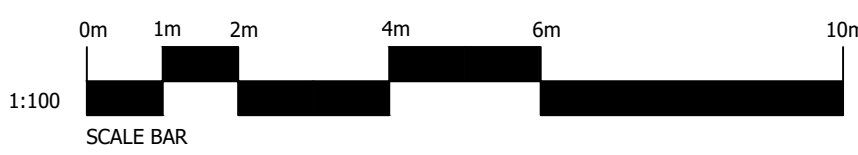
PROPOSED FLOOR PLAN

ROOM	CL	CL



1 Goodison Road, Lincs Gateway Business Park,  
Spalding, Lincs, PE12 6FY T: 01406 490590

PROJECT:	Proposed Residential Development at Bevills Close, Doddington		
DRAWING:	No 44 Bevills Close Proposed Floor Plan and Elevations		
SCALE:	1:000A1	DRAWN:	M
DATE:	01/2022	REVISION:	
DRAWING No:	53-PD-01		



**F/YR22/0604/F**

**Applicant: Mr Beckett**

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

**Land North Of, 60 Stonald Road, Whittlesey, Cambridgeshire**

**Erect 1 x dwelling (2-storey 2-bed)**

**Officer recommendation: Refusal**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 This application seeks to obtain full planning permission for the erection of a detached two-storey, two-bed dwelling fronting Northgate Close.
- 1.2 Similar schemes were refused and dismissed at appeal as a detached two-storey dwelling within a plot of this size is considered to be out of keeping with the character of properties along Stonald Road and Northgate Close. The appeal decision is a material consideration in the determination of this application.
- 1.3 The site is sustainably located in terms of the spatial strategy and accessibility to services and facilities and therefore is acceptable in principle.
- 1.4 Whilst acceptable with regards to residential amenity and highway safety, the proposal is considered to result in harm to the character and appearance of the area contrary to the development plan and hence is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The site relates to a parcel of land which was formerly part of the rear garden of No. 60 Stonald Road and is situated at the end of Northgate Close. The site therefore fronts Northgate Close.
- 2.2 The boundaries of the site is delineated by close board fencing to the sides and rear with Heras fencing to the front. The site is undeveloped, albeit with a small wooden structure present, and laid to grass.
- 2.3 The site is located within Flood Zone 1, an area of lowest risk.

## **3 PROPOSAL**

- 3.1 This application seeks full planning permission to erect a single 2-storey, 2-bed dwelling with access from Northgate Close.

- 3.2 The dwelling is to measure 6.3m wide x 9.4m deep. The roof will be of a gable style with an eaves height of 3.1m and ridge height of 6.3m. The two bedrooms will be situated within the roof space of the dwelling.
- 3.3 Amended plans were received which relocated the access to the site from the east to the west of the dwelling. Therefore, access to the site and parking is to be located to the lefthand side of the dwelling with private amenity space to the rear.
- 3.4 The dwelling is proposed to be constructed of brick with a tiled roof. No further details of materials have been provided.
- 3.5 Full plans and associated documents for this application can be found at:  
[F/YR22/0604/F | Erect 1 x dwelling \(2-storey 2-bed\) | Land North Of 60 Stonald Road Whittlesey Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0604/F | Erect 1 x dwelling (2-storey 2-bed) | Land North Of 60 Stonald Road Whittlesey Cambridgeshire)

#### 4 SITE PLANNING HISTORY

F/YR14/0242/F 15/00030/REF	Erection of a single storey 2-bed dwelling	Refused Appeal Dismissed	16.01.2015 19.01.2016
F/YR13/0267/F 13/00027/REF	Erection of a 2-storey 3-bed dwelling with attached garage	Refused Appeal Dismissed	12.06.2013 03.02.2014
F/YR12/0780/F	Erection of a 2-storey 3-bed dwelling with attached garage	Refused	05.12.2012
F/YR11/0627/F 11/00030/REF	Erection of 2 x 2-storey 2-bed dwellings	Refused Appeal Dismissed	19.10.2011 09.07.2012
F/YR09/0767/F 10/00002/REF	Erection of 2 x 2-bed semi-detached houses with associated parking	Refused Appeal Dismissed	19.01.2010 26.07.2010
F/YR09/0133/F 09/00019/REF	Erection of 2 x 2-bed semi-detached houses	Refused Appeal Dismissed	16.04.2009 17.11.2009
F/YR08/0047/F 08/00031/REF	Erection of 2 x 2-bed semi-detached houses	Refused Appeal Dismissed	10.03.2008 18.09.2008
F/YR05/1436/O 06/00063/REF	Erection of a dwelling with integral garage	Refused Appeal Allowed	03.04.2006 01.02.2007

#### 5 CONSULTATIONS

##### 5.1 Whittlesey Town Council

*06.06.2022 - The Town council recommend refusal due to over intensification of the site.*

*13.09.2022 - The Town Council recommend refusal as the dwelling design is out of character for the Northgate Street scene, there is over intensification of the site, this is also a two storey and will have overlooking issues. The turning circle could be used as a parking area would impede vehicles; the Ward Cllrs has been notified of fraudulent use on submission letters.*

## 5.2 North Level District IDB

*No comment*

## 5.3 CCC Highways

*27.07.2022 - The location of the parking bay will cause conflict with the the garage adjacent. Also, the current access opens up to the highway which appears to have a considerable drop. The drop almost acts like a retaining wall of about 300mm. This would cause a serious risk. Therefore, the applicant should reposition the access on the other side of the dwelling. Highways can review again once the application have be resubmitted.*

*07.09.2022 - The updated proposed plan is accepted.*

## 5.4 FDC Environmental Health

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

*Due to the close proximity to existing residential dwellings, I would recommend 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.*

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

## 5.5 Local Residents/Interested Parties

31 objections have been received from residents of Northgate Close, Inhams Road, Stonald Avenue, and Stonald Road, Whittlesey. The following matters summarise the majority of the material considerations raised:

- Loss of privacy and overlooking
- Out of keeping
- Overdevelopment
- Access taken from the congested turning point and associated safety issues
- Insufficient parking and concerns regarding exacerbation of street parking
- Overdevelopment

28 supporting comments have been received from residents of a range of addresses within Whittlesey. The following matters summarise the majority of the material considerations raised:

- Efficient use of land
- Well designed with adequate garden and offsite parking
- No privacy issues for neighbours
- Not at risk of flooding
- Appropriate scale of housing for Whittlesey

## 6 STATUTORY DUTY

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**National Design Guide 2019**

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP11 – Whittlesey

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

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 LP4: Securing Fenland's Future

Policy LP5: Health and Wellbeing

Policy LP7: Design

Policy LP8: Amenity Provision

Policy LP20: Accessibility and Transport

Policy LP22: Parking Provision

### **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 9 – Garden Development



## 8 KEY ISSUES

- Principle of Development
- Character and Appearance
- Residential Amenity
- Vehicular Access and Parking

## 9 BACKGROUND

- 9.1 There is extensive history for this site with numerous applications refused, and dismissed at appeal, for a two-bed property of varying forms. Whilst the majority of these applications were submitted prior to the adoption of Fenland Local Plan (2014), the most recent refusal and appeal decision was considered against the current local plan and therefore these decisions are a material consideration in the determination of this application.
- 9.2 The proposal submitted under F/YR14/0242/F was for the erection of a single storey 2-bed property measuring circa 6.8m wide x 10.6m deep with a hipped roof measuring circa 2.3 to eaves and 4.6m to ridge. Whereas the currently proposed dwelling measures 6.3m wide x 9.4m deep an eaves height of 3.1m and ridge height of 6.3m. Therefore, whilst the footprint of the dwelling has been reduced, the overall bulk has been increased by the addition of a second floor. The layout of the refused proposal was similar with off-street parking to the side of the dwelling and rear amenity space.
- 9.3 The scheme under F/YR14/0242/F was refused for the following reason:  
*Policy LP16 seeks to ensure that high quality environments are delivered and protected throughout the district. The design and layout of the proposal does not respond to or improve the character of the local built environment, nor does it reinforce the local identity. The development would be out of keeping with established form and character of the area and is contrary to Policy LP16 of the Fenland Local Plan (2014) and the NPPF (2012).*
- 9.4 Furthermore, the Planning Inspector concluded that:  
*“the appeal proposal would cause significant harm to the character and appearance of the area and conflict with Policy LP16 of the Fenland Local Plan (2014) and paragraph 58 of the National Planning Policy Framework which aim to ensure that new development reinforces local identity and makes a positive contribution to the character and appearance of the area”.*

## 10 ASSESSMENT

### Principle of Development

- 10.1 Policy LP3 of The Fenland Local Plan identifies Whittlesey as a ‘Market Town’ where the majority of the district’s housing should take place. Furthermore, Policy 9 of the Whittlesey Draft Neighbourhood Plan supports the residential development of garden land subject to consideration of matters including, but not limited to, the character of the area, visual and residential amenity, access, and parking. As such, the principle of the development is acceptable subject to compliance with all other policies as set out below.

### Character and appearance

- 10.2 The site forms part of the rear garden of No. 60 Stonald Road which backs onto Northgate Close, a residential cul-de-sac. Stonald Road is characterised by

properties with spacious plots with long back gardens. Along Northgate Close properties are predominantly two-storey semi-detached with modest driveways and front gardens. There is a single detached property situated off the turning head and subsequently set behind the established building line. This property is therefore not visible along Northgate Close when viewed from Northgate. Either side of the application site are garages which serve the neighbouring properties on Stonald Road but take access from Northgate Close.

- 10.3 The prevailing character of Northgate Close is therefore a uniform residential street of semi-detached properties lining the east and west side of the road set back from the roadside. The street scene at the end of the cul-de-sac was previously described by the Planning Inspector as one of a 'service area', comprising a mixture of back gates, fences/walls and garages fronting the street. Whilst the site has been opened up in anticipation of development, the character identified by the Inspector still remains.
- 10.4 The proposal would introduce a two-storey dwelling into this area between the ancillary single storey garages of neighbouring properties. The site is therefore highly visible and would form the viewpoint at the end of the cul-de-sac, becoming the dominant focal point when viewing Northgate Close from Northgate. The dwelling would be situated relatively close to the highway verge in relation to the existing built form and the overall scale, form and design of the proposal would not respond well to the pattern and form of existing residential development on Northgate Close.
- 10.5 Given the limited plot depth, the proposal would have a short rear garden of approximately 7m. Whilst this is sufficient with regards to amenity provision, it is not reflective of the spacious garden areas which characterise the neighbouring properties.
- 10.6 The proposed dwelling would therefore appear incongruous and out of context with the form and pattern of development on Northgate Close as well as the spacious qualities of neighbouring properties on Stonald Road.
- 10.7 Overall, the proposed dwelling would not contribute positively to the character of the area and would be contrary to Part 12 of the NPPF, Policy LP16 of the Fenland Local Plan, Policies 7 and 9 of the Whittlesey Draft Neighbourhood Plan and the guidance of the National Design Guide. Furthermore, the proposal would also be contrary to the emerging policy LP7 of the Draft Local Plan.

### **Residential Amenity**

- 10.8 As discussed above, the proposed rear amenity space would be sufficient with regards to the amenity of future occupiers, being over one third of plot as required by Policy LP16 criterion h of the Fenland Local Plan.
- 10.9 Given the positioning of the dwelling and the separation distances to neighbouring properties, the proposal is not considered to result in significant and demonstrable loss of light, overshadowing or overbearing impacts.
- 10.10 First floor fenestration is limited to a single window to the front and rear, serving the bedrooms, with a frosted rooflight to the west elevation serving the bathroom. The relationship between the rear bedroom window and the properties of Stonald Road results in a degree of overlooking to their rear amenity spaces.

- 10.11 The views to the amenity space of the adjacent neighbours would be reduced, taking into account the boundary treatments, and with a separation distance of circa 20.5m to the closest first floor window, the proposal is not considered to result in a significant and detrimental impact on the amenity of neighbours, particularly considering the existing degree of mutual overlooking as expected within a residential area.
- 10.12 Overall, on balance, the proposal is considered to comply with Policy LP16 of the Local Plan and Policy 7 of the Whittlesey Draft Neighbourhood Plan.

### **Vehicular Access and Parking**

- 10.13 Access to the site is to be taken from Northgate Close and, following the repositioning of the access, CCC Highways raise no objections to this arrangement.
- 10.14 In accordance with the Fenland Local Plan parking standards, the proposed site plan shows that two vehicles may be accommodated on site as required by the Fenland Local Plan.

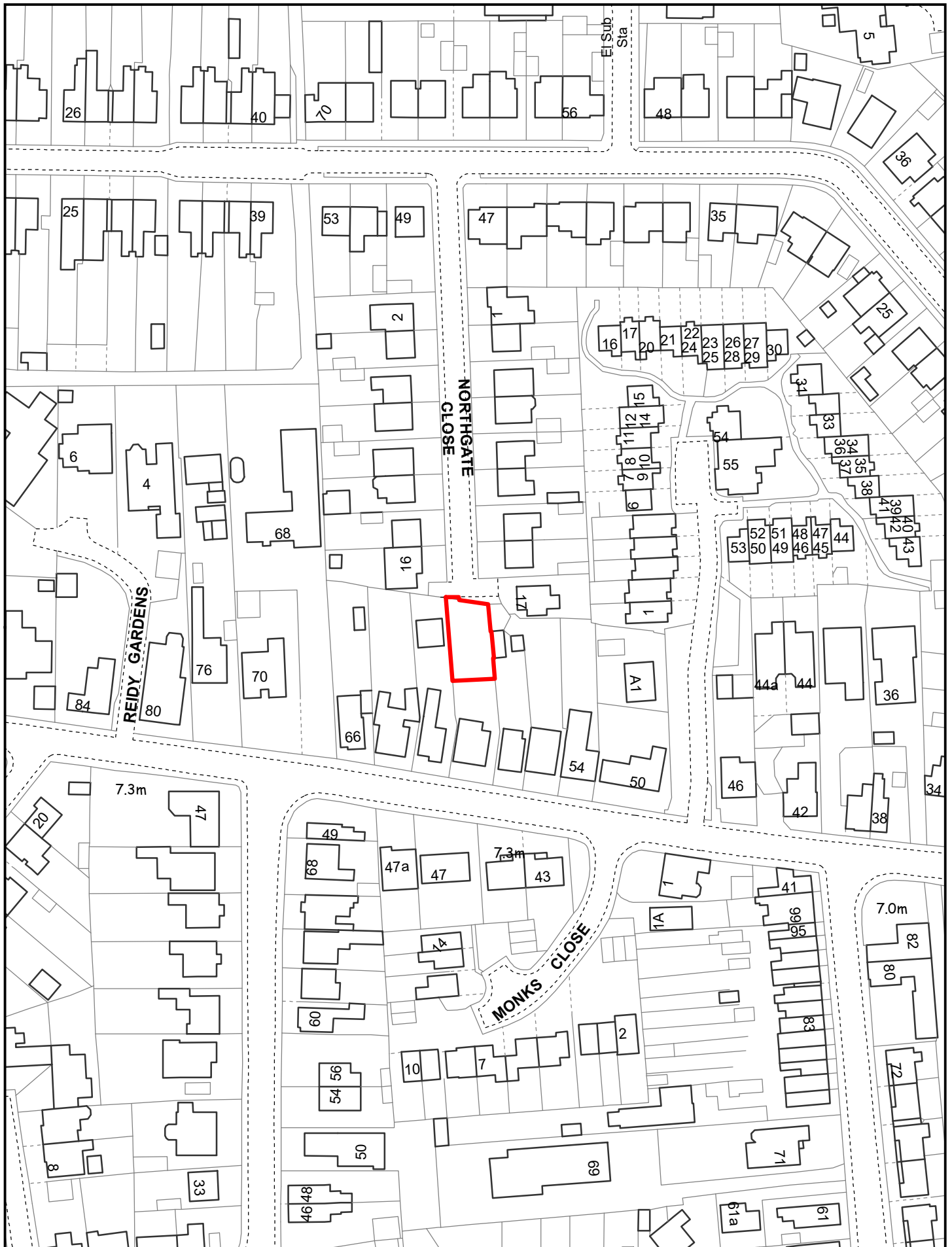
## **11 CONCLUSIONS**

- 11.1 The proposal does not overcome the previous reason for refusal as upheld by the Planning Inspector at appeal. Overall, having regard to local and national planning policy and all other material considerations, the proposal is considered unacceptable based on the above assessment.

## **12 RECOMMENDATION**

**Refuse** for the following reason:

1	The proposed dwelling, by virtue of its positioning, scale and form, would appear incongruous and out of context with the form and pattern of development on Northgate Close as well as the spacious qualities of neighbouring properties on Stonald Road. The proposal would not contribute positively to the character of the area and would be contrary to Part 12 of the NPPF, Policy LP16 of the Fenland Local Plan, Policies 7 and 9 of the Whittlesey Draft Neighbourhood Plan and the guidance of the National Design Guide. Furthermore, the proposal would also be contrary to the emerging policy LP7 of the Draft Local Plan.
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**F/YR22/0604/F**

Scale = 1:1,250











PROPOSED GROUND FLOOR PLAN  
(1:50)



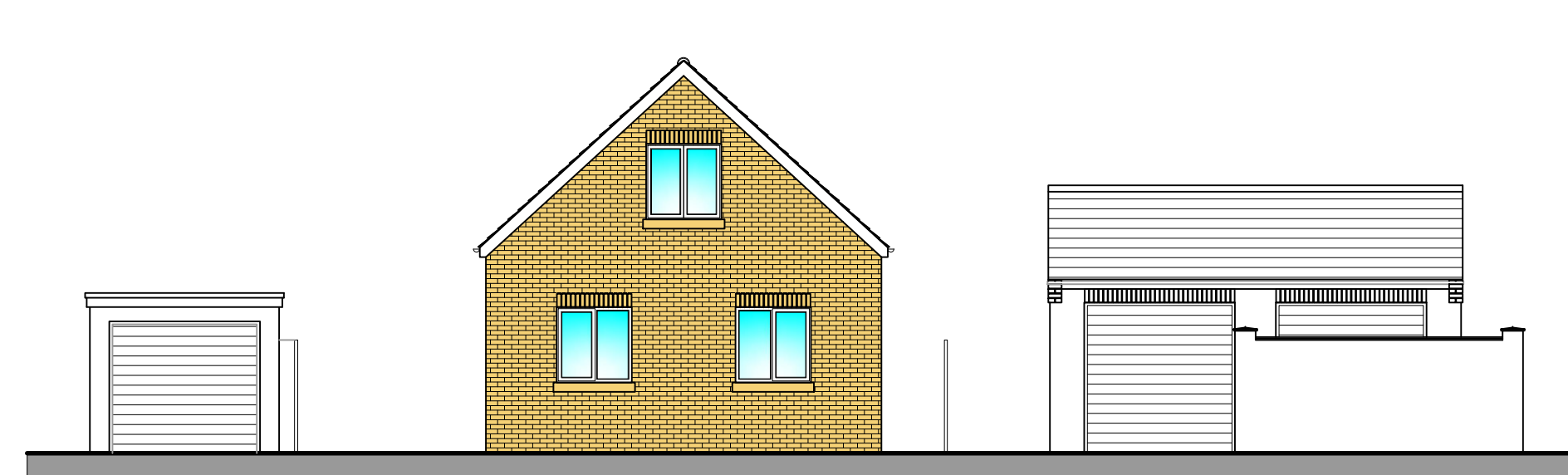
PROPOSED FIRST FLOOR PLAN  
(1:50)



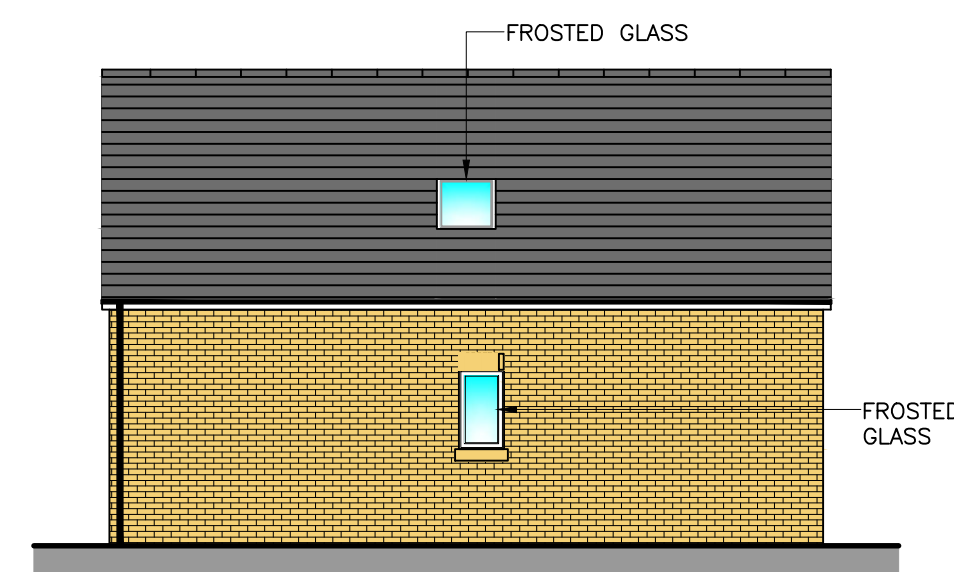
PROPOSED FRONT ELEVATION  
(1:50)



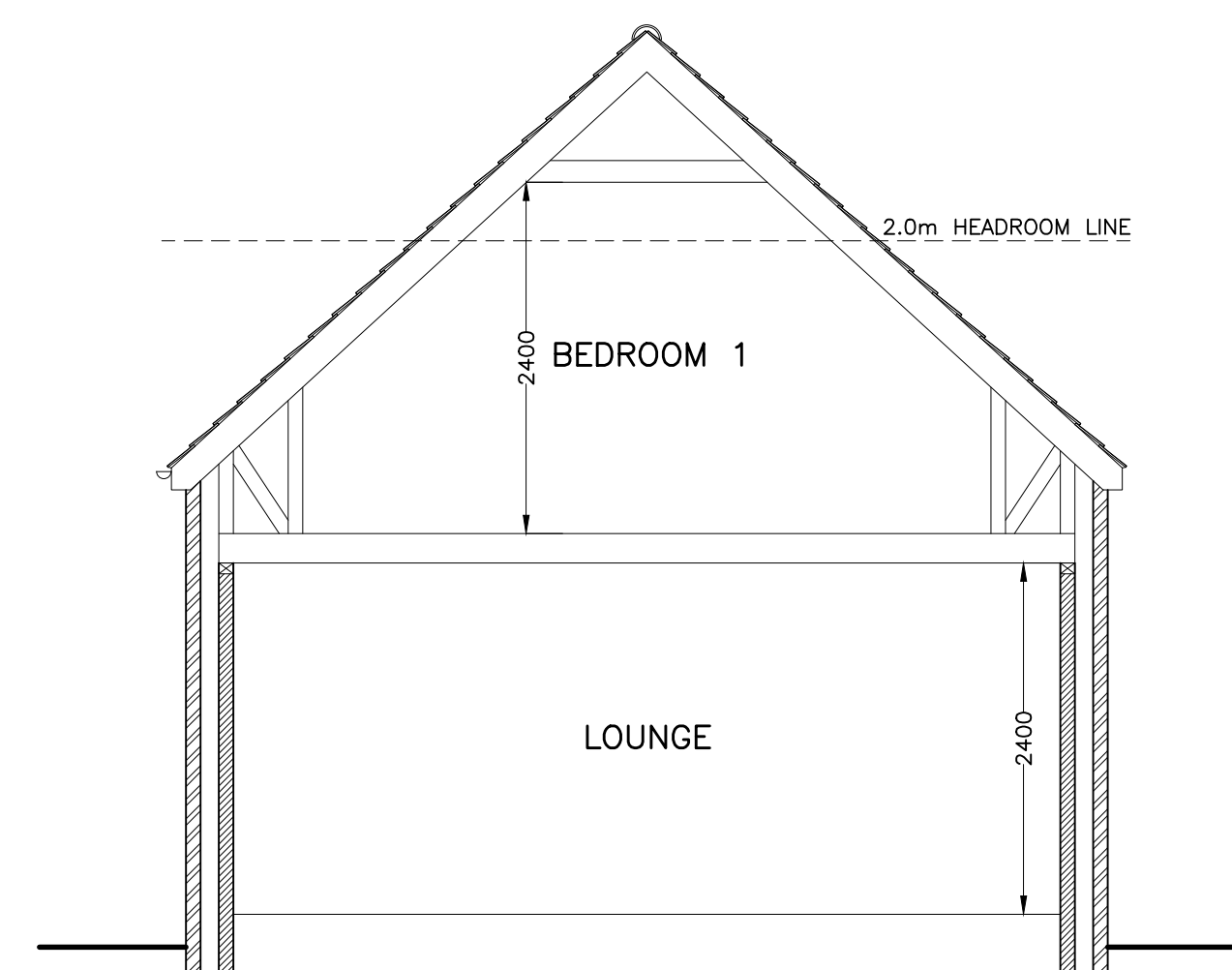
PROPOSED REAR ELEVATION  
(1:50)



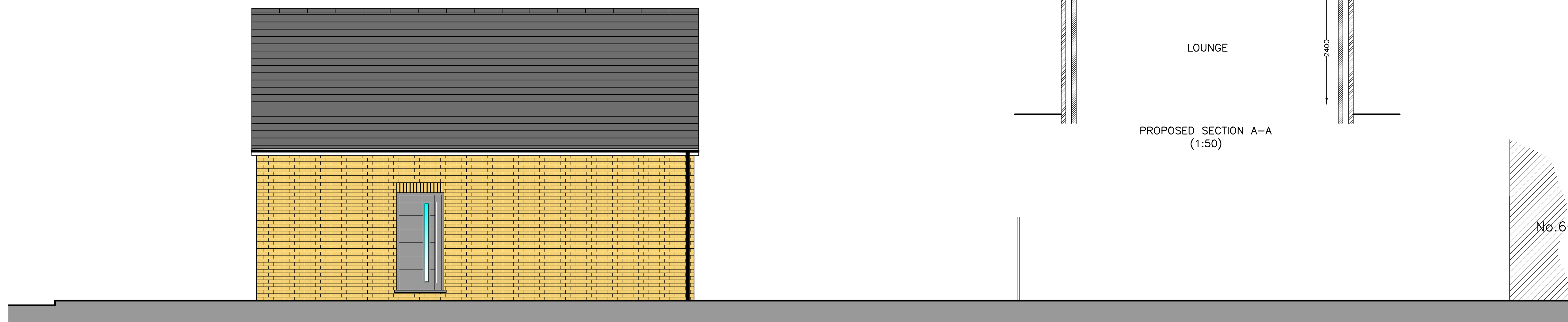
PROPOSED STREET SCENE  
(1:100)



PROPOSED LHS ELEVATION  
(1:100)



PROPOSED SECTION A-A  
(1:50)



PROPOSED RHS ELEVATION  
(1:50)

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Please read, if in doubt ask. Change nothing without consulting the Engineer.

Contractors to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.

Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work.

Materials, products and workmanship to comply with all British Standards and COTA 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

B A	PLANNERS COMMENTS PLANNERS COMMENTS	AUG 22 AUG 22
	REVISIONS	DATE

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 Fenland District Council

**Building Design Awards**  
 Building Excellence in Fenland

CATEGORY WINNER  
 2009 & 2011

winner

CLIENT

Mr Beckett

PROJECT

Rear of 60 Stonald Road,  
Whittlesey  
Cambs  
PE7 1QW

TITLE

Proposed Plans  
& Elevations

SEARCH	R.Papworth	DATE OF ISSUE	H8157/02B
CHECKED			
DATE	April 2022	DRAWING NUMBER	
SCALE	As Shown		

**F/YR22/0869/F**

**Applicant: Mr Simon Howard  
Howard Renovations Ltd**

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

**7 Station Road, Manea, March, Cambridgeshire PE15 0JL**

**Change of use from restaurant and 2-bed dwelling to a house of multiple of occupation (HMO) (Sui-Generis) for up to 11 persons, and retention of existing 2-bed dwelling, outbuilding for storage and demolition of existing shed (part retrospective)**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission to change the use of the restaurant and rooms (5 rooms with shared bathroom and WC) to a 6-bed HMO for accommodation of up to 11 residents with shared communal facilities and outside space. An HMO would require a licence and be subject to the necessary legislative requirements. The 2-bed dwelling is to be retained and will have a separate external area.
- 1.2 The principle of development in this location is accepted subject to compliance with the relevant policies. The loss of the restaurant with rooms is considered to be justified and it is likely that residents would utilise shops and facilities within the village, contributing to its sustainability.
- 1.3 The proposal is not considered to create a significant adverse impact on visual amenity or the character of the area and there are no significant issues in relation to flood risk, drainage or ecology.
- 1.4 However, the number of residents is considered an over development of this modest site, and this coupled with inadequate parking provision, results in the potential for a poor living environment for residents and a significant detrimental impact on the residential amenity of surrounding dwellings.
- 1.5 The benefits of the scheme are not considered to outweigh the harm that would be created, and as such the recommendation is one of refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site is located on the western side of Station Road and comprises of the former 'Classics' restaurant with rooms above and the associated 2-bed dwelling attached. The building is 2-storey and 'L' shaped with a single-storey lean-to element to the rear.

- 2.2 There is a narrow tarmac access drive situated between 7 and 5 Station Road, leading to a small parking and garden area to the rear, there is also a part single-storey, part 2-storey height (there does not appear to be a first floor) brick built outbuilding/store which forms the rear boundary of the site. The shed has already been demolished and the garden area predominantly cleared of vegetation.

### **3 PROPOSAL**

- 3.1 The application seeks full planning permission to change the use of the restaurant and rooms (5 rooms with shared bathroom and WC) to a 6-bed HMO for accommodation of up to 11 residents with shared communal facilities and outside space. Intensive residential occupation of the building has already taken place which resulted in the Private Sector Housing Team and the Fire Service visiting the site, hence the retrospective nature of the application; the precise situation currently is unclear and unauthorised.
- 3.2 Ground floor accommodation is to comprise of 1 bedroom with en-suite, communal kitchen, lounge and dining room, entrance hall/lobbies, stores, 2 WC's and shower room. The first floor comprises 5 bedrooms, 1 with en-suite, utility room, 2 shower rooms, 2 WC's and a bathroom. Internal alterations are proposed to facilitate this, the external appearance remains the same aside from replacement windows of the same design.
- 3.3 The accommodation is required, according to the submitted information, to provide temporary, permanent, flexible and seasonal accommodation for workers. An HMO is being applied for and as such would require a licence and be subject to the necessary legislative requirements.
- 3.4 The 2-bed dwelling is to be retained and will have a separate external area.
- 3.5 The existing outbuilding is to be retained for storage and the shed has already been demolished. A bin storage area is proposed in the location of the former shed and 2m high timber close boarded fence proposed to enclose the boundary in this location with 1.8m high fence to screen the store to the front. External cycle storage is also proposed.
- 3.6 3 parking spaces are indicated to be surfaced in tarmac and demarcated with a turning area behind.
- 3.7 Full plans and associated documents for this application can be found at:

[F/YR22/0869/F | Change of use from restaurant and 2-bed dwelling to a house of multiple of occupation \(HMO\) \(Sui-Generis\) for up to 11 persons, and retention of existing 2-bed dwelling, outbuilding for storage and demolition of existing shed \(part retrospective\) | 7 Station Road Manea March Cambridgeshire PE15 0JL \(fenland.gov.uk\)](#)



## 4 SITE PLANNING HISTORY

F/YR20/1257/F	Change of use from restaurant and 2-bed dwelling to mixed use of 7-bed unit for accommodation of up to 18 residents with shared communal facilities and 2-bed dwelling involving retention of existing outbuilding for storage and demolition of existing shed (part retrospective)	Refused 20/08/2021  Appeal in progress
F/0701/76/F	Use of premises as a guest house (retrospective)	Granted 22/11/1976

## 5 CONSULTATIONS

### 5.1 Private Sector Housing Team (FDC)

*The PSH team have no objections to this planning proposal.*

### 5.2 Parish Council

*Refuse:*

*Inadequate parking provision*

*Over development*

*Constricted access*

*Noise and disturbance*

### 5.3 Designing Out Crime Team (2/9/2022)

*Thank you for the opportunity to comment on this revised planning application. I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering this location for the last 2 years a two-year period would usually provide sufficient information however, these figures also take account of Covid-19 lockdown and restrictions. I would consider this to be an area of low risk to the vulnerability to crime at present. We need to ensure that community safety and vulnerability to crime is addressed at an early stage with this application.*

*Please see my comments below as per previous comments 16<sup>th</sup> August 2022.*

*Crimes of note:*

<i>Crime Type</i>	<i>Total crimes for the ward = 228</i>
<i>Assault With Injury</i>	<i>4</i>
<i>Assault Without Injury</i>	<i>3</i>
<i>Burglary Residential</i>	<i>1</i>
<i>Public Order/Anti-Social Behaviour. Inc, Race and Religious offences</i>	<i>4</i>
<i>Criminal Damage Vehicle</i>	<i>2</i>
<i>Criminal Damage Other</i>	<i>1</i>
<i>Theft From Motor Vehicle</i>	<i>1</i>

- Flats communal entrance's (front and rear) - Visitor Entry System (Audio Visual) & Access Control - it would be good to see what access control and visitor entry systems are being proposed – our recommendation is audio/visual visitor entry to allow the residents to see and speak to visitors prior to allowing access. There should be no trade buttons or other electronic release mechanisms.
- Post boxes - Ideally external wall mounted boxes TS009 standards fitted with restrictors.
- External lighting - please could you clarify what lighting there will be for the property, external lighting should be to BS5489:2020 standards. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights (including ground floor flats) and the building line. Please note: Bollard lighting should be used as wayfinding only and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. (There are column lights that are sympathetic to the environment and work alongside wildlife ecology and light pollution!).
- Cycle Sheds – (I would like to see a design of the proposed shed once available) - door hinges should be coach-bolted through the shed structure or secured with security or non-return screws;
  - Two hasp and staples that meet 'Sold Secure' Silver should be used. One positioned 200mm - 300mm down from the top of the door, and one positioned 200mm - 300mm up from the bottom of the door. Additionally, hasp and staples should be coach bolted through the shed structure or secured with either security or non-return screws;
  - Both padlocks should meet 'Sold Secure' Gold or LPS 1654 Issue 1.1:2014 Security Rating 1 standard padlocks to be used;
  - Shall be securely fixed to a suitable substrate foundation.  
<https://www.securedbydesign.com>
- Sheffield stands - the design problems that we are trying to prevent are cycle hoops bolted into the ground; they need to be cemented 300mm into the floor, they should be within view of active windows. Minimum requirements for such equipment are:
  - Galvanised steel bar construction (Sheffield stands).
  - Minimum foundation depth of 300mm with welded 'anchor bar'
  - The cycle stands must facilitate the locking of both wheels and the crossbar. (Cycle crime is a problem across the County particularly Cambridge this area is a regularly targeted hotspot). They should be in view of windows, overlooked by CCTV with appropriate lighting and signage.

*There doesn't appear to be a section in the Design and Access statement relating to security or crime prevention, it is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for residents and visitors.*

*I am happy if these could be a Condition should planning approval be given, as I consider it is essential for community safety and to reduce risk for opportunistic crime and disorder.*

#### **5.4 Environmental Health (FDC) (10/8/2022)**

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

*Due to close proximity of existing residential properties, I would recommend that the following condition is imposed in the event that planning permission is granted;*

#### **NOISE CONSTRUCTION HOURS**

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

#### **5.5 Environmental Health (FDC) (5/9/2022)**

*I note the re-consultation in respect of the above and confirm that this service has no further comments to make. Therefore, those of 10.08.22 are still considered relevant.*

#### **5.6 Cambridgeshire County Council Highways**

*From my reading the application F/YR22/0869/F is largely similar to the historic application F/YR20/1257/F bar the lower proposed occupancy of the site.*

*As Alex didn't object to the previous application and the access, turning, parking etc., is not materially different, I don't object to this scheme either.*

*Can you please append the following conditions, should the application be approved?*

*Parking/Turning Area: Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).*

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

#### **5.7 Environmental Services Operations Manager (Refuse Team)**

*With the proposal for this property to be changed to up to 11 person HMO and retention of the 2 bed dwelling the maximum number of bins that would be as per our waste service standards [Getting it Sorted Policies and Procedures \(fenland.gov.uk\)](https://www.fenland.gov.uk). For the 2-bed dwelling this would be 1 x 240 litre General Waste Bin and 1 x 240 Recycling bin, for the 11 person HMO this would be 2 x 240 litre General Waste Bins and 2 x 240 Recycling Bins collected on a 2-weekly basis.*

*Any additional waste generated outside of these service standards are not domestic waste and collection via a licenced waste carrier would need to be put in place by the landlord or management company at their expense. With the number of proposed residents' alternative arrangements above the standard bin provision will be required. The design and access statement indicates that alternative arrangements via a licensed waste carrier will be put in place therefore we would have no objections to this application.*

## **5.8 Cambridgeshire Fire and Rescue**

No comments received

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

33 objections have been received (6 from Station Road, 1 from Teachers Close, 1 from Williams Way, 2 from Scholars Close, 2 from Mason Close, 2 from Wisbech Road, 1 from Hutchinson Close, 2 from St. Nicolas Close, 3 from Orchard Way, 1 from Orchard Close, 3 from East Street, 1 from Parkview Lane, 1 from Willow Drive, 1 from Park Road, 2 from High Street, 1 from Parkside, 1 from Rutland Way, 1 from Charlemont Drive, 1 from School Lane, all Manea), in relation to the following:

- Health and safety/quality of life for residents/insufficient amenity space
- Loss of residential amenity/overlooking
- On street parking/road and pedestrian safety (close to school and bend in road)
- On site parking/access inadequate
- Public transport would not support nature of residents/private vehicle use
- Too many residents/overdevelopment
- Not suitable for a small village
- Anti-social behaviour (has already been experienced and police attended)
- Noise/disturbance
- Similar to previous application/issues the same
- HMO not required in Manea
- Waste/litter, proximity of store to existing residents
- Property untidy
- Would set a precedent for HMOs and reduce number of family dwellings
- Devaluation of property
- Out of character
- 2-bed dwelling could be used as HMO and additional residents could be housed in main unit
- Removal of hedge/tree/impact on wildlife
- Garage/shed already removed and boundary to adjoining property left open
- Existing outbuilding in poor repair and contains asbestos
- Concerns regarding site management

7 supporting comments have been received (6 from Station Road and 1 from Glebe Close, Manea), in relation to the following:

- Option for low-cost/affordable living accommodation
- Increased cost of living
- Have not experienced any trouble with the site
- Support local businesses
- Has been restaurant/B&B would be good conversion due to layout/size

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

It should be noted that devaluation of property 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

Movement – M3

Homes and Buildings – H1, H2, H3

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP6 – Employment, Tourism, Community Facilities and Retail

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### **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:

LP1 – Settlement Hierarchy

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP11 – Community Safety

LP17 – Culture, Leisure, Tourism and Community Facilities

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP32 – Flood and Water Management

## 8 KEY ISSUES

- Principle of Development and Economic Growth
- Design considerations and visual amenity of area
- Residential Amenity/Health and wellbeing
- Highways and parking
- Flood Risk and Drainage
- Ecology

## 9 BACKGROUND

- 9.1 Pre-application advice was provided in July 2020 regarding the change of use of the restaurant with rooms to a 7-bed HMO and retention of the existing 2-bed dwelling. Limited information was provided regarding the details of the proposed use and number of residents, it was advised that in principle an HMO may be acceptable in this location subject to a suitable scheme coming forward, sufficient parking and amenity would need to be provided and justification in relation to the loss of the community facility. Information was also provided regarding HMO licencing requirements. Notwithstanding this, pre-application advice is caveated that comments are an expression of opinion only and are made without prejudice to the determination of any subsequent application that may be made.
- 9.2 A planning application (F/YR20/1257/F) was subsequently submitted for the change of use from restaurant and 2-bed dwelling to mixed use of 7-bed unit for accommodation of up to 18 residents with shared communal facilities and 2-bed dwelling involving retention of existing outbuilding for storage and demolition of existing shed (part retrospective).
- 9.3 This proposal was considered to fall outside the scope of HMO legislation and more akin to a Hostel, which would not be subject to the same regulatory control in relation to safeguarding the well-being of occupants. This application was refused by Planning Committee in August 2021 for the following reason:

*Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity, promote health and wellbeing, reduce the fear of crime and anti-social behaviour and avoid adverse impacts. Policy LP16 seeks to create high quality living environments and ensure developments provide sufficient private amenity space and do not have adverse impacts on neighbouring users. Policy LP15 seeks to ensure developments provide well designed car parking appropriate to the amount of development proposed.*

*The proposal is considered to constitute an overdevelopment of this modest site. The number of residents, nature of the use, unacceptable waste collection arrangements and burden placed on the surrounding area to meet increased parking demand would result in a poor quality living environment for residents of the development and a significant detrimental impact on the residential amenity of neighbouring residents through noise and disturbance, contrary to the aforementioned policies.*

- 9.4 The above application is subject to an ongoing appeal, which the Council have recently been advised is proposed be dealt with under the Hearing procedure, rather than Written Representations as was originally the case. Interested parties will be notified in due course.

- 9.5 The current submission applies for an HMO (which is of a different character to the previous scheme) and reduces the number of residents in the main building to a maximum of 11 whilst retaining the separate 2-bed dwelling unit.

## 10 ASSESSMENT

### **Principle of Development and Economic Growth**

- 10.1 The application site is located within the settlement of Manea which is identified within the Settlement Hierarchy as a Growth Village; Policy LP3 of the Fenland Local Plan 2014 advises that development and new service provision either within the existing settlement (such as this site) or as small village extensions will be appropriate. Policy LP12 of the Fenland Local Plan 2014 (Part A) advises that for villages, new development will be supported where it contributes to the sustainability of the settlement. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways, flood risk or ecology.
- 10.2 LP6 of the Fenland Local Plan 2014 seeks to retain community facilities unless there is adequate justification, this would be applicable to the loss of the restaurant as it provides a service to the village. The current application provides no evidence to justify the loss, relying on the fact the Council have accepted this under the previous application (F/YR20/1257/F), which acknowledged the following:

*A statement has been provided by the previous owners, advising that the building was put on the market with a specialist commercial agent in March 2018 and then with a local agent. There were no viewings from the commercial agent from March 2018 until the sale of the building to the applicant who bought the building not the business, there were only 2 other viewings, and neither were to purchase as a restaurant. The former owners had tested the market 12-13 years ago with 3 national hospitality agents, however there was no interest. The supporting statement advises that the pre-existing business was no longer viable, and it is understood this closed in 2019. Case law has established that the loss an existing use can be a material consideration where there is a likelihood that the use would resume if permission for an alternative use is refused, in this case it is considered unlikely as the business was not bought with the building, and given the backdrop of the Covid 19 pandemic and impact on hospitality.*

In light of the above, the principle of the loss of the community facility is accepted.

- 10.3 The application would provide additional accommodation; hence it is likely that residents would utilise shops and facilities within the village contributing to its sustainability. The supporting statement submitted indicates that the proposal could serve the needs of farms in the wider region by providing accommodation for agricultural workers, however there is no evidence submitted to substantiate this.
- 10.4 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies Manea as a large village; Part B advises that proposals within the settlement boundary (such as this site) will be supported in principle (subject to all other policy considerations).

### **Design considerations and visual amenity of area**

- 10.5 Internal alterations are proposed to facilitate the change of use and the external appearance of the building remains the same aside from replacement windows of the same design. The building and location are not considered to be sensitive, hence the replacement of some timber windows with UPVC is not considered to create a significant adverse impact on visual amenity or the character of the area.
- 10.6 Objectors to the application have raised concerns regarding the appearance of the site and it is accepted that the scale and nature of the occupancy could result in an untidy appearance. However, this is dependent upon the behaviour of residents (for example putting rubbish bags in bins rather than leaving them out for collection) and also the owners of the property to ensure it is managed properly. Furthermore, as the proposal is now for an HMO it would be subject to relevant legislation including in relation to management and waste disposal.
- 10.7 The bin storage area would be visible from the street due to the open nature of the drive/parking and turning area, however this is proposed to be partially enclosed by 1.8m high close boarded fence which would mitigate its impact.
- 10.8 There is an opportunity to improve the area to the rear of the site in relation to appearance and amenity and whilst some indication of landscaping has been provided, given the current condition of the site it could be considered reasonable to condition full details of hard and soft landscaping along with timescales for implementation.

### **Residential Amenity/Health and wellbeing**

- 10.9 The accommodation is required, according to the submitted information, to provide temporary, permanent, flexible and seasonal accommodation for workers. An HMO is being applied for and as such would require a licence and be subject to the necessary legislative requirements, including minimum room sizes. This restriction on the room size/number of people per room, the fact it would be their only or main residence and that rooms could not be shared by unrelated individuals (along with the maximum stated in the description of development) would limit residents. The Private Sector Housing Team have no objection to the proposal.
- 10.10 It should be noted that the attached 2-bed unit does not form part of the change of use to an HMO and can continue to be used as a dwelling, however it could also be occupied intensively by several additional residents over and above the 11 applied for in the HMO.
- 10.11 The number of residents and intensification of use gives rise to concerns of noise and disturbance to surrounding dwellings, in particular when the outside space is used, and any loss of privacy to neighbouring dwellings attributed to the existing building would be worsened due to the increased number and nature of residents. It is acknowledged that the permitted use of the site is a restaurant with rooms (5 bedrooms with shared bathroom and WCs) along with the 2-bed dwelling. No specific information has been provided regarding the extent of the pre-existing use, though this could have resulted in a large number of customers and residents on occasion. If the rooms are doubles there would be potential for up to 10 residents at any one time, however, this would likely be on a limited basis given the level of facilities provided and would not be comparable to the permanent living accommodation for the number of residents applied for.



- 10.12 Concerns have been raised by local residents in relation to anti-social behaviour (which is understood to have already occurred on site) and the management of the site. The Designing Out Crime Team have advised that *'it is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for residents and visitors'* and consider that measures should be conditioned to ensure community safety and reduce risk for opportunistic crime and disorder. It is understood that the management of the site would fall within HMO legislation however security measures and lighting (to ensure community safety and no unacceptable impacts on surrounding residents or ecology) could be secured by way of a condition).
- 10.13 The retained dwelling within the site has limited amenity space, which is not private as it is only surrounded by a 0.9m high picket fence. The access which runs alongside this dwelling and the area to the rear are shared, which would result in noise, disturbance and a loss of privacy, to the significant detriment of the residential amenity of this property, particularly given the number of residents proposed.
- 10.14 The demolition of the shed has resulted in a temporary boundary treatment separating the site from 6 Orchard Way to the west, a 2m high close boarded fence is proposed in this location and it is considered necessary to impose a condition to ensure this is provided in a timely manner. The proposed site plan indicates that the hedge on the southern boundary of the site is to be trimmed back, however this appears to have been almost entirely removed and results in only a low level wall separating the site from 5 Station Road, a suitable boundary treatment would be required in this location to ensure adequate privacy.
- 10.15 The Council's Refuse Team have advised that the bin requirements for the site would be 1 x 240 litre General Waste Bin and 1 x 240 Recycling bin for the 2-bed dwelling and for the to 11 person HMO, 2 x 240 litre General Waste Bins and 2 x 240 Recycling Bins, all collected on a 2-weekly basis. Any additional waste generated outside of these service standards are not domestic waste and collection via a licenced waste carrier would need to be put in place by the landlord or management company and with the number of proposed residents alternative arrangements above the standard bin provision will be required. The proposed site plan indicates a bin storage area in the south western corner of the site containing 2 x 1100 litre bins (1 General Waste Bin and 1 Recycling) which would be subject to private refuse collection arrangements. On this basis the Refuse Team have no objections to the scheme, and adequate waste collection facilities would also fall under the HMO legislation. However, full details of the collection arrangement (will bins be collected from within the site or roadside and how often, for example) have not been submitted and as such a condition would be required in this regard to ensure a suitable arrangement is achieved.
- 10.14 Environmental Health have recommended a condition regarding hours of construction to minimise disturbance to surrounding residential properties, however limited works are proposed and as such this is not considered to be reasonable. Local residents have advised that the existing outbuilding is in poor repair and contains asbestos, however no works are proposed to this as part of the application and the management of asbestos is subject to relevant legislation outside of planning control.

- 10.15 Cambridgeshire Fire and Rescue Service have been consulted on this application; however no comments have been forthcoming. Nevertheless, a Fire Risk Assessment is required to be undertaken and forms part of the HMO licence conditions.
- 10.16 Policy LP2 of the Fenland Local Plan 2014 requires development proposals to provide high levels of residential amenity, promote health and wellbeing, and avoid adverse impacts. Policy LP16 seeks to create high quality living environments, provide sufficient private amenity space and ensure developments do not have adverse impacts on neighbouring users. The proposal is considered to constitute an overdevelopment of this modest site, resulting in the potential for a poor living environment for residents and a significant detrimental impact on the residential amenity of surrounding dwellings, contrary to the aforementioned policies.

### **Highways and parking**

- 10.17 The application site is located in a central location which would enable access to shops and services within the village by walking and cycling (cycle storage is indicated, however full details are required to be secured by condition). Modes of public transport are available, though it is acknowledged that the railway station is approximately 1 mile from the site and options may be limited due to the rural nature of the area.
- 10.18 It was advised at pre-application stage that occupiers of HMOs have a lower level of car ownership (as indicated by appeal decisions<sup>1</sup>) and as there were no parking standards for HMOs that it would be reasonable to adopt the standards for hotels and hostels, which is 1 space per bedroom. On this basis the required on-site parking provision would be 6 spaces for the HMO and 2 for the 2-bed dwelling, a total of 8.
- 10.19 The submitted site plan details 3 parking spaces on site, 1 for the 2-bed unit and 2 for the HMO, however these are not of sufficient dimensions to be considered useable parking spaces (at 2.4m x 4.8m), to widen these to the required standard would result in the cycle parking being inaccessible, as such there is only space for 2 useable spaces on site, a significant shortfall. The application contends that there are 4 on street parking spaces available, however there are no parking restrictions/allocations on Station Road and as such this cannot be relied upon. It is acknowledged that the use of the building as a restaurant with rooms would create a need for considerable parking on occasion, however this is not comparable with the continuous use of the building for the number of residents proposed.
- 10.20 The LHA raised concerns on the previous application regarding the unfettered/intensified use of the existing access and required the parking and turning to be conditioned to ensure that there is no intensification of the access, given the narrow nature and lack of visibility. However, the turning area previously indicated by them incorporates the bin store and the spaces shown are not useable, as such this would not be possible.

<sup>1</sup> APP/D0515/W/17/3176139, APP/T3725/A/14/2226824 and APP/P2365/W/16/3162936

- 10.21 The location of the parking spaces is such that it would not be clear from the highway whether there was a space available, hence it would be necessary to enter the site and then leave if none is available. The number of likely vehicles would either result in intensifying the use of the access or not using the spaces within the site due to inconvenience. Either way there would be a significant increase in the number of vehicles parking on the road in the vicinity.
- 10.22 Whilst Highways have no objection on safety grounds, there will be a burden placed on the surrounding area to meet the increased parking demand, which would result in significant adverse impacts on residential amenity. The proposal is therefore considered contrary to policies LP15 and LP16 of the Fenland Local Plan.

### **Flood Risk and Drainage**

- 10.23 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures. The proposal is to utilise existing foul and surface water connections.

### **Ecology**

- 10.24 The previous scheme proposed the demolition of the existing outbuilding/store, and a preliminary roost assessment was undertaken at that time. The assessment concluded that there was no evidence of bat usage or suitable roosting features and no evidence of nesting birds. That the site is of low ecological value and would benefit from enhancement; bat and bird boxes were recommended in addition to bat friendly lighting.
- 10.25 The aforementioned assessment has not been submitted with this current application as there are no works proposed to the retained outbuilding. However, a range of bat and bird boxes have been incorporated, in accordance with the recommendations of the assessment, and given the proposed loss of existing vegetation it is considered reasonable to condition their installation and retention.

## **11 CONCLUSIONS**

The loss of the restaurant with rooms is considered to be justified and it is likely that residents would utilise shops and facilities within the village contributing to its sustainability. However, the number of residents is considered an over development of this modest site and this coupled with inadequate parking provision, results in the potential for a poor living environment for residents and a significant detrimental impact on the residential amenity of surrounding dwellings. The benefits of the scheme are not considered to outweigh the harm that would be created, and as such the recommendation is one of refusal.

## **12 RECOMMENDATION**

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

1.	Policy LP2 of the Fenland Local Plan 2014 requires development proposals to provide high levels of residential amenity, promote health and wellbeing and avoid adverse impacts. Policy LP16 seeks to create high quality living environments and ensure developments provide sufficient private amenity space and do not have adverse impacts on neighbouring users. Policy LP15 seeks to ensure developments
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	<p>provide well designed car parking, appropriate to the amount of development proposed.</p> <p>The proposal is considered to constitute an overdevelopment of this modest site. The number of residents, nature of the use and burden placed on the surrounding area to meet increased parking demand would result in a poor quality living environment for residents of the development and a significant detrimental impact on the residential amenity of neighbouring residents contrary to the aforementioned policies.</p>
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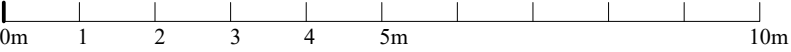
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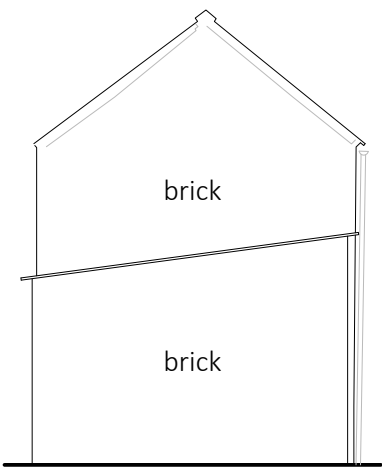
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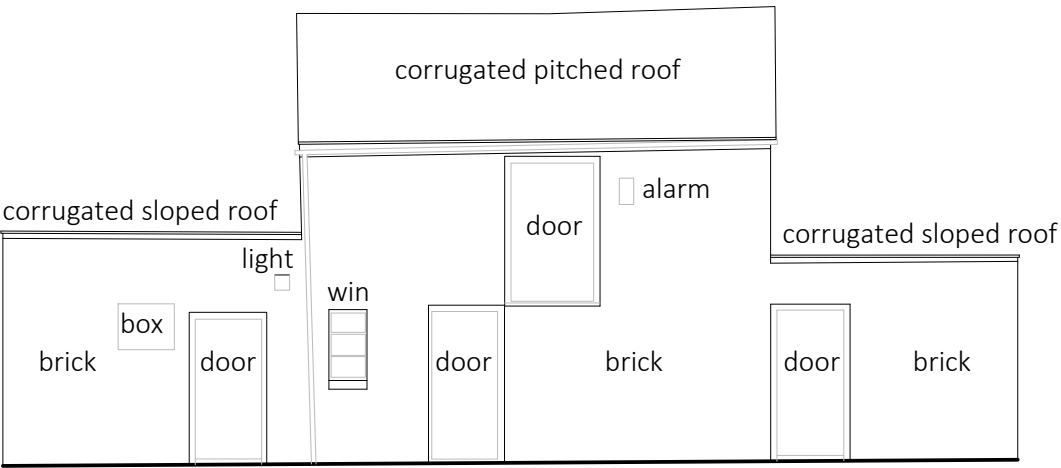
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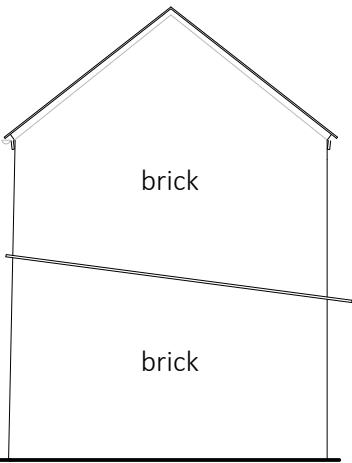
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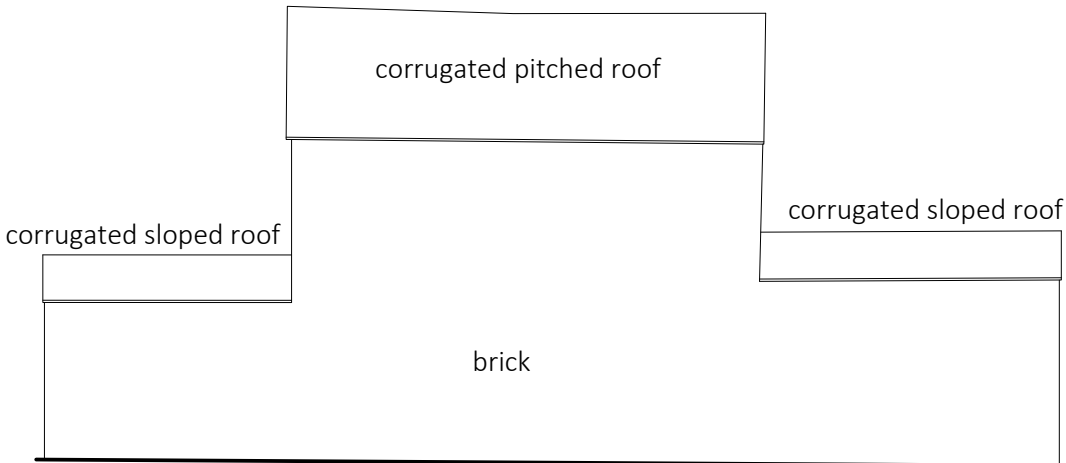
Existing South Elevation



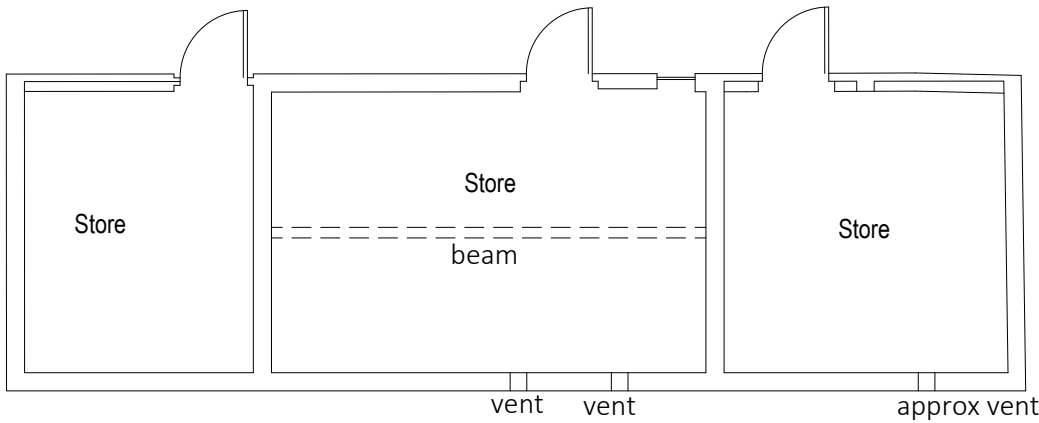
Existing East Elevation



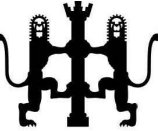
Existing North Elevation



Existing West Elevation



Existing Floor Plan



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CLIENT  
Howard Renovations Ltd

PROJECT  
Former Classics Restaurant, 7 Station Road, Manea, Cambridgeshire.

DRAWING TITLE  
Existing Out-building  
Existing Floor Plan and Elevations

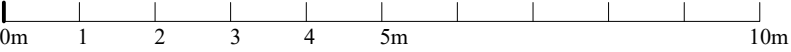
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CH20/LBA/540/EX-1-103

REVISION



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BIO-DIVERSITY ENHANCEMENTS

1.

Bird boxes

A variety of nest boxes catering for House Sparrow, House Martin and Swift will be installed on the existing outbuilding facing between north and east and at heights of two to four metres; two House Sparrow nest box, two House Martin nest and two Swift nests are suitable for the proposals. To be installed prior to completion of the change of use to HMO.
2.

Bat boxes

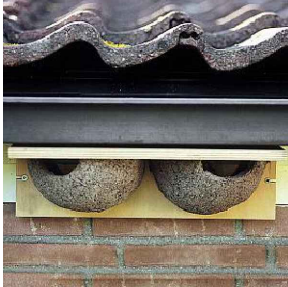
The Eco Kent Bat Box (2 No.) provides a weatherproof outer shell for a more cosy and longer-lasting roost site for a range of bat species. It has two 18mm crevices and is made from rough-sawn FSC-certified UK-grown timber, with a 100% recycled plastic outer covering. It is self-cleaning. 3 concealed keyhole fixings at top of box. 23(W) x 16(D) x 52cm(H). Position the box at least 3m above ground level away from artificial light sources.  
Bat boxes should be installed, on the existing out-building and these will be best located in a south facing position.



House Sparrow bird box (SP) x 2



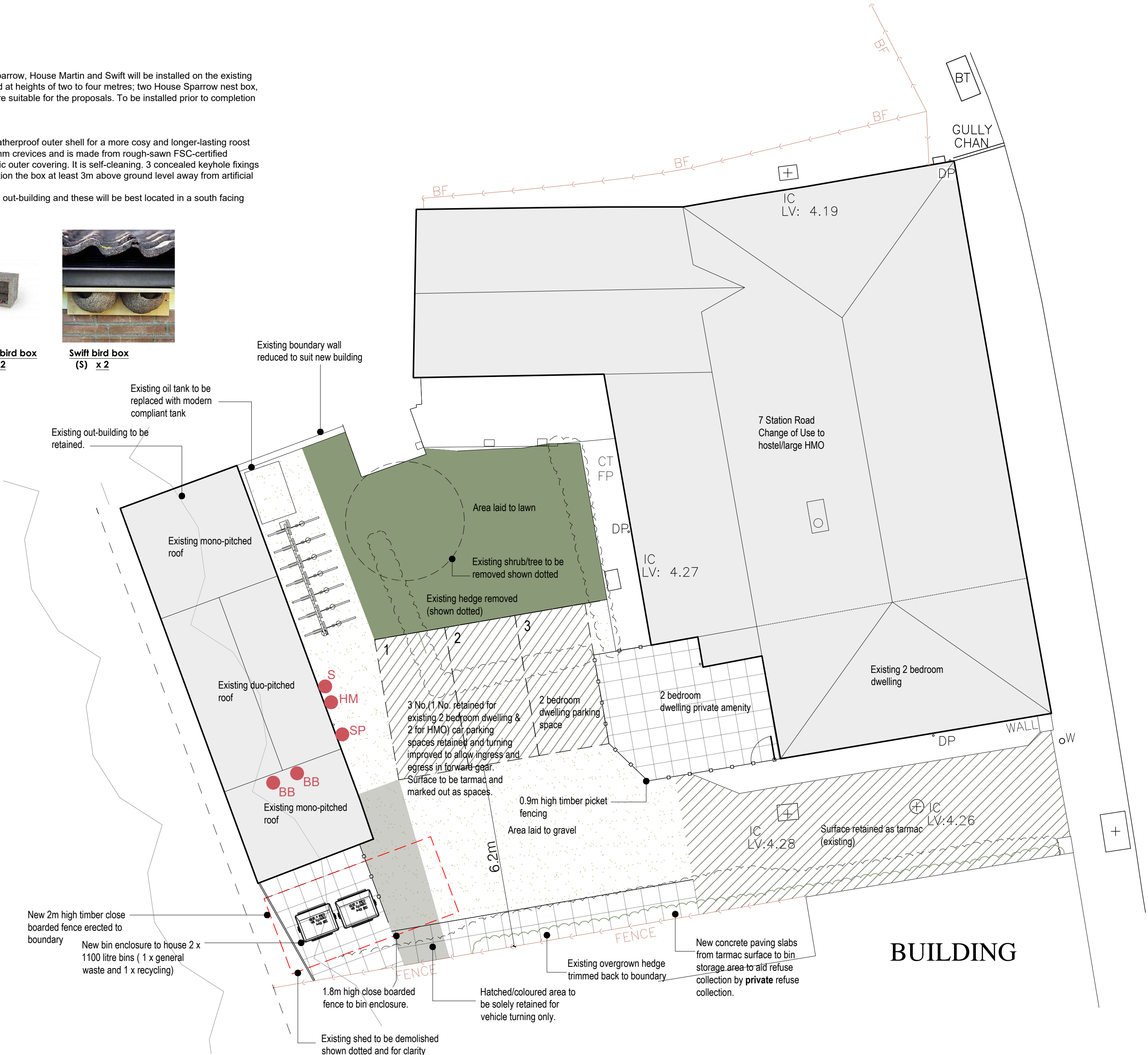
House Martin bird box (HM) x 2



Swift bird box (S) x 2



Eco Kent Bat Box (BB) x 2



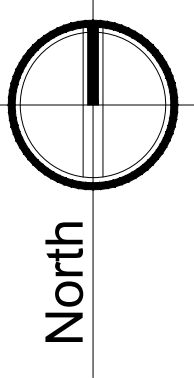
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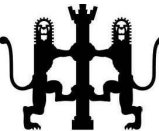
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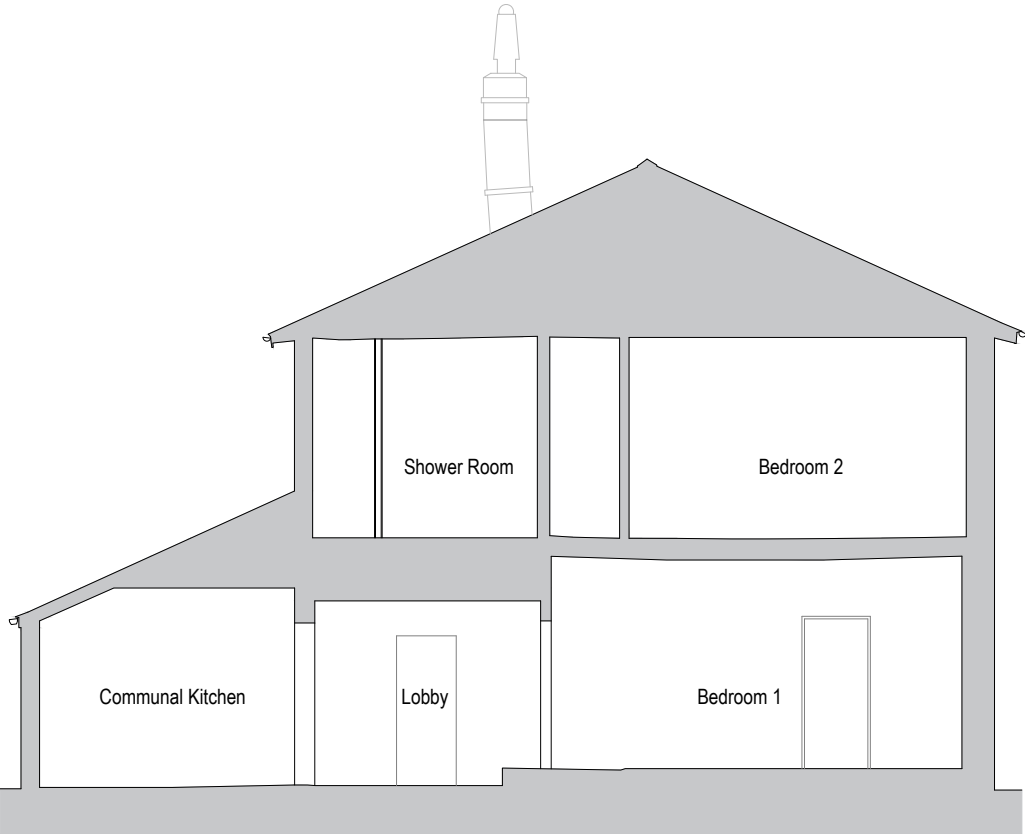
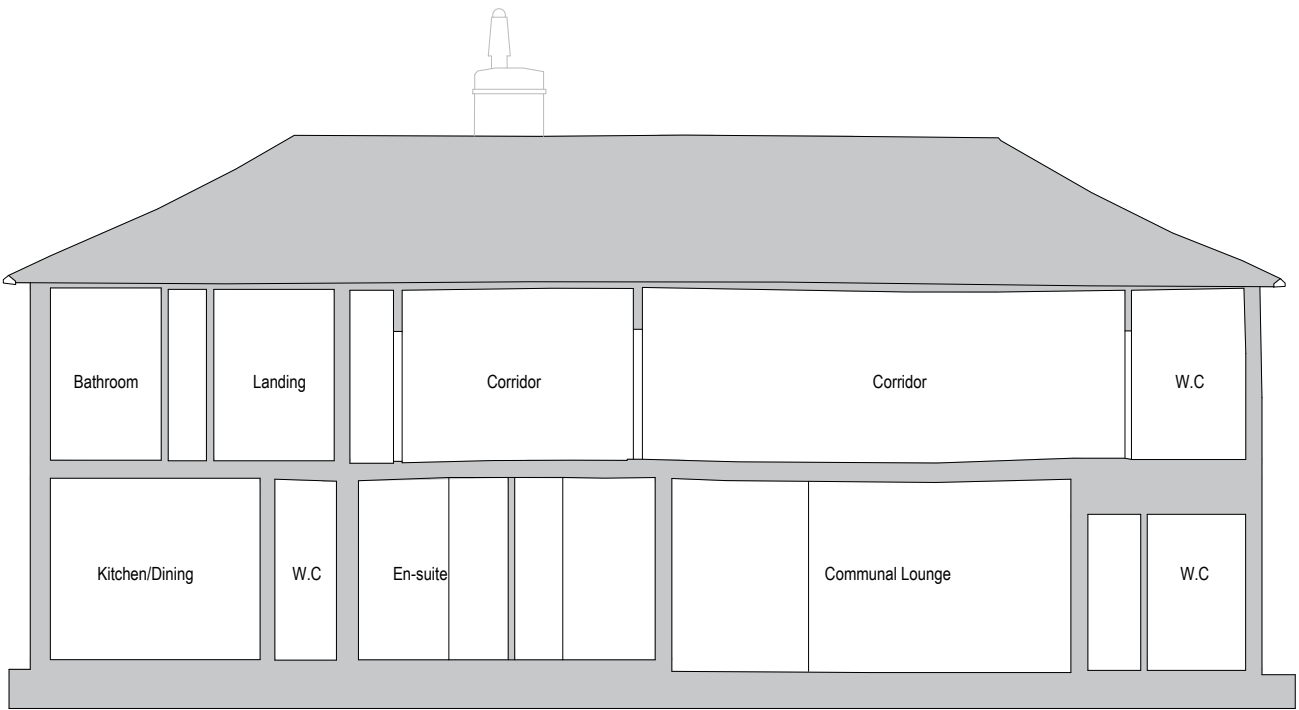
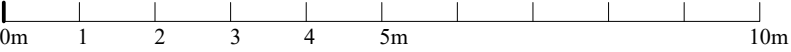
Rev H	Jun. 22	Bin enclosure area amended and additional paving added to assist collection by private refuse collection. Biodiversity enhancement added.
Rev G	Jul. 21	Parking spaces surface amended to differentiate between gravel and tarmac finish and note added to ensure spaces are clearly marked out as spaces in accordance with Highway Officer's comments.
Rev F	Jun. 21	Boundary fence adjusted to western boundary and fencing added for retained 2 bedroom dwelling.
Rev E	Jun. 21	Proposed new out-building removed and existing building and parking shown. Bollard to entrance removed.
Rev D	May. 21	Position of new out-building amended to allow for new foundations to stay within applicants land ownership.
Rev C	May. 21	Position of 2m high fence to rear of out-building amended and clarified.
Rev B	Mar. 21	Outbuilding revised to new design, oil tank position amended, bin store enclosure added, cycle storage added and lockable bollards shown to entrance.
Rev A	Nov. 20	Outbuilding amended to suit latest proposals.



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CLIENT	Howard Renovations Ltd			
PROJECT	Former Classics Restaurant, 7 Station Road, Manea, Cambridgeshire.			
DRAWING TITLE	Proposed Site Plan			
SCALE	DATE	DRAWN	CHECKED	
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DRAWING NUMBER	CH20/LBA/540/FP-1-100			
REVISION	H			

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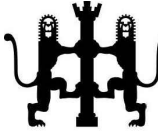
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Rev C	Jun. 22	Section B-B updated.
Rev B	Nov. 20	Minor amendments
Rev A	Oct. 20	Minor amendments



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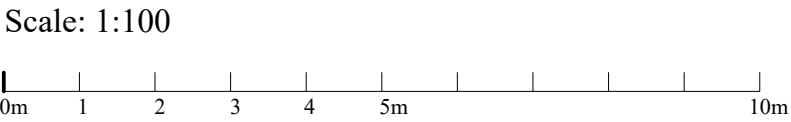
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PROJECT  
Former Classic Restaurant, 7 Station Road,  
Manea, Cambridgeshire.

DRAWING TITLE  
Proposed Elevations  
Proposed Sections

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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 ARCHITECTS LTD ACCEPTS NO LIABILITY IF THIS IS BREACHED.

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

Bedroom Schedule

Bedroom 1	19.4 sq.m	2 Persons
Bedroom 2	21 sq.m	2 Persons
Bedroom 3	19.5 sq.m	2 Persons
Bedroom 4	18.5 sq.m	2 Persons
Bedroom 5	32 sq.m	2 Persons
Bedroom 6	8.8 sq.m	1 Person
TOTAL = 11 Persons		

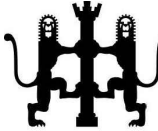


Proposed Ground Floor Plan



Proposed First Floor Plan

Rev C	Jun. 22	Amendments to floor plan and number of occupants reduced
Rev B	Nov. 20	Minor amendments
Rev A	Oct. 20	Minor amendments



L Bevens Associates Architects Ltd  
The Doghouse  
10 Cricketers Way  
Chatteris  
Cambridgeshire  
PE16 6UR  
Tel: 01354 693969  
Mob: 07739 562818  
Email: enquiries@lbevsn-associatesltd.co.uk  
Web: www.lbevsn-associatesltd.co.uk

DRAWING STATUS	PRELIMINARY	PLANNING	CONSTRUCTION

CLIENT  
Howard Renovations Ltd

PROJECT  
Former Classics Resturant, 7 Station Road, Manea, Cambridgeshire.

DRAWING TITLE  
Proposed Ground and First Floor Plan

SCALE	DATE	DRAWN	CHECKED
1:100 @ A2	Oct. 2020	LB	
DRAWING NUMBER	REVISION		
CH20/LBA/540/FP-1-101	C		

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F/YR22/0973/FDC

**Applicant:** Fenland District Council

**Agent :** Miss Meghna Deora  
Pick Everard

**Wisbech Park, Lynn Road, Wisbech, Cambridgeshire**

**Erect a single-storey community hub, which includes a multi-purpose hall, cafe and toilets**

**Officer recommendation: Approve**

**Reason for Committee: Fenland District Council application.**

## 1 EXECUTIVE SUMMARY

- 1.1. This application seeks full planning approval to erect a single storey community hub building, including a multi-purpose hall, café and toilets within Wisbech Park.
- 1.2. The proposal is acceptable in respect of the principle of development and aligns with the aims of the Fenland Local Plan and Chapter 8 of the NPPF, which seeks to promote healthy, safe and inclusive communities.
- 1.3. There are no issues to reconcile with regard to visual impact and character, heritage, flood risk, highway safety, residential amenity or any other material considerations that would justify refusal of the scheme. Thus the scheme is therefore recommended for approval.

## 2 SITE DESCRIPTION

- 2.1. The application site is an area of land located within Wisbech Park, which is within Bowthorpe Conservation Area. The site is currently an almost triangular shaped area of open grassland, positioned to the west side of the park, adjacent to the existing 'A-mazing' Apple Orchard immediately to the east and North Cambridgeshire Hospital further west. Existing footpaths within and across the park run to the north, west and south.

## 3 PROPOSAL

- 3.1. This application seeks full planning approval to erect a single storey community hub building at the site, comprising a multi-purpose hall, café and toilets. Hard landscaping is proposed to the north and east sides to provide circulation to the access points and toilets linked to an existing pathway to the northwest. A gated bin store area is proposed along the existing access path further northwest.
- 3.2. The hub will have a footprint of approximately 20.3m wide by 8.9m deep, with a mono-pitch sedum room with overhang to provide shelter and shading to the north, east and south sides. The roof will reach a maximum height of approximately 5.8m to the north (front) side, sloping down to approximately 3.6m to the south (rear) side.

- 3.3. The hub will be constructed of Cambridgeshire Buff brickwork, with dark grey fascia, timber soffits, and dark grey joinery. Aluminium signage is proposed to the north, east and west elevations. The sedum roof will also include PV panels. Dark grey metal shutters are proposed to the openings on the north, east and south elevations, with accessible toilets to the west elevation.
- 3.4. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

#### 4 SITE PLANNING HISTORY

Pertinent planning history included (some history omitted for brevity):

F/YR19/0141/FDL	Erection of a single-storey plant room to existing building North Cambridgeshire Hospital, St Augustines Road, Wisbech	Granted 10.04.2019
F/YR15/0712/LB	Refurbishment of existing bandstand involving replacement roof The Bandstand, Wisbech Park	Granted 01.10.2015
F/YR15/0711/FDC	Refurbishment of existing bandstand involving replacement roof The Bandstand, Wisbech Park	Granted 01.10.2015
F/YR08/0665/FDC	Display of advertisement flag on 6.0m high pole	Granted 02.09.2008
F/YR07/1273/CA	Demolition of former bowls pavilion Pavilion, Wisbech Park	Granted 31.03.2008
F/YR04/0158/F	Erection of a 3-storey building for use as a primary care building including G P surgery, retail pharmacy, complementary health suite, community health clinic, car parking and ancillary B1 (office) use North Cambridgeshire Hospital, St Augustines Road, Wisbech	Granted 13.04.2004
F/YR02/0964/F	Formation of new access to park from Whitby Street and alterations to pathway from Whitby Street to Tavistock Road to form cycle and pedestrian route	Granted 13.11.2002

#### 5 CONSULTATIONS

- 5.1. **Historic England** – *Thank you for your letter of 23 August 2022 regarding the above application for planning permission for the erection of a single-storey community hub, which includes a multi-purpose hall, cafe and toilets.*

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

*We suggest that you seek the views of your specialist conservation and archaeological advisers.*

- 5.2. **Environment Agency** – *The above planning application falls within our Flood Risk Standing Advice. It is considered that there are no other Agency related issues in respect of this application and therefore, in line with current government guidance, your council will be required to respond on behalf of the Agency in respect of flood risk related issues.*

- 5.3. **Environment & Health Services (FDC)** – *The Environmental Health Team have 'No Objections' to the proposed scheme as it is unlikely to affect or be affected by the existing noise or air climate. Contamination is also unlikely to be an issue at this site given the lack of any previous development.*
- 5.4. **Environmental Services (FDC)** – *Bin provision for the bin store area appears sufficient with all waste streams covered. The location of the bin store is suitable from a collection point of view. From the design the store does not appear to have a roof which I would suggest making more secure given the location.*
- 5.5. **Wisbech Town Council** – *That the application be supported.*
- 5.6. **Local Residents/Interested Parties** – One letter of objection received to the scheme in respect of the proposed design. Whilst acknowledging the laudable nature of the proposal concerns were raised that the overall design was 'blocky' and lacking imagination and that the large windows will cause issues with energy use and temperature control.

A further representation was received, and whilst no objection was stated, there were concerns raised in respect of the likely times the hub would be in use, issues with access and parking and potential antisocial behaviour concerns regarding litter, noise and other matters such as the availability of toilet facilities.

## **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) July 2021**

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

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

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para 92. Planning policies and decision should aim to achieve healthy, inclusive and safe places which (a) promote social interaction; (b) are safe and accessible.

Para 93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; (b) support the

delivery of local strategies to improve... social and cultural well-being for all sections of the community.

Para 130. Achieving well-designed places.

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

Chapter 16. Conserving and enhancing the historic environment

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

Determining a planning application

## **7.3. National Design Guide 2021**

Context

Identity

Built Form

Movement

Public Spaces

Uses

Resources

Lifespan

## **7.4. Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP6 – Employment, Tourism, Community Facilities and Retail

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments across the District

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:

LP1 – Settlement Hierarchy

LP4 – Securing Fenlands Future

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP10 – Shop Frontages, Security Shutters and Canopies

LP11 – Community Safety

LP17 – Culture, Leisure, Tourism and Community Facilities

LP20 – Accessibility and Transport

LP23 – Historic Environment

LP32 – Flood and Water Management

## **7.6. Cambridgeshire Flood And Water SPD**

## **8 KEY ISSUES**

- **Principle of Development**
- **Community facilities**

- **Heritage and visual impact**
- **Residential amenity**
- **Flood risk**
- **Other matters**

## **9 BACKGROUND**

- 9.1. This proposal has been informed through pre-application discussions with the Council's Planning and Conservation Teams.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1. Wisbech, as a designated Market Town, is the main focus of sustainable growth within the Fenland District. Policy LP2 identifies that development proposals should contribute to creating healthy, safe and equitable living environments and provide good access to health, leisure and recreation facilities whilst ensuring that adverse impacts are avoided, and residential amenity is not compromised.
- 10.2. Matters of visual and residential amenity are further considered under Policy LP16 with Policy LP18 seeking to safeguard existing heritage features. Highway safety (Policy LP15) and flood risk (Policy LP14) must also be considered.
- 10.3. The principle of development of a new community hub in Wisbech Park is therefore acceptable subject to the consideration of the necessary planning policies in respect of the scheme.

### **Community facilities**

- 10.4. The delivery of a new community facility within Wisbech Park will enhance the social and community capital within the town, thereby aligning with the aims of Policy LP2 and the wider aims of Chapter 8 of the NPPF, which seeks to promote healthy, safe and inclusive communities.

### **Heritage and visual impact**

- 10.5. The proposed community hub will be positioned within Wisbech Park, alongside existing facilities. The hub will be in prominent view when approached on foot via existing pedestrian walkways within the park. In addition, wider views of the proposed hub building will be visible when travelling south on Park Avenue, from the neighbouring North Cambridgeshire Hospital car park to the west, and across the park when looking north from Park Road to the south of the site.
- 10.6. The proposed hub building has been designed with materials to reflect adjacent development within the park. Views from the south will include the sedum roof element, which from wider vistas will appear as a natural element in the park landscape. The building will be of a height and scale that will not be detrimentally prominent within the landscape.
- 10.7. Whilst the proposed building will be notable, it will not result in detrimental incongruousness in the wider urban or parkland landscapes. Owing to its positioning within the park, it will also have negligible impact on the Bowthorpe Conservation Area, positioned away from the listed buildings along Lynn Road.
- 10.8. The proposed shutters, whilst not of an open grille design, have been designed to be integrated within the relevant openings and will not protrude externally. The use of shutters and the need for vandal-resistant design is considered acceptable in the context of protecting a community asset from vandalism within a public

park. It is considered that these elements will cause negligible impact on the conservation area in terms of their visual impact, whilst deterring anti-social behaviour, in accordance with Policy LP17.

- 10.9. Given the above, it is considered that the proposal is acceptable with regard to design, character, heritage and visual impact and accords with Policy LP16 and LP18.

#### **Residential amenity**

- 10.10. The proposed hub building is located away from residential properties, including those on Park Avenue approximately 120m to the northwest, Verdun Close approximately 110m to the east and Park Road approximately 135m to the south. As such, there will be no impacts in respect of overlooking or overshadowing to reconcile as a result of the scheme.
- 10.11. Concerns were raised from a local resident in respect to the hours of operation for the proposed hub. The submitted design and access statement (Paragraph 1.4) states that the likely opening hours will be 9am to 6pm. The statement does not indicate the likely days of the week of operation however. Notwithstanding, owing to the location of the hub building and the likely activities that are to be undertaken within the space, these hours of operation seem appropriate to limit any unacceptable impacts to residential amenity by way of noise or light pollution. The environmental health team raised no objection to the scheme, with no comments in respect of issues surrounding residential amenity impacts.
- 10.12. Therefore, given the above, the proposal is considered acceptable in respect of Policies LP2 and LP16 with regard to the impact on residential amenity.

#### **Flood risk**

- 10.13. The site is located partly in Flood Zones 1 & 2. According to the Cambridgeshire Flood and Water Supplementary Planning Document, the proposed community hub building is classed as 'assembly and leisure' which is classified as a 'Less Vulnerable' development type. Development classed as Less Vulnerable can be considered compatible with Flood Zone 2 in certain circumstances.
- 10.14. Issues of surface water disposal will be dealt with under Building Control regulations.
- 10.15. Given that the proposed community hub building is not for residential use, and the building will not likely be in use during potential flood events, and it will not likely increase the impact of flooding elsewhere, it is considered that despite the potential flood risk at the site, the proposal complies with the guidelines within the Cambridgeshire Flood and Water SPD and may be considered acceptable in this instance.

#### **Other matters**

- 10.16. There are no proposed vehicular accesses or parking proposed in respect to the scheme. Given the scheme is to be located within an existing public park, there is likely to be a comparable trip generation and parking requirement to the existing situation. As such there are no issues to reconcile in respect of Policy LP15.
- 10.17. Consultations with FDC's Environmental Services team resulted in no objection to the proposed bin store as it was suitably positioned for collections and offered appropriate levels of storage given the nature of the development proposed. It



was commented, however, that it may be preferable to provide a bin store area with a roof, which may be preferable in respect of security; although the lack of a fully enclosed bin store with a roof would not justify refusal of the scheme.

## **11 CONCLUSIONS**

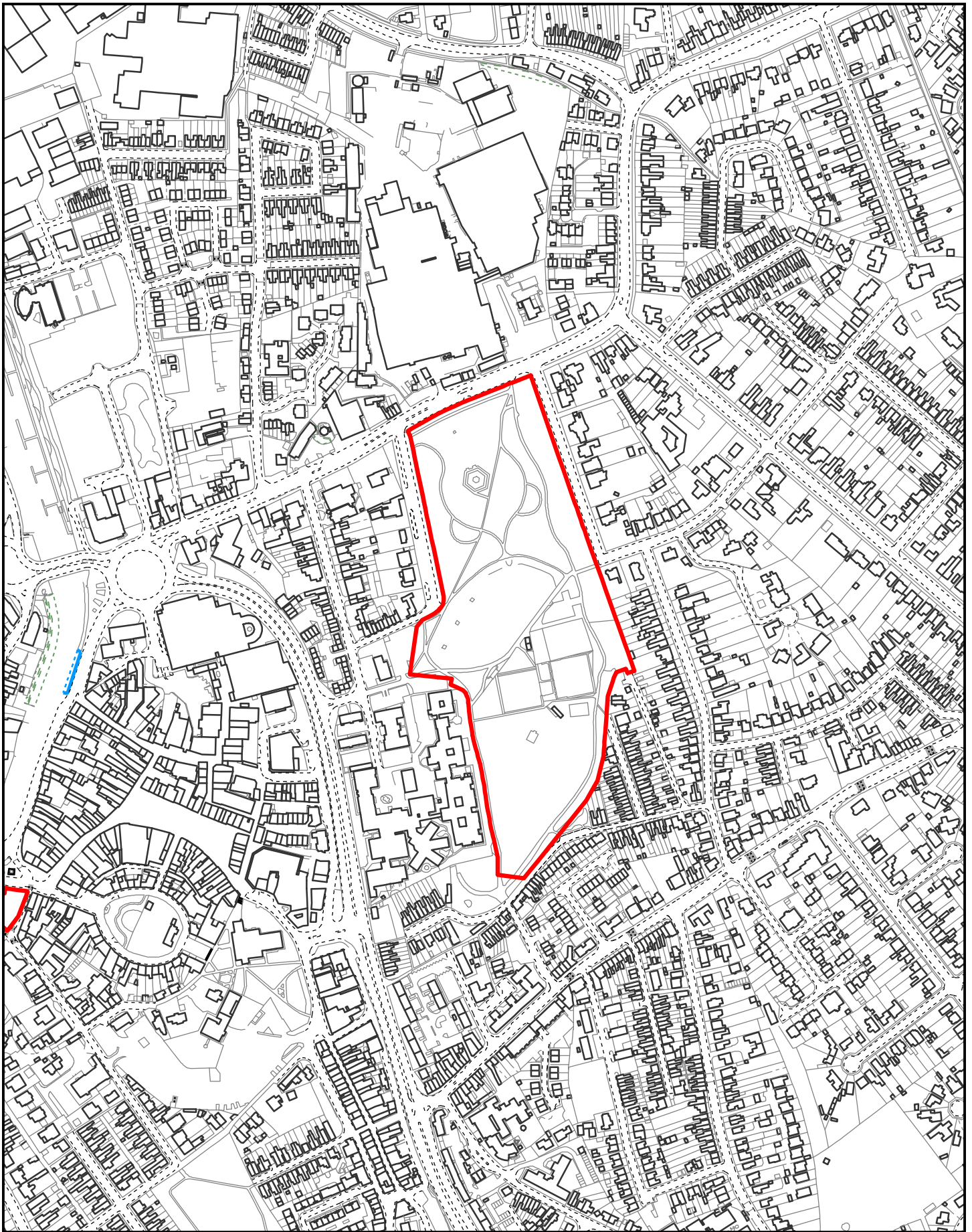
- 11.1. This proposal will deliver a new community building within an existing public park. The proposal is considered acceptable and accords with the relevant policies of the Fenland Local Plan. It represents minimal issues in terms of visual and residential amenity and is acceptable with regard to the above considerations; accordingly, a favourable recommendation is forthcoming.

## **12 RECOMMENDATION**

**Grant**, with the following conditions;

### **Conditions**

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby approved shall be finished externally in materials as detailed on drawings 9300 P03 and 9310 P02.</p> <p>Reason: To safeguard the visual amenities of the area and ensure compliance with Policies LP16 and LP18 of the Fenland Local Plan, adopted May 2014.</p>
3	<p>The community hub building hereby permitted shall only be used between the following hours:</p> <p>0900-1800 Monday - Sunday</p> <p>Reason - In the interests of residential amenity and to ensure compliance with Policies LP2 and LP16 of the Fenland Local Plan (2014).</p>
4	Approved Plans



Created on: 23/08/2022

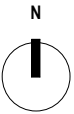
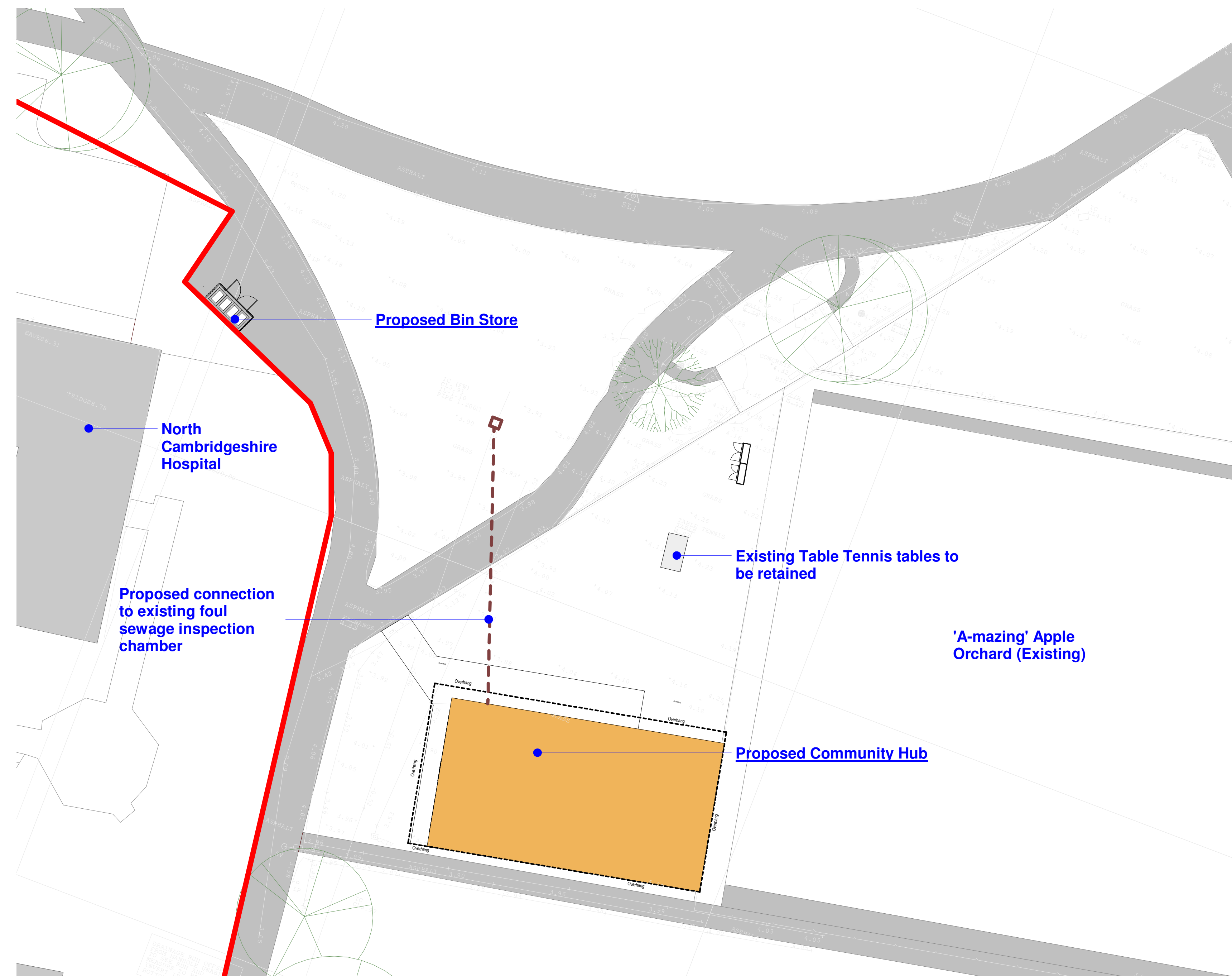
© Crown Copyright and database  
rights 2022 Ordnance Survey 10023778

**F/YR22/0973/FDC**

Scale = 1:5,000







KEY	
	Site Boundary

Total Site Area : 69,334.381 sqm. / 7 hectares

P06	Amendmended to include foul sewer	17.08.2022	MED	JEA
P05	Planning Amendments	15.08.2022	MED	JEA
P04	Issue for Planning	20.07.2022	MED	JEA
P03	Updated to include 3m easement zone to existing AW Foul water sewer	17.05.2022	MED	JEA
P02	Draft Issue	25.04.2022	MED	JEA
P01	Issue for Comments	22.04.2022	MED	JEA
Revision		Date	Drn	Chk

This document references the following files:-

Client  
**Fenland District Council**

Project  
**Wisbech Park Community Hub & Splash Pad Community Hub**

Drawing Title  
**Proposed Block Plan**

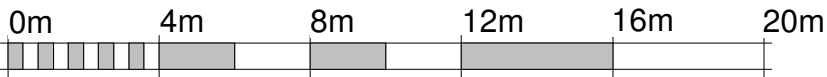
Suitability Status  
**S4-Suitable for stage approval**

Job No.	Scale	Size	Rev
<b>211328</b>	<b>As indicated</b>	<b>@ A2</b>	<b>P06</b>

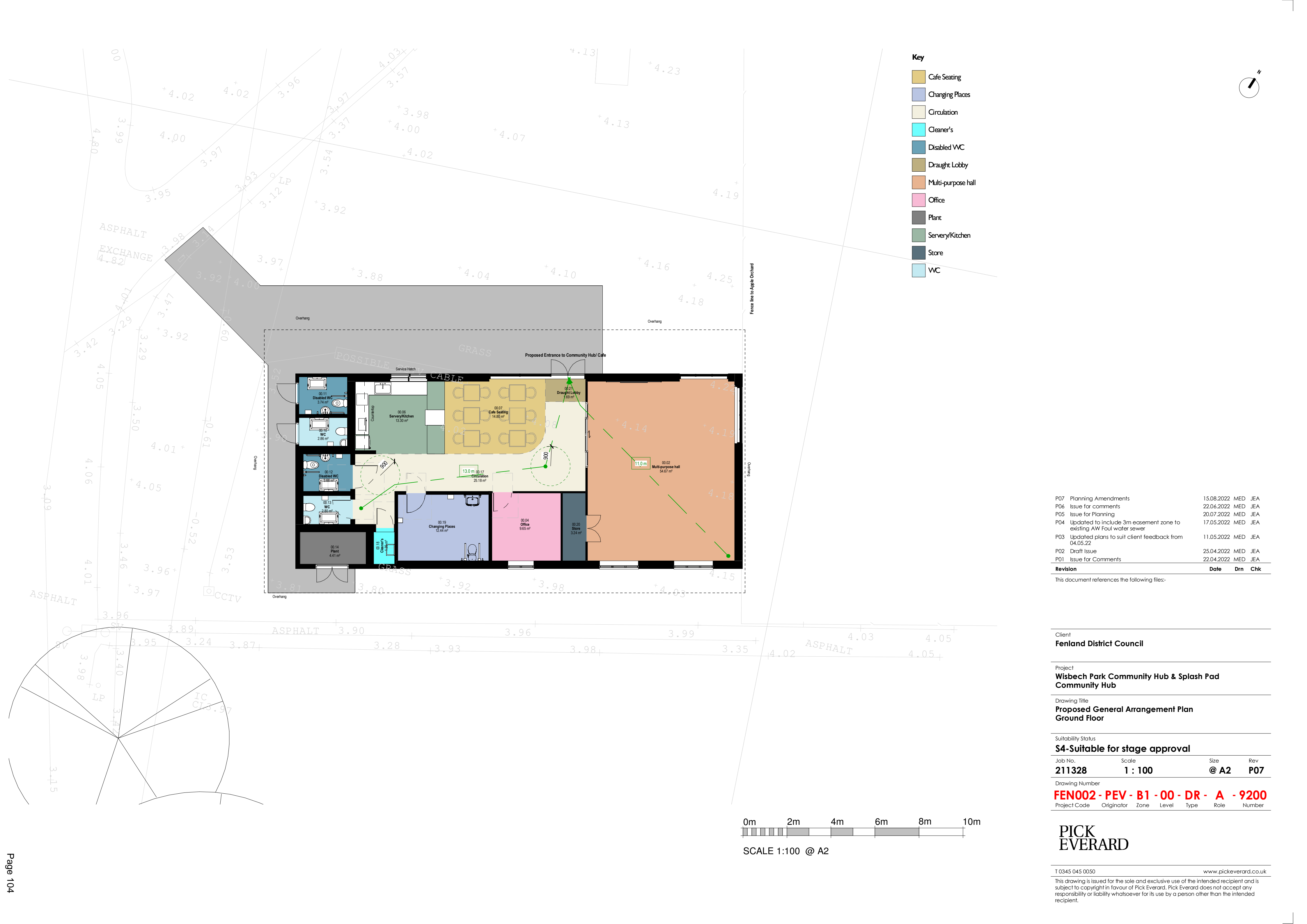
Drawing Number  
**FEN002 - PEV - B1 - 00 - DR - A - 9150**

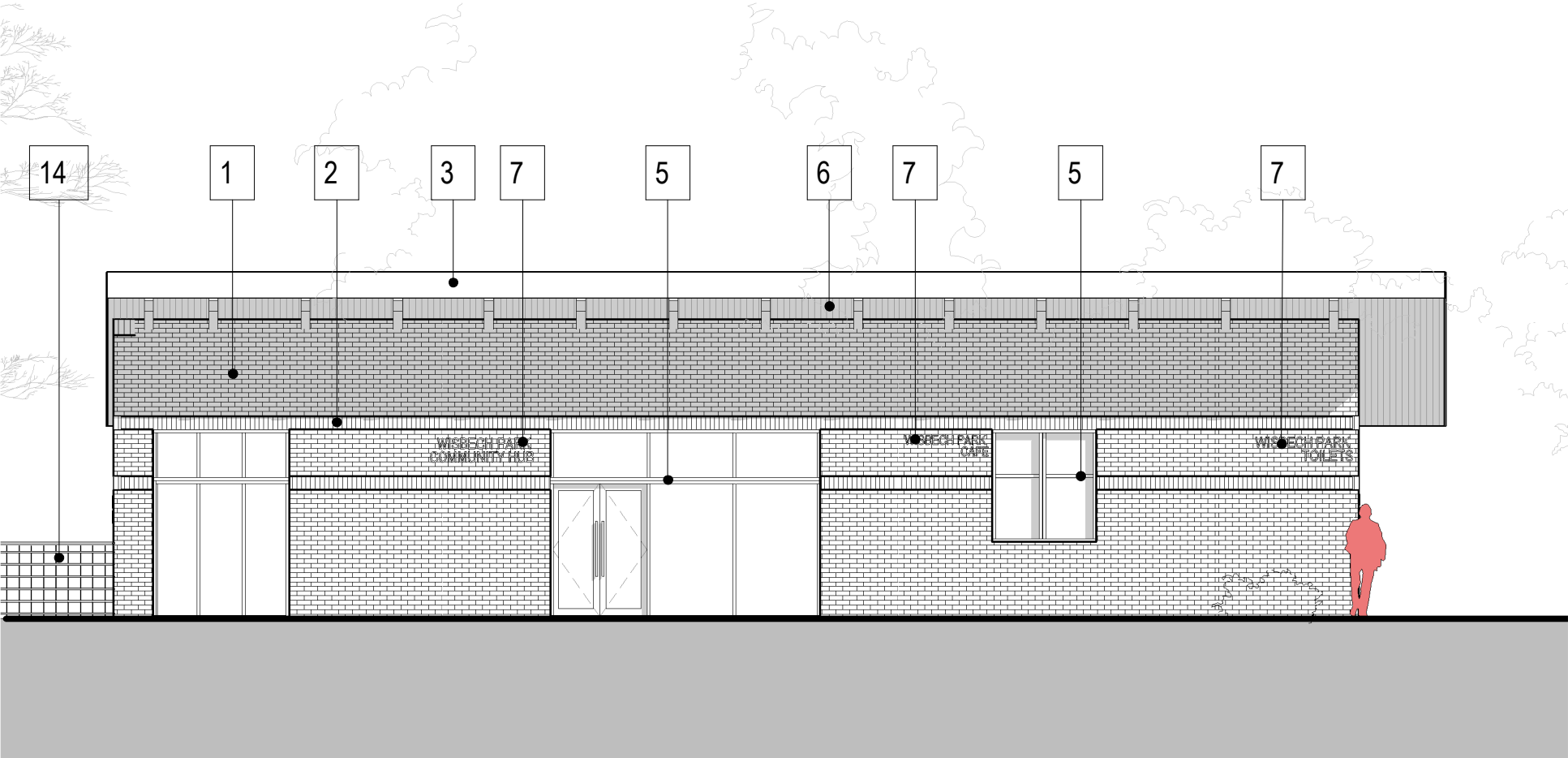
Project Code	Originator	Zone	Level	Type	Role	Number
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**PICK EVERARD**

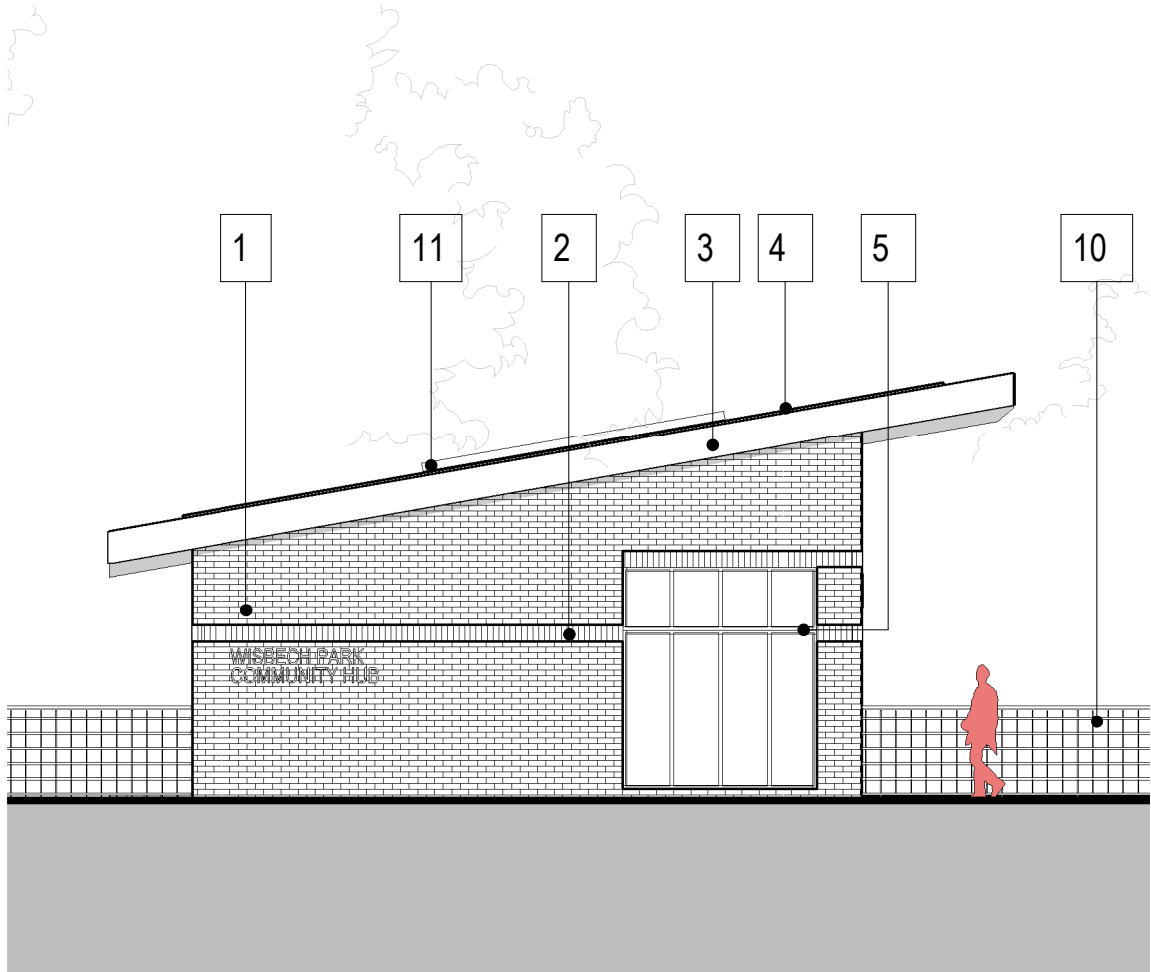


SCALE 1:200 @ A2

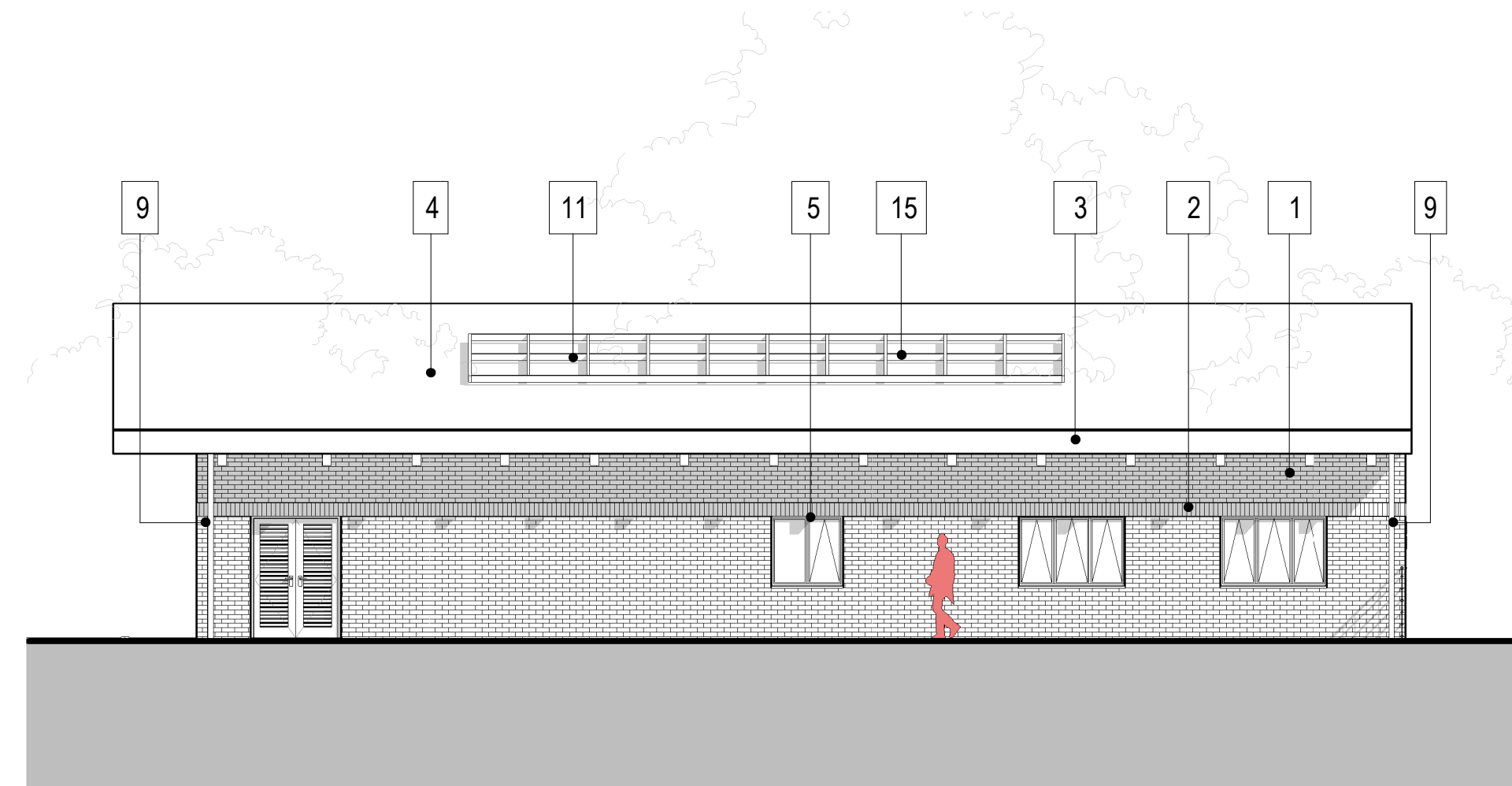




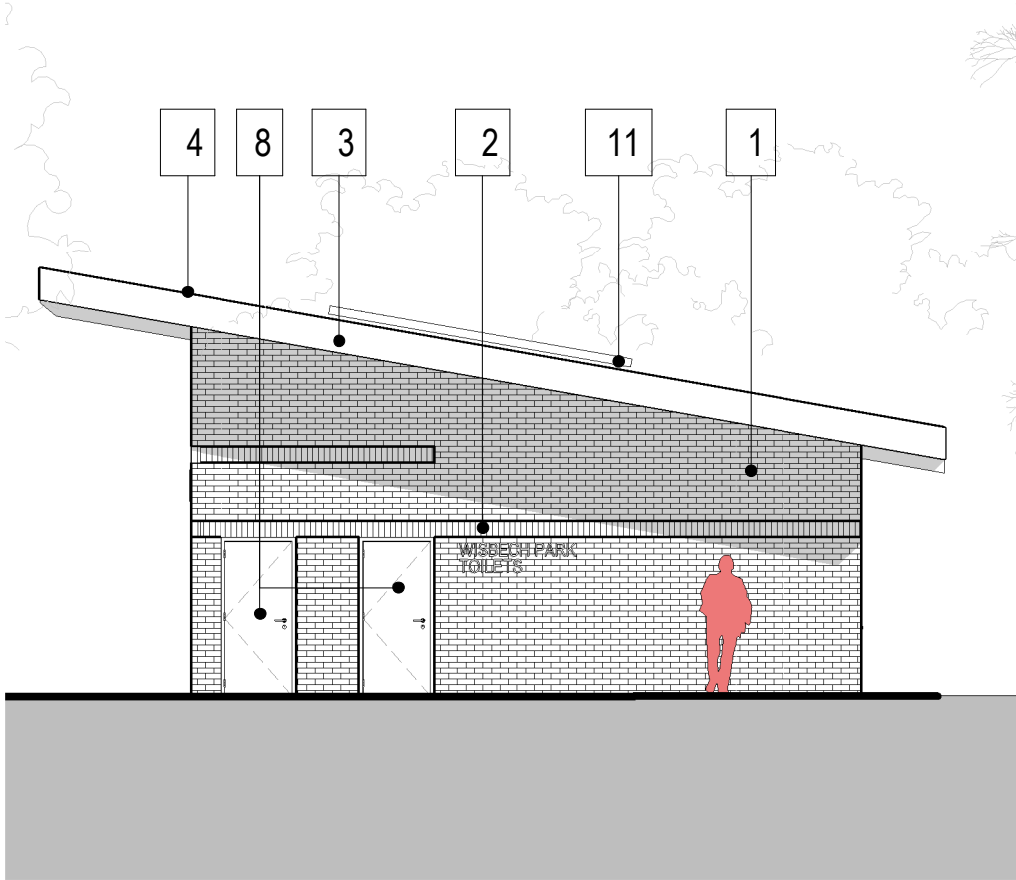
1-North Elevation  
1 : 100



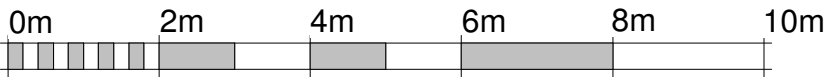
3-East Elevation  
1 : 100



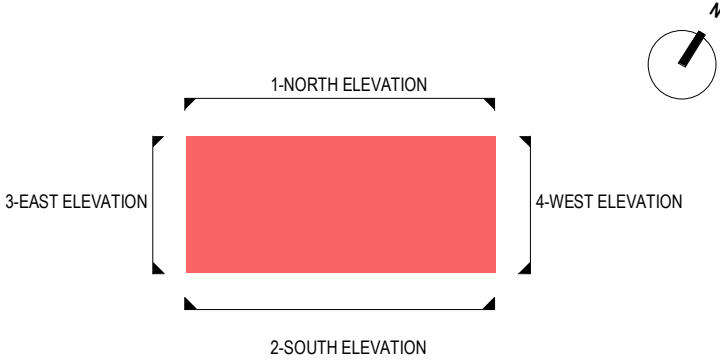
2-South Elevation  
1 : 100



4-West Elevation  
1 : 100



SCALE 1:100 @ A2



KEY PLAN

KEY

- 1. Walls  
Material: Cambridgeshire Buff
- 2. Wall Detail  
Material: Soldier course brick  
Colour: Cambridgeshire buff
- 3. Fascia  
Material: Alumnium  
Colour: Dark Grey
- 4. Sedum Roof
- 5. Curtain Wall / Windows  
Material: Aluminium Mullion and Transoms  
Colour: Dark Grey TBC
- 6. Soffit  
Material: Cedar Timber
- 7. Signage  
Material: Alumnium  
Colour: Silver/ Dark Grey TBC
- 8. Doors  
Material: Steel  
Colour: Dark Grey
- 9. RWP flushed brick reveal
- 10. Existing apple orchard fence
- 11. PV Panels

P03	Issue for Planning	20.07.2022	MED	JEA
P02	Revised Elevations	07.06.2022	MED	JEA
P01	Draft Issue	25.04.2022	MED	JEA
Revision		Date	Drn	Chk
This document references the following files:-				

Client  
Fenland District Council

Project  
Wisbech Park Community Hub & Splash Pad  
Community Hub

Drawing Title  
Proposed External Elevations

Suitability Status  
S4-Suitable for stage approval

Job No.	Scale	Size	Rev
211328	As indicated	@ A2	P03

Drawing Number  
FEN002 - PEV - B1 - 00 - DR - A - 9300

Project Code	Originator	Zone	Level	Type	Role	Number
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PICK  
EVERARD

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**F/YR22/0063/F**

**Applicant: Mr Neil Steen**

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

**Land West Of 5 - 7, High Causeway, Whittlesey, Cambridgeshire**

**Erect 3 x residential units (2-storey block of 2 x 1-bed and 1 x 2-bed flats)  
involving the demolition of existing building within a conservation area**

**Officer recommendation: Grant**

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

---

## **1 EXECUTIVE SUMMARY**

- |     |  |
|-----|--|
| 1.1 | The site is located on the western side of High Causeway, approximately 40m north of the Market Place, Whittlesey.   |
| 1.2 | The site is accessed from a pedestrianised road and no parking provision is proposed for this town centre site.  |
| 1.3 | The site is accessed between existing commercial uses and is constrained by being located to the rear of existing commercial uses, it is in the Conservation Area and within the site is a mature Ash tree covered by a Tree Preservation Order.   |
| 1.4 | The proposal seeks permission for a two-storey building to provide 2 x 1-bedroom and 1 x 2-bedroom flats.  |
| 1.5 | Issues considered in the evaluation of the proposal relate to the appropriateness of the design and appearance of the proposed building in the Conservation Area, the size of the building in relation to the constraints of the site, and the effects of the development on the protected Ash tree. |
| 1.6 | The scheme has been the subject of extensive negotiations which result in Officers now being able to favourably recommend the proposal. With the officer recommendation being one of grant.  |

## **2 SITE DESCRIPTION**

- 2.1 The application site is located on the western side of High Causeway, a pedestrianised street, 40m north of the junction with Eastgate Mews/Market Place.
- 2.2 The site is located to the rear of frontage buildings on High Causeway, comprising mixed use retail/residential (No.5 and No. 5B) and a funeral

director's yard (No.1). To the north of the site are two-storey flats at Whit Court and to the west is the Town Council's three-storey office accommodation.

- 2.3 The site proposes pedestrian/cycle access via a walled entrance off High Causeway and contains a disused, two-storey cart shed constructed of red multi brick with a pan-tile roof, the cart shed is in some state of disrepair.
- 2.4 There is a walled courtyard to the building's western side that is laid to grass and there is an Ash Tree within the site to the immediate south of the existing building which is subject to a Tree Preservation Order.
- 2.5 The site is located within the Whittlesey Conservation Area. In such locations it is incumbent upon Local Authorities to ensure that new development preserves or enhances the character and appearance of the Conservation Area.

### 3 PROPOSAL

- 3.1 The application proposes the demolition of the existing historical building and the construction of a two-storey detached building incorporating 3 residential units comprising 2 x 1-bedroom flats at ground floor and 1 x 2-bedroom flat at first floor.
- 3.2 The existing building has the majority of openings to its eastern frontage, facing the rear elevation of No.5 and the proposed accessway onto High Causeway.
- 3.3 The proposed new building is oriented with the majority of ground and first-floor fenestration proposed to its eastern elevation (High Causeway), to the rear (western) elevation it is proposed to locate 4 ground floor windows along with 4 roof lights. Within the southern elevation at first floor a lounge window is shown with entrance doors at ground level (south and north elevation) from which access to the ground floor flats is derived.
- 3.4 No car parking is proposed on-site to serve the development, and access would be prohibited for vehicles by virtue of the pedestrianised nature of High Causeway. Access to the development would be solely pedestrian or cycle.
- 3.5 It is noted within the submission that the Highways Authority raised no objection to the earlier withdrawn scheme proposal (F/YR21/0812/F which proposed 4-flats) stating that *'this is a small-scale development within the town centre. Although no car parking is provided, given the location this would seem an appropriate location for development with no parking. Public car parking and on street parking controls are adjacent and in the vicinity of the site to manage car parking activity.'*
- 3.6 Full plans and associated documents for this application can be found at:

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

### 4 SITE PLANNING HISTORY (most relevant)

F/YR21/0812/F	Erect 4 x residential units (2-storey block of 1-bed flats) involving the demolition of existing building within a conservation area	Withdrawn 22.09.2021
---------------	--	-------------------------



F/YR19/0876/ TRTPO	Felling of 1 Ash tree covered by TPO 04/2016	Refused 0.12.2019
F/YR16/0906/ TRCA	Felling of 1 Ash tree within a conservation area	Withdrawn 30.03.2017

## 5 CONSULTATIONS

- 5.1 **Town Council** – *‘The Town Council recommend refusal over intensification of site, and there is no vehicular access to the site as this is a pedestrianised area’.*

Following re-consultation on amended details *‘The Town Council recommend refusal the same as our previous response, there is also major resident concerns within the area regarding illegal use of the roadway during the designated times’.*

- 5.2 **Environmental Health** – *‘The Environmental Health Team note and accept the submitted information and have ‘No Objections’ to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. Due to the demolition of an existing structure and close proximity to existing noise sensitive dwellings, the [unsuspected contamination and noise construction hours] conditions should be imposed in the event that planning permission is granted’*

- 5.3 **FDC Tree Officer** – *‘The applicant has submitted a tree report in support of the application and to recommend removal. When this report was submitted in 2019 (F/YR19/0876/TRTPO) as part of the application to remove the tree, the application was refused. A further application (F/YR20/0521/TRTPO) was submitted the following year for the re-pollarding of the tree at 3-4 m height, this was refused and the applicant was allowed to re-pollard at the old pruning wounds at approximately 10 metres; this work was carried out.*

*The submitted layout for the new building is located outside the crown spread of the tree but likely within the root protection area (RPA) of the tree, although it may be toward the periphery of the RPA. The proposed plan also shows the construction of a cycle/bin store within the RPA, and whilst likely a shallow foundation, there is potential for root damage/severance.*

*We will require an impact assessment and method statement for the protection of the tree during works and for the design and construction of the cycle/bin store. The applicant can also carry out a test trench using an air spade along the line of the proposed cycle/bin store to determine if roots are present and if they can be safely severed or if a specialised construction method is required, e.g. no-dig design’.*

- 5.3 **Archaeology Unit (CCC)** – *‘We have commented on this site previously and would recommend that the same archaeological standard condition is placed on the development as was included on permission granted to prior application F/YR21/0812/F and F/YR22/0226/F previously to the revised proposals.*

*Our records indicate that this site lies in an area of archaeological potential, situated off High Causeway within the historic and commercial core of Whittlesey, north of the Market Place and the Grade I listed Church of St Mary (National Heritage List for England reference 1228792). Commensurate with the*

*historic significance of the area, the site lies in close proximity to a number of designated heritage assets, including 'Vinpenta House' no.2 High Causeway, listed at Grade II\* (NHLE ref 1287392), and no. 6 High Causeway at Grade II, opposite the site on the east side of High Causeway (NHLE ref 1227998). The site lies within the Whittlesey Conservation Area. The development proposal entails the demolition and replacement of an unlisted 19th century building which is illustrated on early edition Ordnance Survey mapping dated to 1885, although no evidence is contained within the application regarding its actual date of construction or historic usage. Photos submitted with the Structural Survey (dated April 2021) show a linear two-storey building on a roughly north-south alignment, brick-built with a pantile roof around a central chimney stack, with several phases of alterations clearly evident in the standing fabric.*

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

#### 5.4 **Local Residents/Interested Parties:**

**TWO** letters of objection (one from a nearby resident - Market Place) to the proposal opposing to the proposal on the following grounds:

- Access and parking
- Town has limited parking provision and more development of flats is exacerbating the situation
- Pedestrian area of High Causeway – unauthorised vehicles using the route are a hazard to pedestrians
- Density of development equates to overdevelopment of the site
- Drainage
- Environmental concerns
- Light pollution
- Overlooking of neighbouring uses: Site would directly overlook adjacent funeral directors yard used in connection with associated service provision

**EIGHT** letters of support from residents of Whittlesey (one local to the application site) on the following grounds:

- Proposal would tidy up derelict building which is an eyesore and dangerous
- Would improve the area and be beneficial to the town
- Provision of affordable housing which is in high demand locally
- Would address anti-social behaviour locally
- Can only benefit the town

## 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. 8 – make provision for a sufficient range and number of homes, fostering well-designed places, protecting and enhancing the natural, built and historic environment and making the effective use of land

Para. 86 – recognising the role of appropriate housing in town centres contributing to their vitality

Section 9 – Promoting sustainable transport in urban areas

Para. 26 – Achieving well-designed places

Good design is a key aspect of sustainable development: Creates better places in which to live and work and helps make development acceptable to communities

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

Para.130 – Design – Should function well, be visually attractive as a result of good architecture and attractive landscaping and be sympathetic to local character and history and establish or maintain a strong sense of place

Para. 131 – Existing trees should be retained wherever possible

Para 134. – Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design  
Section 16 -The Historic Environment – The desirability of new development making a positive contribution to local character

Para. 197 In determining planning applications LPAs should take account of :  
(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;  
(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and  
(c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

Determining a Planning Application

### **7.3 National Design Guide 2019**

**Context** C1 - Relationship with local and wider context; C2 - Value heritage, local history and culture

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

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

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

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

**Resources** R3 - maximise resilience

**Lifespan** L3 - A sense of ownership

### **7.4 Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents  
 LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
 LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
 LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
 LP16 – Delivering and Protecting High Quality Environments across the District  
 LP18 – The Historic Environment  
 LP19 – The Natural 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:

LP1: Settlement Hierarchy  
 LP2: Spatial Strategy for the Location of Residential Development  
 LP5: Health and Wellbeing  
 LP7: Design (aligns with the 10 characteristics of the National Design Guide)  
 LP8: Amenity Provision  
 LP12: Meeting Housing Needs  
 LP20: Accessibility and Transport  
 LP22: Parking Provision  
 LP23: Historic Environment  
 LP32: Flood and Water Management

## 7.6 **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  
 Policy 10 – Flood Risk  
 Policy 12 – Delivering Sustainable Transport

## 8 **KEY ISSUES**

- **Principle of Development**
- **Visual Amenity and heritage matters**
- **Residential Amenity/Health and Wellbeing**
- **Impact on Ash Tree protected by TPO**
- **Highways and Parking**
- **Drainage**
- **Other Matters**

## 9 **BACKGROUND**

- 9.1 The only background of any relevance to the current application is as detailed in the history section earlier in this report. It is notable that the proposed construction of a residential two-storey-block of four flats was withdrawn in 2021 with significant objections to the proposal.
- 9.2 These objections largely related to the scheme design in terms of its impact on residential amenity and the conservation area, alongside this there was concern that the Ash tree present on the site would be implicated, this tree being the subject of a Tree Preservation Order. The felling of this tree having previously been refused permission in 2019. Various and proportionate works to the Ash tree have been approved previously and subject to appropriate justification thereby ensuring the longevity, health and wellbeing of the tree into the future.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Whittlesey is one of the four main market towns within the District. In such locations, the majority of new housing, employment growth, retail and wider service provision is directed to such larger urban areas in accordance with the principle aim of achieving sustainable forms of development. Policy LP3 of the Local Plan sets out the settlement hierarchy for the District and reflects the principles and advice contained in the NPPF.
- 10.2 The application site is clearly within the centre of Whittlesey and subject to assessing the specific criteria set out under Policies LP16, LP18 and LP19, would result in additional small residential units within a vacant town centre site. This would accord with the principle of mixed sustainable uses in urban areas as set out in the NPPF and accordingly would be considered acceptable subject to the assessment of the key issues listed above and considered in more detail below.
- 10.3 There is nothing within the emerging local plan which would vary from the existing policy considerations, excepting perhaps that the parking requirements of the emerging plan offer more flexibility for residential developments, i.e. *'the number of spaces provided, and their location and access, should be informed by the site context and location'*.

### **Visual Amenity and heritage matters**

- 10.4 The existing structure within the site is a traditional barn/cart-shed, two-storey in form, with some more recent alterations and additions. The building fills the whole width of the site (16m north to south) and measures just under 4m in depth. It features traditional large barn-style openings typical of the late 19<sup>th</sup> Century and is constructed of buff and red-multi bricks with a shallow-pitched pantiled roof, the building was likely to have been used as an ancillary, albeit significant, outbuilding to the historical use of one or more of the frontage properties on High Causeway.
- 10.5 The condition of the building though indicates its lack of recent use and general upkeep/maintenance over many years and it is acknowledged that its practical re-use is likely to be unviable and structurally not feasible.

- 10.6 The redevelopment of the site for residential purposes is considered to be a practical and deliverable way forward in this town centre and highly sustainable location.
- 10.7 The site to the rear of frontage buildings on High Causeway is only visible in public views via the access into the site. Within and adjacent the site there is a small alleyway that passes round to the southern side of the generally walled and enclosed space. To the rear of the building there is a significant grassed area, again not visible in public views, but visible from the Town Council's offices located on Queen Street to the west.
- 10.8 The earlier withdrawn application (F/YR21/0812/F) proposed a full two-storey building housing 4 residential flats. The maximum dimensions of the proposed building were circa 13 metres wide x 9.6 metres deep, with an eaves height of circa 5.1 metres and a maximum ridge height of 7.85 metres. The design of the building did not take any visual cues from the existing building on site as it featured hipped roofs delivered over two levels and modern glazing elements.
- 10.9 The original drawings submitted under this application followed along a similar vein with the footprint of the building proposed being very similar (12.6m width and depth of 7.8m, maximum ridge height 7.6 metres and maximum eaves height 5.24 metres) albeit the form was amended to deliver a two-storey section for the southern two-thirds of the building, and a single-storey section at its northern end. Again, two flats (1-bed) were proposed on the ground floor of the structure, with a further flat (again 1-bed) at first-floor level, all served by a communal entrance on the building's east elevation.
- 10.10 The design of this building was again felt to detract from the existing character of the location as it was considered overly plain and domestic and did not reflect the proportions of other traditional properties in the Conservation Area, nor were any features reminiscent of the older building proposed to be demolished present. It was appreciated that the building would only be seen in glimpses of the site from High Causeway but of consideration was the integrity of the new building in the context of the Conservation Area, the character and appearance of which should be preserved or enhanced. The agent was advised of these concerns and with input from the Conservation Officer negotiations were undertaken to move this aspect of the proposal forward.
- 10.11 These negotiations have led to the submission of a revised proposal which retains three flats in the arrangement previously outlined, albeit the building will feature a full two-storeys and as a consequence the upper flat will contain 2-bedrooms.
- 10.12 The revised design incorporates a reduced footprint of 12 metres wide x circa 7 metres depth and has a reduced eaves height and ridge height of 5.13 metres and 7.1 metres respectively. The building is to be constructed from reclaimed materials salvaged from the original structure on site and the agent has indicated that his client is content for a condition to be imposed in this regard. In addition, the proposed building has been moved away from the properties to the front (from 2.57 metres at closest point corner to corner to 5.16 metres).
- 10.13 Fenestration has also been revised with windows now featuring at ground floor only within the rear elevation with roof-lights serving the upper floor to the rear. The resultant building is more aesthetically associated with the conservation area; with its simplified design incorporating limited, and appropriately scaled

openings. The re-use of materials salvaged from the original structure will serve further to assimilate the new build within its surroundings.

- 10.14 It is considered that the design and layout revisions secured through negotiation are such that the proposal achieves compliance with Policies LP16 and LP18 of the FLP (2014) and that there would be no grounds to withhold consent relating to issues of visual amenity and impact on the conservation area.

### **Residential Amenity/Health and Wellbeing**

- 10.15 The site nestles within a back-land location surrounded by a mix of commercial and residential properties.
- 10.16 To the west of the site are the Town Council's offices. The western (rear) elevation of the proposed building will contain only roof-lights serving the first floor flat and ground floor windows serving the two flats at ground floor. The ground floor windows will be largely screened by the established boundary wall which marks the common boundary between the sites and the roof lights are positioned in such a way as to afford no outlook from the same. Accordingly, there are no issues to reconcile with regard to this relationship.
- 10.17 The south elevation of the first floor flat will contain a lounge window, however this will afford only oblique views of the private yard area to the south which is used in association with the funeral directors. Whilst this might not be an ideal outlook for the occupier of the first floor flat, or for the funeral directors and their activities, it remains a commercial, albeit sensitive, use and would not directly affect residential amenity.
- 10.18 To the north is the residential development (approved under F/YR09/0808/F), Whit Close. There are no windows in the northern elevation of the proposed building and as such no residential amenity conflicts with regard to loss of privacy/direct overlooking. The scheme will introduce a two-storey element within the rear outlook of these dwellings (which at first floor comprises a bedroom window and French doors with associated balconies to the most westerly two units and French doors, again with an associated balcony, to the third (most easterly unit)) and at ground floor comprise a similar arrangement with patio additions as opposed to balconies. Separation distances range from 7.4 metres to 10 metres. However, due regard must be had for the existing building which abuts the common boundary between the site and these neighbouring dwellings, albeit situated to the east of the site and immediately abutting the common boundary. Whilst there may be some impact on the outlook from, and some overshadowing of, the Whit Close development it is not considered that this would be so significant as to render the scheme unacceptable in the context of Policies LP2 and LP16.
- 10.19 The east (front) elevation of the proposed building will face onto the rear elevations of Nos 5 & 7 High Causeway. No 7 High Causeway incorporates a two-storey outshoot with a first-floor bedroom and kitchen window to its southern elevation (flank wall of the outshoot) and a further window in its first-floor rear (western) elevation; with the ground floor being in commercial use.
- 10.20 The front elevation of the proposed building will contain 4 windows at ground floor serving the kitchen/living rooms of the 2 ground floor flats. At first floor there are a further 4 windows, 2 serving an open plan kitchen/dining room/lounge and 2 serving the two bedrooms associated with this unit. Again,

there may be some residential amenity impacts arising due to the proximity of the buildings (with separation distances ranging from 5 to 11 metres) however outlook onto the first-floor window in the south elevation of the outshoot will be oblique and the distance between the front elevation of the proposed building and the rear elevation of No. 7 is circa 11.5 metres.

- 10.21 There is a further flat situated at first floor level of No 5 (known as 5B) this flat contains it would appear a bathroom window to the southern end of its rear elevation and a further window to the northern end of its rear (this window adjoining the window serving the residential accommodation at No. 7). These two windows (at No, 7 and 5B) are located where the greatest separation distances are achieved. It is further noted that the occupant of 5B has written in support of the scheme.
- 10.22 It is accepted that there will be some residential amenity impacts arising from the proposed development however these are not considered so significant as to warrant refusal of the scheme, noting the site context and the revisions made in terms of design, positioning, and scale.

### **Impact on Ash Tree protected by TPO**

- 10.23 The presence of the mature Ash tree on the site was identified as a significant constraint to the redevelopment of this site during the evaluation of the earlier withdrawn application. Notwithstanding this earlier stance, the scheme revisions now go some way to address this issue by locating the building outside the crown spread of the existing mature Ash tree on the site. This is acknowledged in the consultation response of the FDC Tree Officer, albeit it is still likely that the building will fall *'within the root protection area (RPA) of the tree, although it may be toward the periphery of the RPA. In addition, the proposed plan also references the construction of a cycle/bin store within the RPA, and whilst likely a shallow foundation, there is potential for root damage/severance'*.
- 10.24 The earlier scheme, which was accompanied by a tree report which recommended the removal of the tree yet accepted that pruning may be an option prompted an objection from the Tree Officer. This objection was based on the fact that the proposed building was very close to the protected tree with potential impact on the tree roots. It was further considered that the proximity of the building to the crown of the tree would create further pressures to reduce the crown to reduce shading which was perceived to be a threat to the tree; noting that there were a significant number of windows at ground and first floor which would have an outlook onto the tree. The Tree Officer concluded that the proximity to the tree was a significant constraint and was not sustainable and therefore a formal objection was raised.
- 10.25 The comments of the Tree Officer have, in response to the amended details, are less strident. Whilst an impact assessment and method statement have been highlighted as necessary to fully evaluate the works there appear to be a general acceptance that the revisions are such that the tree would no longer be deemed a significant constraint and that the tree could co-exist with the development without issue. This is of course subject to acceptable details being submitted which demonstrate how the tree will be protected during the works and how the cycle and bin store will be constructed on the site to ensure they do not conflict with the tree roots.



- 10.26 The agent has commissioned these follow-on reports and subject to them demonstrating, to the satisfaction of the FDC Tree Officer, that the tree will not be compromised as a result of the development there would be no grounds to resist the proposal on this basis.

### **Highways and Parking**

- 10.27 With regards to parking and access, as CCC Highways have previously noted, the site is within a town centre location with ready access to local services, facilities and public transport provision. The site is accessed off a pedestrianised road and private vehicular access is not available in the first instance. There are controls and mechanisms in place to prevent vehicular access and future occupiers will have to abide by the limitations of having no vehicle access to, or parking provision on, the site.
- 10.28 Appendix A to the FLP (2014) allows for reduced car parking provision or in special circumstances nil provision, however a nil provision would usually only be deemed appropriate if there were heritage considerations or other matters which justified such an approach. It is clear that the location of the site within a pedestrian zone with controls in place to prevent vehicular access that this is a development which could reasonably and justifiably benefit from the nil parking dispensation.
- 10.29 The site is constrained and as outlined at Para. 10.27 above it is within an area which does not allow for vehicular access. Accordingly, the physical constraints and road management regime, along with heritage considerations in terms of the form and layout of the building are such that a nil parking provision would be appropriate and align with Appendix A.

### **Drainage**

- 10.30 With regard to drainage the site is in Flood Zone 1 and so is not at risk from fluvial or tidal flooding. If surface water drainage is an issue locally, this could be satisfactorily addressed by mitigation measures incorporating sustainable urban drainage systems and overseen by Building Regulations.

### **Other matters**

- 10.31 Overdevelopment has been raised as a point of objection. The site is in a town centre location, generally of a higher density than on the outskirts of towns and in the villages and the scheme has been developed in such a way that there would be no policy grounds to withhold consent. It is the opinion of officers that the scheme does not represent an overdevelopment, however it does make the best use of land.
- 10.32 The CCC Archaeology team have recommended that the existing building be subject to a programme of archaeological historic building recording, this may be secured by pre-development condition which should be agreed with the agent prior to its imposition. This is in hand and the committee will be updated at the meeting. Subject to the acceptance of the condition it may be considered that the proposal aligns with Policy LP18 of the FLP (2014) in this regard.

## **11 CONCLUSIONS**

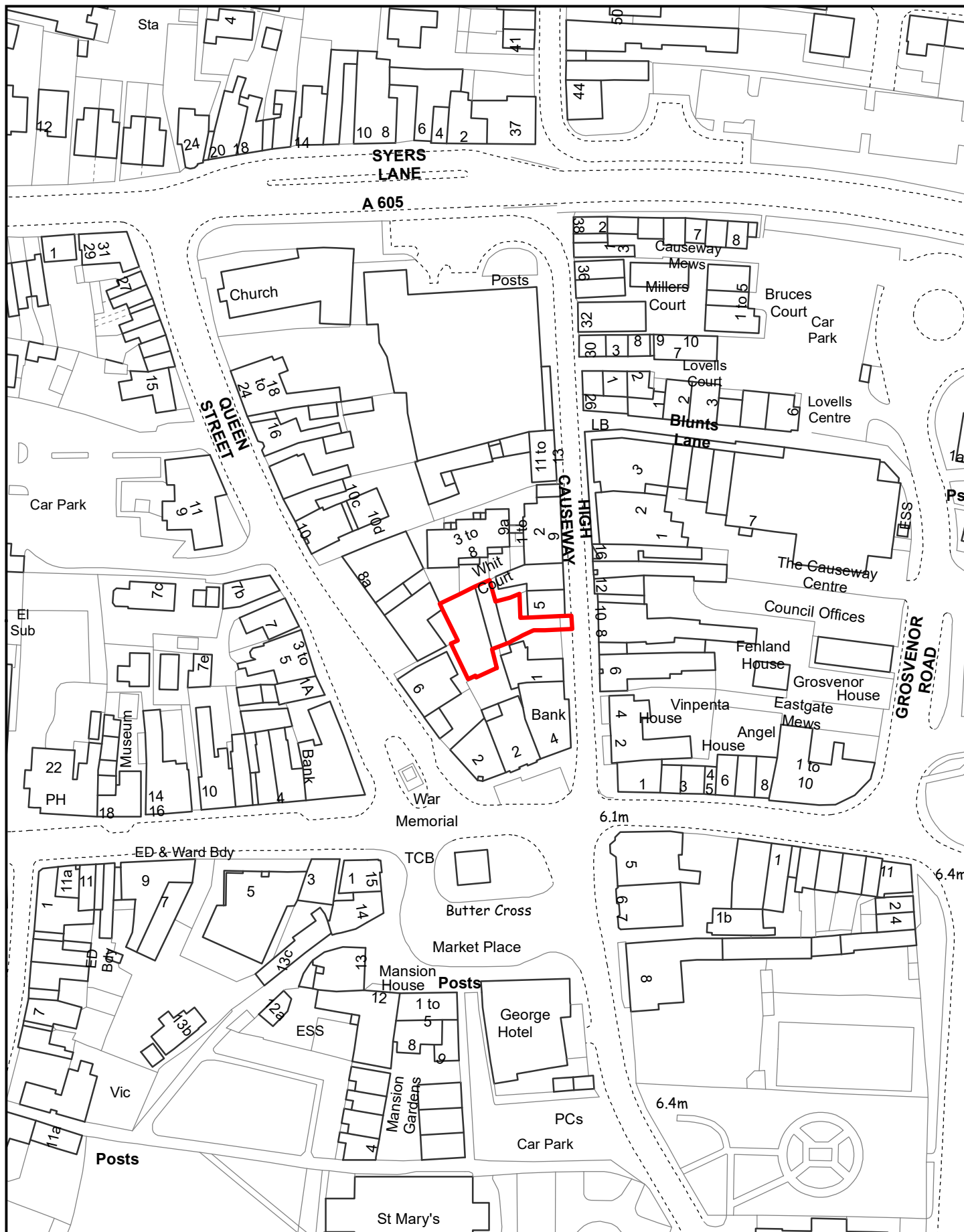
- 11.1 The scheme has been the subject of negotiations to address earlier concerns relating to design, scale and layout and these matters are now resolved to a level where there could be no grounds for objection.
- 11.2 In redeveloping a town centre site there will always be some compromises in terms of residential amenity. Whilst there will be some associated impacts accruing from this proposal these impacts are not considered so significant as to render the scheme unacceptable.
- 11.3 The proposed building will assimilate within the locality and will not adversely impact on the conservation area and there are no matters which would render the scheme unacceptable having given due weight to the provision of residential accommodation within a sustainable location.
- 11.4 This stance is subject to it being demonstrated that the existing Ash tree will not be implicated by the development and the committee will be updated at the meeting in this regard.

## 12 RECOMMENDATION

### Grant

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The proposed building shall be constructed from materials salvaged from the existing building on site. Should insufficient materials be available to facilitate the construction samples of any additional materials shall be made available on site for inspection prior to the commencement of any development above ground and these together with a schedule for their use and distribution within the scheme shall be agreed in writing by the Local Planning Authority.</p> <p>Reason – In the interests of the visual amenity of the area and to protect the character and appearance of the Whittlesey Conservation Area.</p>
3	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological historic building recording that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ul style="list-style-type: none"> <li>a. the statement of significance and research objectives;</li> <li>b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</li> <li>c. The timetable for the field investigation as part of the development programme;</li> <li>d. The programme and timetable for the analysis, publication &amp; dissemination, and deposition of resulting material and digital archives.</li> </ul> <p>Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated</p>

	<p>with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).</p> <p>This is a pre-commencement condition to ensure that a record of the historic significance of the existing building on site may be made.</p>
4	<p>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.</p> <p>Reason - To protect the amenity of the adjoining properties in accordance with LP2 and LP16 of the FLP (2014).</p>
5	<p>Prior to the construction of the bin and cycle store shown details shall be submitted to and approved in writing by the Local Planning Authority and all works shall be undertaken in accordance with the approved details.</p> <p>Reason – In the interests of the visual amenity of the area</p>
6	Tree conditions to be advised
7	<p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment.</p>
8	Approved plans



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**F/YR22/0063/F**

Scale = 1:1,250





297125

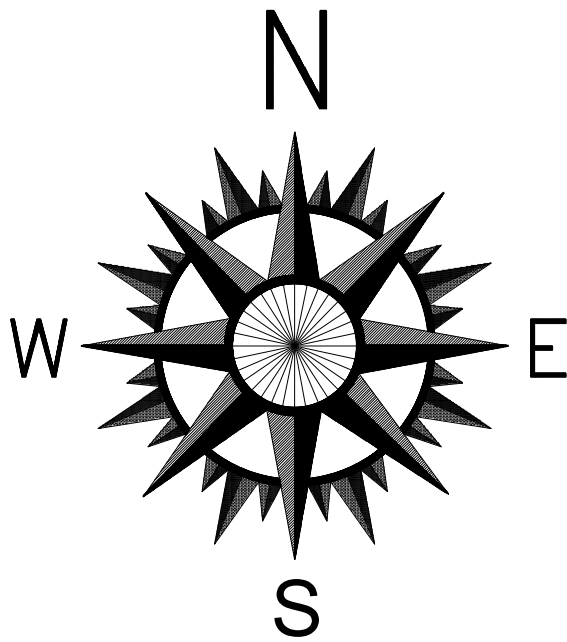
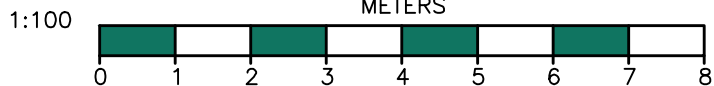
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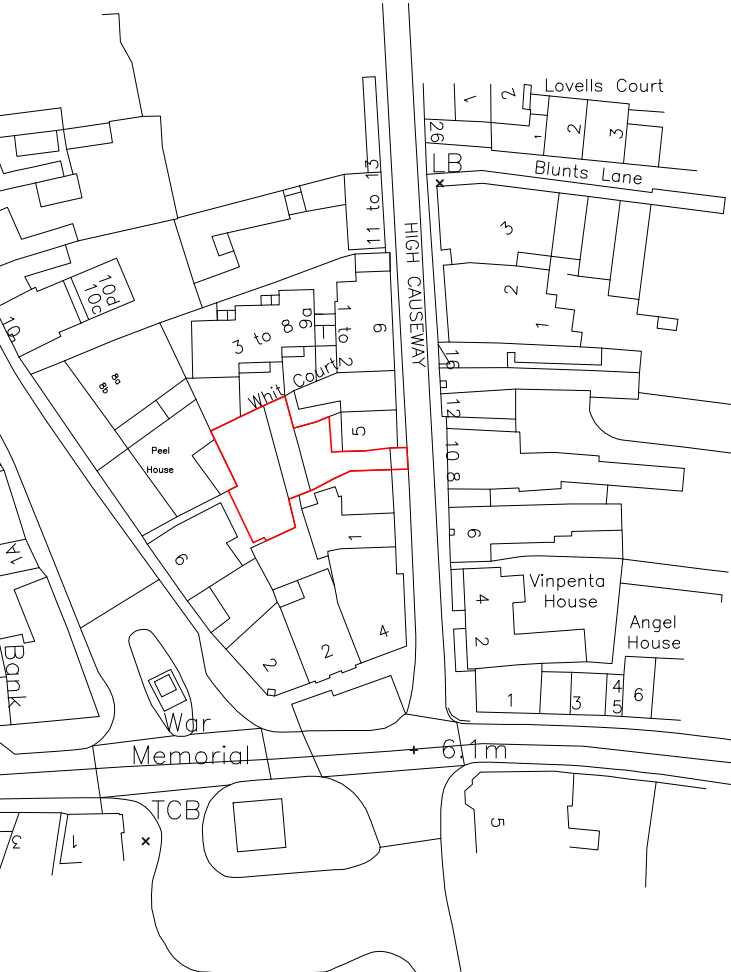
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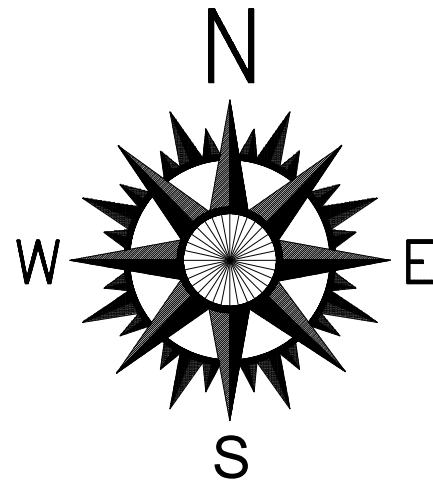
EXISTING SITE PLAN  
(1:100)



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Please read, if in doubt ask. Change nothing without consulting the Engineers.  
Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
The contractor is to arrange inspections of the works by the BCO (or NHC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer



LOCATION PLAN  
(1:1250)  
LICENCE NUMBER 100022432



C S A	PLANNERS COMMENTS PLANNERS COMMENTS CLIENTS COMMENTS	JAN 2022 JUL 2021 JUN 2021
REVISIONS		DATE

**MORTON & HALL**  
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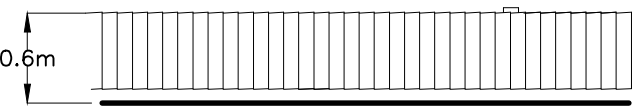
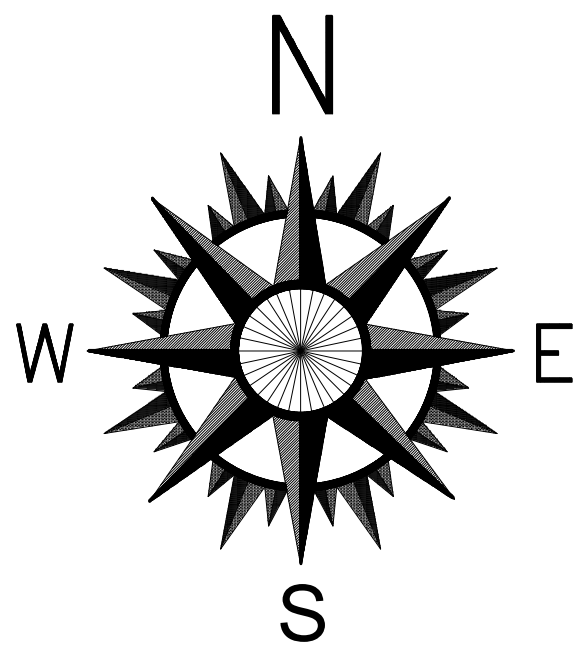
Fenland District Council  
Building Design Awards  
winner

CLIENT		Mr N Steen	
PROJECT		5-7 High Causeway Whittlesey Cambs PE7 1AE	
TITLE		Existing Site Plan & Location Plan	
DRAWN	R.Papworth	DATE OF ISSUE	
CHECKED			
DATE	May 2021	DRAWING NUMBER	H7098/01c
SCALE	As Shown		



297125

297100



0.6m HIGH FENCE DETAIL  
(1:50)

LEGEND

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

TOTAL PROPOSED BUILDING AREA – 143m<sup>2</sup>

TOTAL EXISTING BUILDING AREA – 118m<sup>2</sup>

G	PLANNERS COMMENTS	AUG 2022
F	PLANNERS COMMENTS	JUL 2022
E	PLANNERS COMMENTS	MAY 2021
D	UPDATED DRAWING	OCT 2021
C	PLANNERS COMMENTS	JUL 2021
B	CLIENTS COMMENTS	JUN 2021
A	CLIENTS COMMENTS	MAY 2021

REVISIONS	DATE
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UK: BUILDING EXCELLENCE AWARDS

winner

Fenland District Council

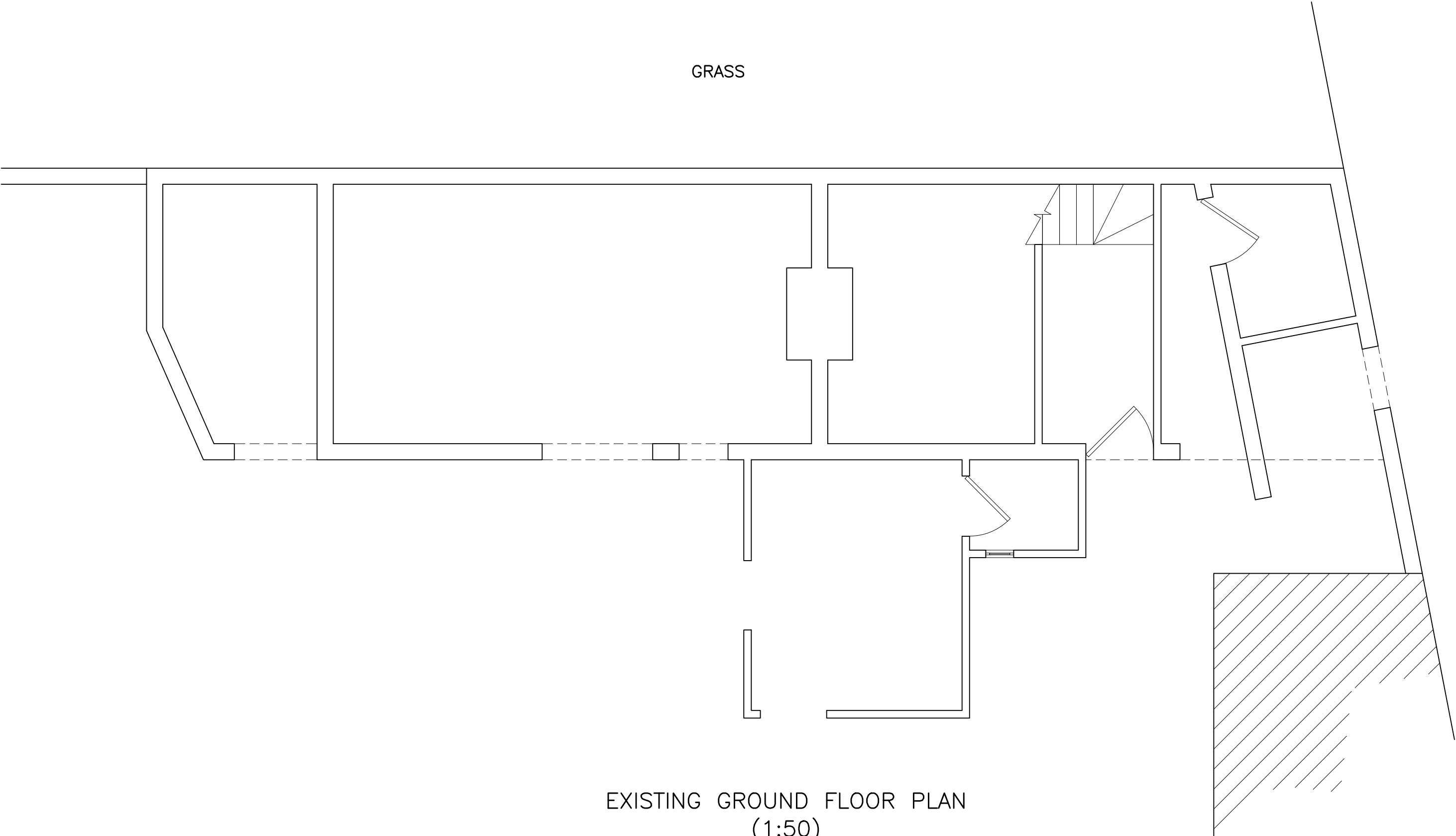
Building Design Awards

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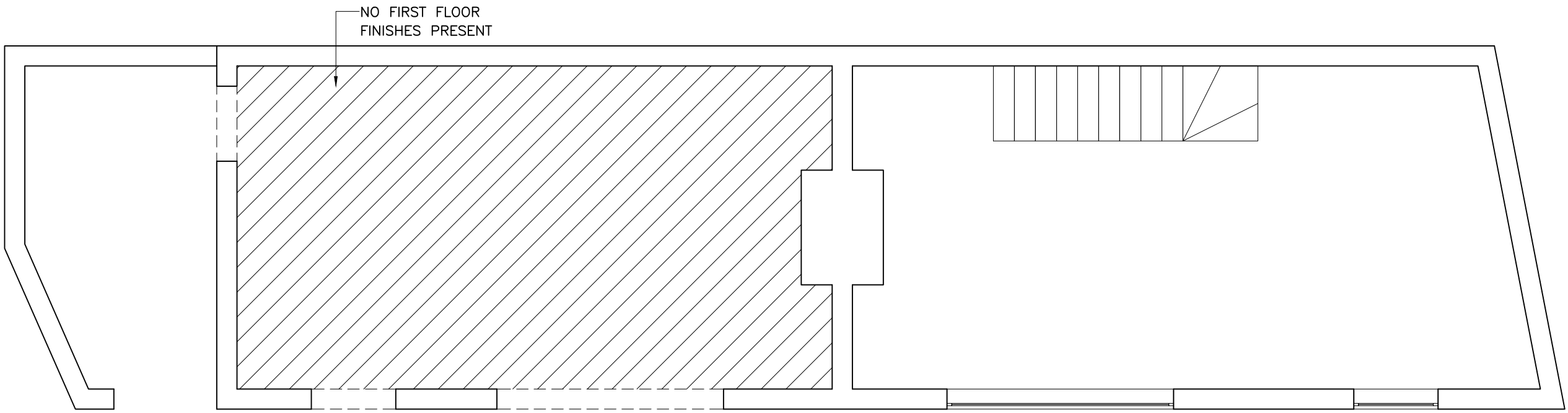
Building Excellence in Fenland

CLIENT	
Mr N Steen	
PROJECT	
5–7 High Causeway Whittlesey Cambs PE7 1AE	
TITLE	
Proposed Site Plan	
DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE May 2021	DRAWING NUMBER H7098/03 <sub>6</sub>
SCALE As Shown	





EXISTING GROUND FLOOR PLAN  
(1:50)



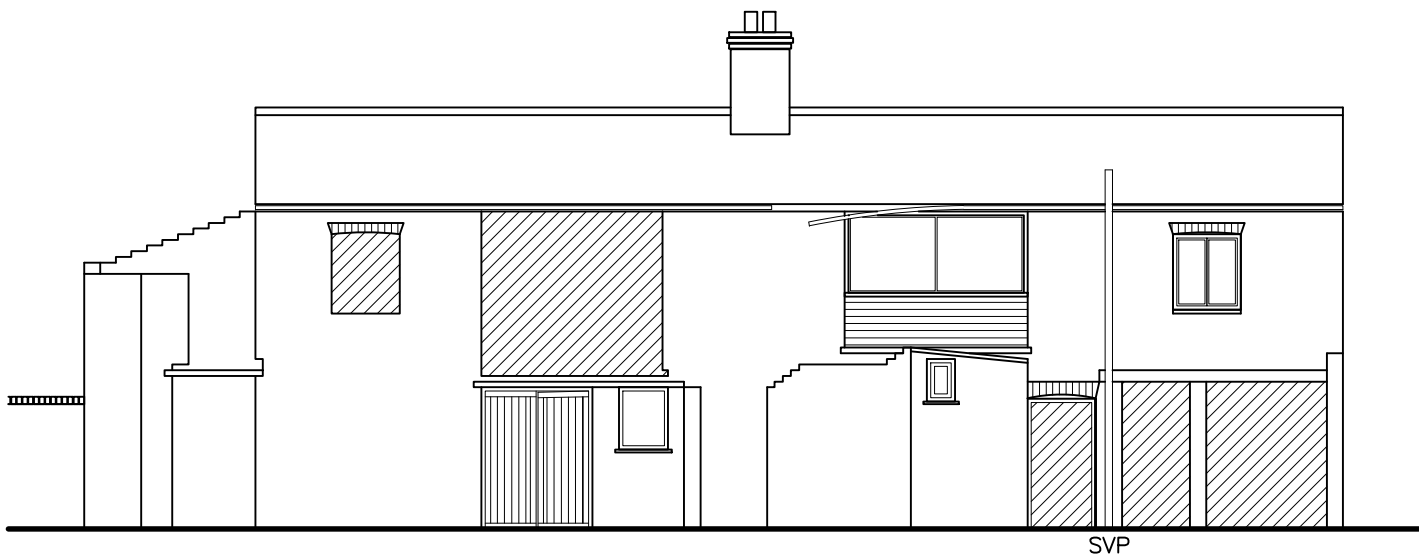
EXISTING FIRST FLOOR PLAN  
(1:50)



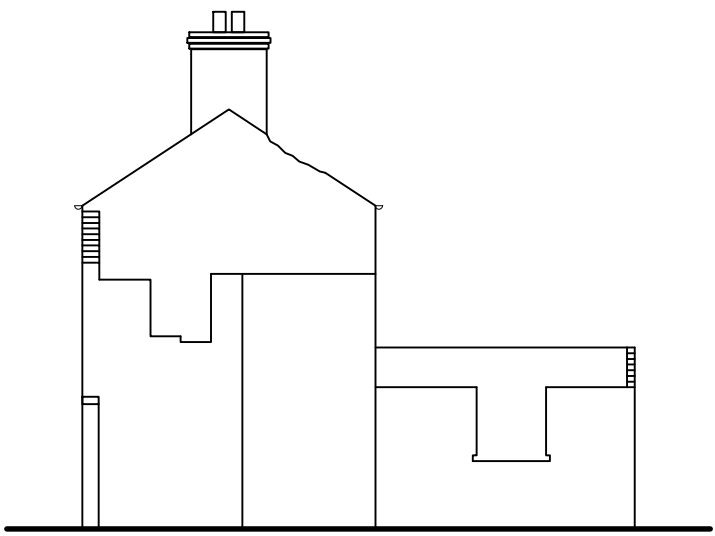
EXISTING FRONT ELEVATION



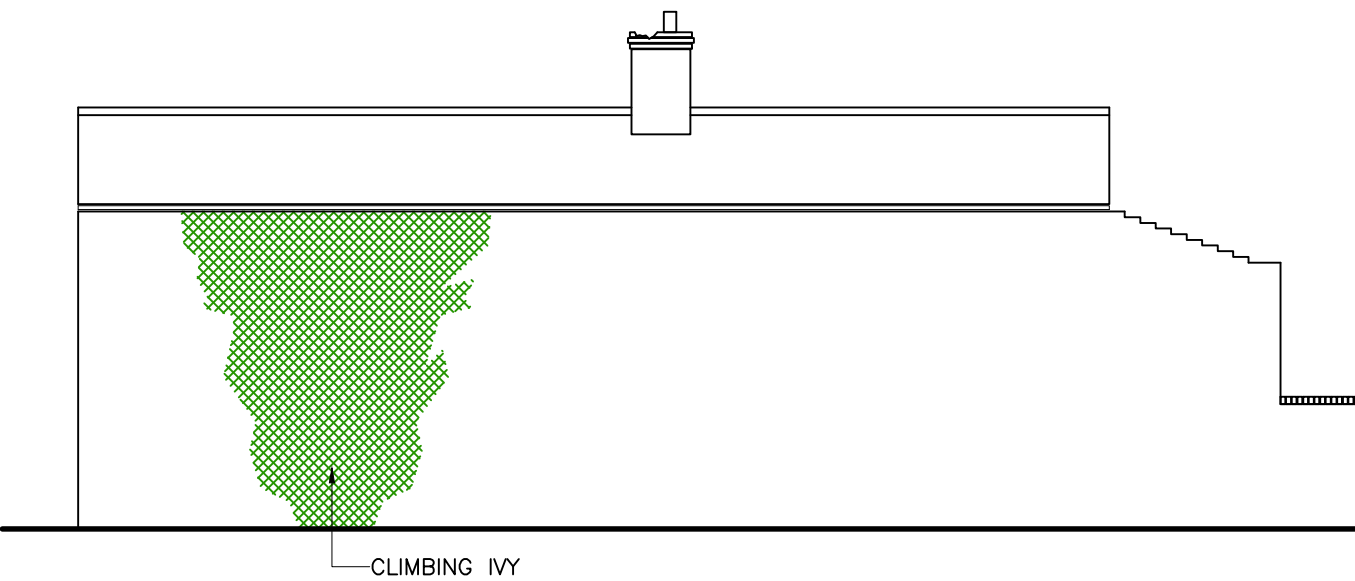
EXISTING REAR ELEVATION



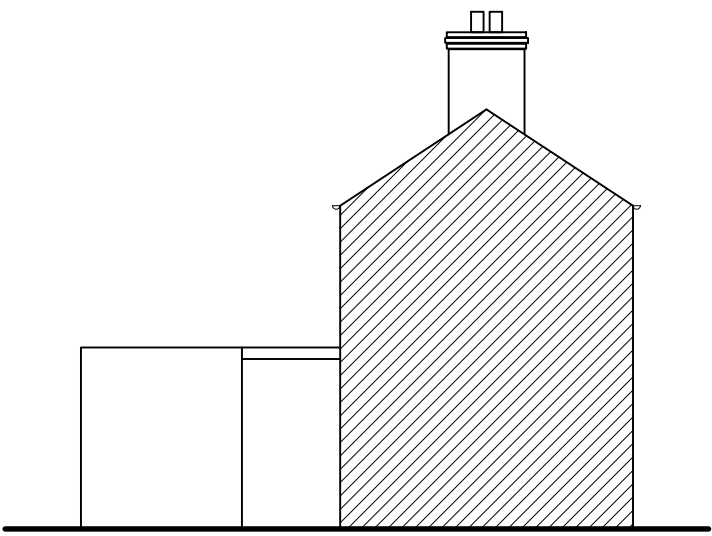
EXISTING FRONT ELEVATION  
(1:100)



EXISTING LHS ELEVATION  
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EXISTING REAR ELEVATION  
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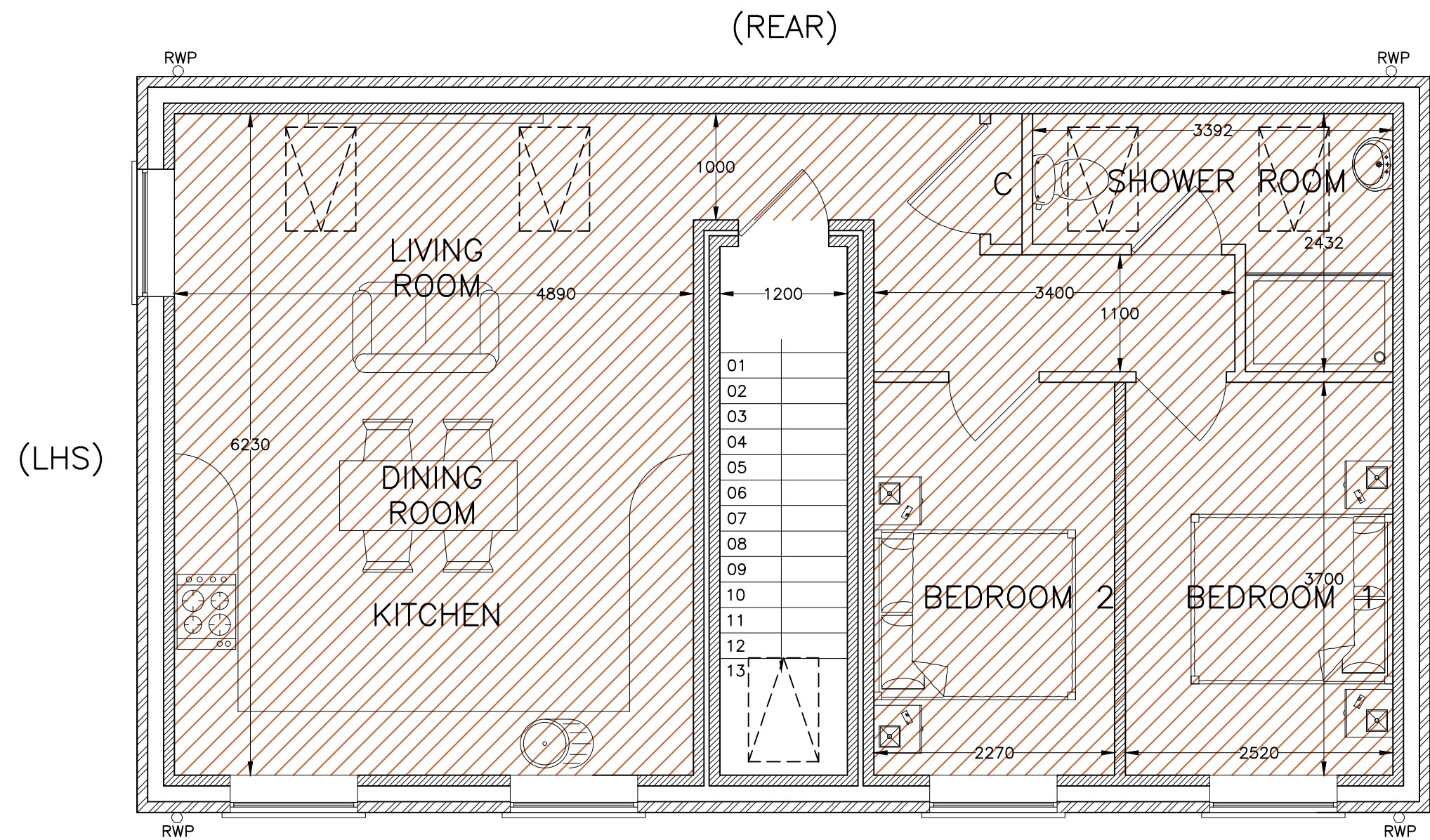


EXISTING RHS ELEVATION  
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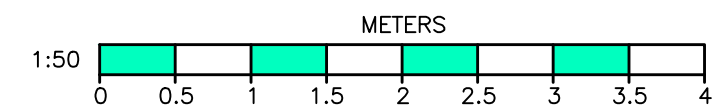
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Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

A	PLANNERS' COMMENTS	JULY 21
	REVISIONS	DATE
<div><div><div><div><div><div><b>MORTON &amp; HALL</b></div><div><b>CONSULTING LIMITED</b></div></div></div><div><div>CONSULTING STRUCTURAL ENGINEERS</div><div>1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ</div><div>Tel: 01354 655454 Fax: 01354 660467 E-mail: <a href="mailto:info@mortonandhall.co.uk">info@mortonandhall.co.uk</a> Website: <a href="http://www.mortonandhall.co.uk">www.mortonandhall.co.uk</a></div></div></div><div><div><div><div><div><div></div><div>FAB Building Excellence Awards winner</div></div></div><div><div><div><div><div><div>Fenland District Council</div><div>Building Design Awards</div><div>Building Excellence in Fenland</div></div></div><div>2020-2021</div></div></div></div></div></div></div></div></div>		
CLIENT		
Mr N Steen		
PROJECT		
5-7 High Causeway Whittlesey Cams PE7 1AE		
TITLE		
Existing Plans & Elevations of Barn		
DRAWN R.Papworth	DATE OF ISSUE	
CHECKED		
DATE May 2021	DRAWING NUMBER	
SCALE As Shown	H7098/02A	

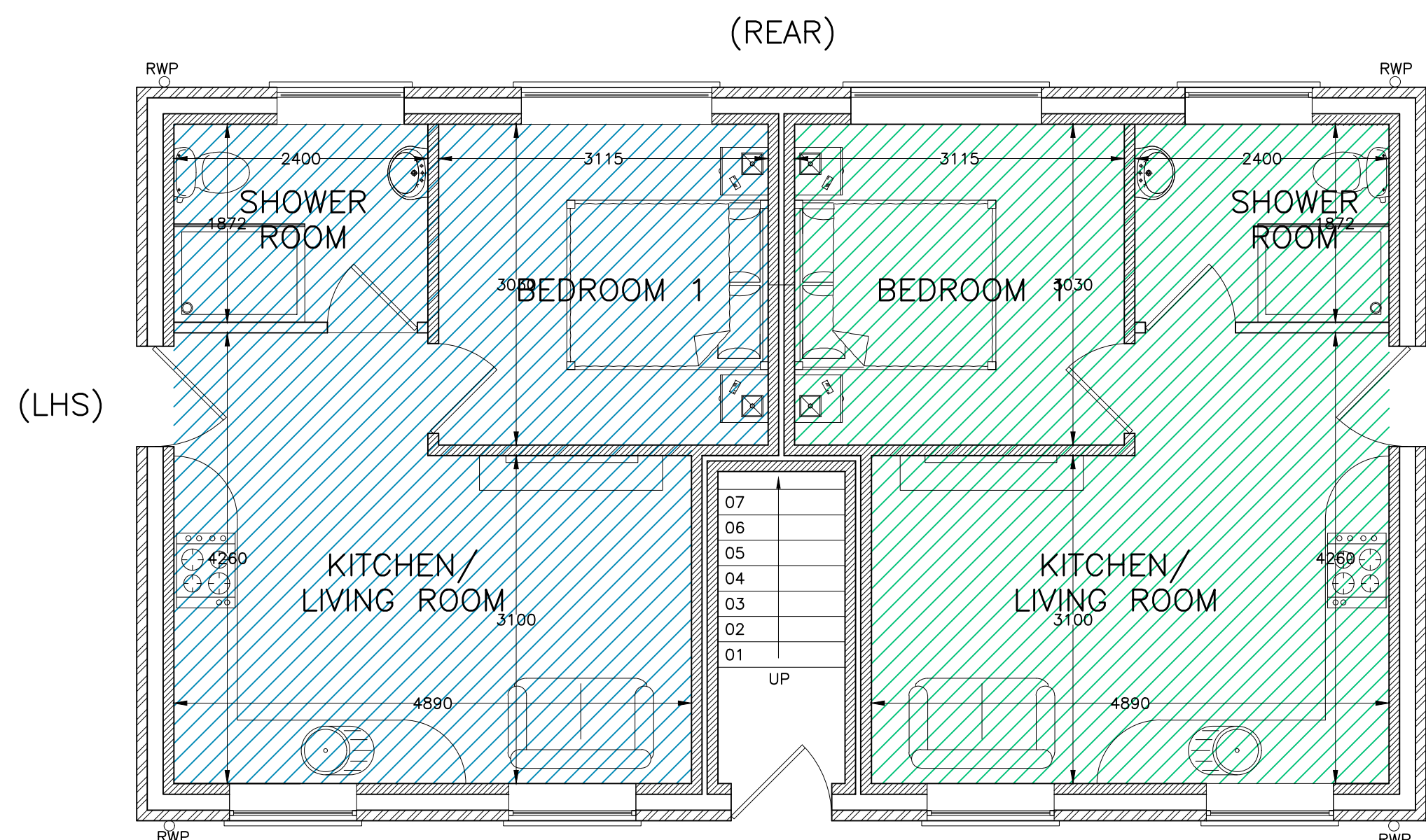




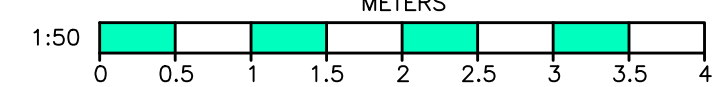
PROPOSED FIRST FLOOR PLAN  
(1:50)



FLAT 3 – 62m<sup>2</sup>



PROPOSED GROUND FLOOR PLAN  
(1:50)

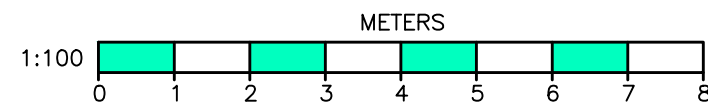


FLAT 1 – 32.5m<sup>2</sup>

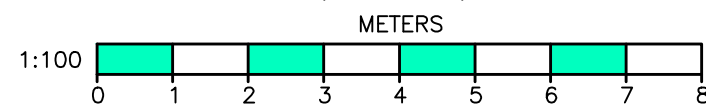
FLAT 2 – 32.5m<sup>2</sup>



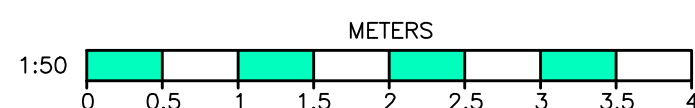
PROPOSED FRONT ELEVATION  
(1:100)



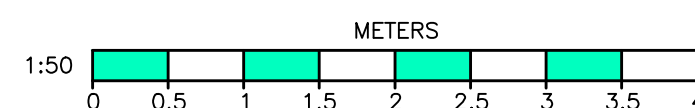
PROPOSED REAR ELEVATION  
(1:100)



PROPOSED RIGHT HAND SIDE ELEVATION  
(1:50)



PROPOSED LEFT HAND SIDE ELEVATION  
(1:50)



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

TOTAL PROPOSED  
BUILDING AREA – 143m<sup>2</sup>

TOTAL EXISTING  
BUILDING AREA – 118m<sup>2</sup>

F E D C B A	PLANNERS COMMENTS PLANNERS COMMENTS UPDATED DRAWING PLANNERS COMMENTS PLANNERS COMMENTS	AUG 2022 JUL 2022 MAY 2022 OCT 2021 JUL 2021 MAY 2021
REVISIONS		DATE

**MORTON & HALL**  
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CLIENT  
Mr N Steen

PROJECT  
5-7 High Causeway  
Whittlesey  
Cambs  
PE7 1AE

TITLE  
Proposed Plans  
& Elevations

DRAWN J. Scotcher	DATE OF ISSUE
CHECKED	
DATE May 2021	DRAWING NUMBER H7098/04F
SCALE As Shown	

**F/YR22/0459/F**

**Applicant: Mrs. D C Laws & Mrs. A E  
Blewett**

**Agent : Mr Andrew Hodgson  
Pegasus Group**

**Land North Of, Red Barn, Turves, Cambridgeshire**

**Erect 5no dwellings (2no 3-bed, 2-storey and 3no 3-bed, 2-storey with attached garages)**

**Officer recommendation: Grant**

**Reason for Committee: Applicant is a Fenland District Councillor**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The current proposal as a 're-submission' application from approved, but lapsed application F/YR11/0101/F is considered acceptable in principle and in matters of detail whereby it would represent an appropriately designed small housing scheme at this undeveloped and partially enclosed site location situated at the northern end of Turves where it would make effective and efficient use of available and currently under-utilised land in line with NPPF advice relating to new housing.
- 1.2 Whilst the proposed development would not strictly align with Policy LP3 of the adopted Local Plan relating to Turves as a Small Village settlement as it would not represent residential infilling by recognised definition, adopted plan policy in this instance is legitimately overridden by the particular circumstances of the site's physical location and also in recognition of the previous grant of planning permission by the Council for 5 no. dwellings at this site under ref; F/YR11/0101/F, albeit that the permission for that previous scheme has since expired.
- 1.3 The proposal would not give rise to any significant residential amenity harms to occupiers of neighbouring properties and would not cause harm to any protected or priority species or their habitats whereby opportunities exist for ecology net gains to be made through the proposal.
- 1.4 It is therefore recommended that the application be granted subject to appropriate conditions.

## **2 SITE DESCRIPTION**

- 2.1 The site comprises an irregular shaped and flat parcel of undeveloped land consisting of 0.49 ha which is currently overgrown which lies to the immediate south of the Ely to Peterborough main railway line save for a strip of undeveloped land running alongside it, to the immediate east (rear) of residential properties which line Burnt House Road and to the immediate north and west of properties



which exist within the Red Barn housing development. A planted tree area exists along the site's northern boundary strip, whilst more occasional self-seeded vegetation lies along the other site boundaries. No structures exist on the land. The site is accessed via a temporary 'Heras' fencing access gate which is positioned within the site's eastern boundary facing onto the driveways of Nos.37/39 Red Barn.

- 2.2 The first section of Burnt House Road at this location is characterised by 1½ storey chalet style housing, whilst the Red Barn estate is characterised by mainly 2-storey housing consisting of a variety of house types.

### 3 PROPOSAL

- 3.1 This full application relates to the erection of 5no. market dwellings with parking provision and new access road as shown on 'Proposed Site Layout Plan' Drwg. No. P21-3545 02 Rev1.
- 3.2 The five dwellings proposed would be of similar house types all with front projecting dropped eaves lines to the principal elevation and all with single storey rear projecting outshoots with the exception of the dwelling for Plot 5. Each dwelling would have the benefit of either frontage or side hardstanding parking provision, although the dwellings for Plots 3, 4 and 5 would also have the benefit of single space attached garages.
- 3.3 A small communal grassed amenity area is shown for the front of the proposed development, whilst a private paddock for the benefit of Plot 5 would be formed to the side of this last plot to the rear of Nos.37-43 Red Barn. An indicated 2.7m wide maintenance access strip for surface water and foul sewer discharge would run from the development through the paddock to a proposed Klargestor package treatment plant, whilst a communal refuse/recycling point would stand just into the development site along the proposed access road.
- 3.4 The application is accompanied by the following documents/reports:
- Planning Statement
  - Design and Access Statement
  - Flood Risk Assessment
  - Ecological Appraisal
  - Bio-diversity Net gain Assessment
  - Contamination Report
  - Geo-Environmental Site Investigation Reports
- 3.5 Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

### SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR01/0516/O	Residential development (0.7 ha)	Withdrawn	23.07.2001

F/YR01/0814/O	Erection of 5 no. dwellings (0.7 ha)	Withdrawn	19.12.2001
F/YR02/0577/O	Residential Development (0.7 ha)	Withdrawn	23.09.2002
F/YR03/0627/O	Residential Development (0.7 ha)	Refused	13.08.2003
F/YR09/0246/O 09/00039/REF	Erection of 5 bungalows and 2 semi-detached houses	Refused Appeal Dismissed	07.07.2009 16.04.2010
F/YR11/0101/F	Erection of 2 x 3-bed 2-storey dwellings and 3 x 3-bed 2-storey dwellings with attached garages	Granted	21.02.2012
F/YR14/3145/COND	Details reserved by conditions 2, 5, 6 and 10 of planning permission F/YR11/0101/F (Erection of 2 x 3-bed 2-storey dwellings and 3 x 3-bed 2-storey dwellings with attached garages)	Approved	05.02.2015
F/YR21/1189/VOC	Variation of Condition 9 (Flood Risk), relating to planning permission F/YR11/0101/F (Erection of 2 x 3-bed 2-storey dwellings and 3 x 3-bed 2-storey dwellings with attached garages)	Withdrawn	17.11.2021

## 4 CONSULTATIONS

### 4.1 Environment Agency:

#### Environment Agency Position

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

#### Advice to LPA

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

*The IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.*

*In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to*

*formally consider the emergency planning and rescue implications of new development in making their decisions.*

## **4.2 Middle Level Commissioners**

*(March West and White Fen Internal Drainage board)*

*Whilst detailed consideration of the application has not been undertaken, from a brief review of the submission documents the following comments are made:*

### **A. Drainage and flooding problems**

- i. Several concerns have been raised by local residents about drainage and flooding.*
- ii. Turves does have a history of flooding within its urban area primarily due to the absence of adopted sewer systems and associated infrastructure, with many properties utilising infiltration based systems for waste water disposal which, because of the geological conditions, including a high ground water table, do not meet design requirements.*
- iii. However, the Board has no evidence of flooding in the vicinity of the site in recent years.*

### **B. Maintenance Access Strips**

- i. As land owners beside watercourses have duties under the Land Drainage Act (LDA) it is pleasing to note from Pegasus Designs Drawing No. P21-3545\_02 SHEET NO: \_ REV: \_ I that a 5m wide maintenance access strip has been provided beside the adjacent watercourse.*
- ii. However, it is uncertain how suitable maintenance machinery will be able to gain access to it.*

### **C. Waste Water Management Systems**

- i. There does appear to be some confusion concerning the means of waste water disposal. It is noted that the Planning Application Form dated 07th Feb does not refer to the use of SUDS or a package treatment plant (PTP), but these are referred to in other supporting documents.*
- ii. The Sustainable Drainage Strategy Ref. ECL0514 dated July 2021 advises that the proposal includes both a Swale and Detention Pond for surface water disposal, Figure 3 on page 21 (8), see below, and a PTP for foul water disposal both of which will discharge to the existing watercourse. However, the latter is not illustrated on the afore mentioned figure, but is shown on Peter Humphrey Associates Drawing No. 4642/P01M, page 26, in the same location as the proposed pond.*
- iii. The use of a well-designed pond would avoid any concerns about infiltration and high ground water levels.*
- iv. In the absence of detailed design of the waste water management systems it is difficult to be conclusive, but the pond visually appears to be too small and does not meet the Board's minimum design and access requirements.*

### **D. Pollution Control and Nutrient Loading**

- i. Water quality is primarily an issue for either the Environment Agency and/or the local Environmental Health Department, but problems with and*



- the incurred costs associated with polluted watercourses and/or disposal of excavated material are increasing. Nutrient Loading is also a concern.*
- ii. Any actions that prevent/control pollution and contribute to nutrient neutrality, generally in accordance with the guidance provided by Natural England, are encouraged.*
- iii. The appropriate design and regular maintenance of together with the use of appropriate planting within both the swale and the pond is likely to reduce any adverse impacts and could also diversify and contribute to local Biodiversity, including the aquatic environment.*

**E. Long-term Ownership, Funding and Maintenance of the waste water management system.**

- i. The submission documents refer to the establishment of a property management company (ManCo) to manage and maintain the waste water management systems, presumably both on and off site.*
- ii. In order to alleviate concerns about suitable arrangements being made to secure the operation of the scheme throughout its lifetime and any subsequent adverse impact upon the respective systems; the Commissioners/Boards and Councils' ratepayers and the natural, built and waterborne environment; it is considered appropriate that the Commissioners/Boards ensure that adequate arrangements are made for the long-term ownership funding, management and maintenance arrangements for the upkeep of any waste water management systems, whether on or off site, in perpetuity.*
- iii. These requirements may be in addition to those imposed by planning conditions or required by the LLFA and request that details of the works to be carried out by the occupier/land owner, adopting authority, the Management Company or other responsible person/authority, together with the costs attached, are included in the "Owners Pack" and the Deed of Sale.*

*It is accepted that items C – E can be dealt with by imposing suitably worded planning conditions.*

### **4.3 Highways**

*Highways note that this application had been granted permission previously. This current arrangement is the same as the previous. Even though the previous application had a stated 5m width for the access into the site, the current scheme does not have the stated width. Therefore, the width should be added to the plan.*

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

### **4.4 Network Rail**

*Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.*

*The developer must ensure that their proposal, both during construction and after completion does not:*

- encroach onto Network Rail land*
- affect the safety, operation or integrity of the company's railway and its infrastructure*
- undermine its support zone*
- damage the company's infrastructure*
- place additional load on cuttings*
- adversely affect any railway land or structure*
- over-sail or encroach upon the airspace of any Network Rail land*
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.*

#### **4.5 PCC Wildlife Officer**

*Recommendation:*

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

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

*Pre-commencement Condition(s) –*

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

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

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

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

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

*-Placement, type and number of any recommended biodiversity enhancements; and  
-Boundary treatments. Development shall be carried out in accordance with the submitted details and at the following times:*

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

*Informative –*

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

*Assessment/Comment:*

*The ecological surveys by Allied Ecology, 2022 outlines that the proposed development can avoid negative impacts on ecological material concerns. The conditions above ensure that the recommendations from the survey are incorporated into the site design and that the site will result in at least no net loss of biodiversity.*

#### **4.6 FDC Environmental Health Officer**

*The Environmental Health Team have 'No Objections' in principle to the proposed scheme as it is unlikely to affect or be affected by the noise or air climate.*

*Previous attention was given to address a concern for the potential of there being contamination on site. As a result, a Phase 1 and a subsequent intrusive Phase 2 investigation was carried out to establish ground conditions.*

*The Phase 2 investigation undertaken by RSK Environmental Ltd has detected no made ground material or visual/olfactory contamination at the application site and has concluded the site is suitable for the proposed use with no further assessment considered necessary. Investigation Project No. 340257 dated 28<sup>th</sup> January 2022 refers.*

*Having reviewed the above report this service accepts the findings made following the ground investigation along with the recommendations made by RSK Environmental as described in Section 8.3 of the approved report. Notwithstanding the recommendations made by RSK, this service requests the 'Unsuspected Contaminated Land' condition be imposed should permission be granted given the nature of development being proposed, but also in the interests neighbouring receptors and the environment.*

*Our records show previous reports made to the council regarding defective drainage in this area and so we would highlight the concern this proposal may have on the existing network of drains and/or suitability of the existing geology of*

*the area. To this end, I would recommend our Engineering Services Team be invited to further comment on this proposal and the drainage being considered.*

*We note the presence of existing sensitive receptors adjacent the application site who have the potential to be adversely affected by the proposed development. Should this application be approved, we ask the applicant to submit as a pre-commencement condition, a robust Construction Management Plan (CMP) that, sets out how the potential for adverse impacts such as noise, dust and other unwanted nuisance will be avoided or minimised during the various stages of development.*

*The CMP should include but not be limited to the following elements:*

- Contractors' access arrangements for vehicles, plant and personnel including the location, design and specification of construction access and the traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers*
- Construction hours (with no noisy working outside the hours of 8am to 5pm Monday to Friday, 8am to 1pm Saturdays whilst at no time on a Sunday or bank holiday)*
- Delivery times for construction purposes*
- Noise monitoring methods including location, duration, frequency and making available the results of monitoring at the request of council officers*
- Mitigation against the level of noise generated by construction equipment, plant and vehicles*
- Vibration monitoring method including location, duration, frequency and making available the results of monitoring at the request of council officers*
- Dust suppression management (wheel washing measures for example to prevent the deposition of debris on the highway and the general environment)*
- Site lighting*
- Liaison, consultation and publicity arrangements including dedicated points of contact*

Further response received from FDC Environmental Health Officer dated 6 October 2022:

*I have added a standard noise condition for railways that could be included.*

#### **4.7 Whittlesey Town Council**

*The Town Council has no objection and recommends approval.*

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

Six letters of objection (Four from residents of Red Barn and two from Burnthouse Road, Turves) have been received on the following grounds:

- Overdevelopment*
- Loss of agricultural land*
- Flooding/drainage issues*
- Access issues*
- Wildlife impact*

- Loss of trees
- Design/appearance
- Parking arrangements
- Bin store location
- Loss of residential amenity
- Light pollution
- Impact on local services

## 5 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).

## 6 POLICY FRAMEWORK

### National Planning Policy Framework (NPPF)

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

Paragraph 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.

Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 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.

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.

Paragraph 79 – To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

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

Paragraph 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 120 – Planning policies and decisions should:

(d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.



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

Paragraph 126 – Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 159 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 161 – All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

Paragraph 162 – The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Paragraph 163 – If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

Paragraph 179 – To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

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

Procedures for determining a planning application.

## **National Design Guide 2021**

Context – Understand and relate well to the site, its local and wider context.

Identity – Respond to existing local character and identity. Well designed, high quality and attractive. Create character and identity.

Built Form – Compact form of development. Appropriate building types and forms.

Movement – Well-considered parking, servicing and utilities infrastructure for all users.

Nature – Support rich and varied biodiversity.

Homes and Buildings – Healthy, comfortable and safe internal and external environment. Well-related to external amenity and public spaces. Attention to detail: storage, waste, servicing and utilities.

Resources – Follow the energy hierarchy. Selection of materials and construction techniques. Maximum resilience.

Lifespan – Well-managed and maintained. Adaptable to changing needs and evolving technologies. A sense of ownership.

## **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  
LP11 – Whittlesey  
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. 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 therefore at in accordance with Paragraph 48 of the NPPF. Of relevance to this application are 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 LP12: Meeting Housing Needs  
Policy LP20: Accessibility and Transport  
Policy LP22: Parking Provision  
Policy LP24: Natural Environment  
Policy LP25: Biodiversity Net Gain  
Policy LP27: Trees and Planting  
Policy LP32: Flood and Water Management  
Policy LP34: Air Quality

### **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 10 – Flood Risk

### **Cambridgeshire Flood and Water SPD**

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

- **Principle of Development**
- **Access considerations**
- **Design**
- **Impact on residential amenity**
- **Impact on protected/priority species**
- **Other matters – Trees, drainage and contamination considerations**

## **8 BACKGROUND**

- 8.1 This detailed application proposal is in effect a re-submission application without change to approved detailed application F/YR11/0101/F for the same said development whereby the planning permission for that previously approved scheme has since lapsed, hence the submission of the current full application.
- 8.2 Application F/YR11/0101/F was approved subject to ten planning conditions with each either controlling development or requiring submission of further details. The relevant conditions attached to the planning permission for that application were as follows:
- Condition 2 required details of the location and design of the refuse bin and recycling storage areas and collection points.
  - Condition 5 required details of materials to be used for external walls and roofs.
  - Condition 6 required a scheme for the provision of external lighting.
  - Condition 10 contained two parts and included: A desk top study into sources and impacts of land and/or groundwater contamination relevant to the site and a site investigation and risk assessment to characterise the nature and extent of any contamination and its implications.
- 8.3 The conditions listed above were included and discharged accordingly in subsequent DOC application F/YR14/3145/COND – with the exception of Condition 10, which was only partially discharged prior to expiration of the permission due to an oversight in discharging all of the conditions prior to the permission expiry date.
- 8.4 When determining the application the officer report included the following comments, “In relation to the site history as noted above the previous planning application (F/YR09/0246/O) was refused by the Council and ultimately dismissed on Appeal. However it included dwellings located further to the north than the current proposed layout. The Inspector in determining the Appeal made specific reference to the area of land within which the dwellings are now proposed. He noted that: *‘Development in this area would be closely bounded on three sides by existing dwellings and would do no more than consolidate and ‘round off’ the existing estate. It is also my understanding that it is this area that was originally intended for public open space and I consider it reasonable to assume that if that designation had been elsewhere at the time of the development (as in fact subsequently happened) then this area of land would have formed part of the housing layout’*. These comments by the Inspector are considered a material consideration in the determination of this application”.
- 8.3 The current ‘resubmission’ application retains details of the approved scheme, whilst updating key aspects such as the submitted Flood Risk Assessment and Ground Contamination Survey previously submitted to reflect current national and policy advice and current ground conditions.

## 9 ASSESSMENT

### Principle of Development

- 9.1 The residential development of this undeveloped and overgrown greenfield site partially surrounded by existing housing for 5 no. dwellings was previously viewed as being acceptable in principle by the Council under planning application F/YR11/0101/F when the officer report for that full application proposal in recommending approval for the scheme concluded that;

*“The application site is located adjacent to the Development Area Boundary for Turves, but can be considered appropriate for residential development as the proposed layout does effectively round off the built form of the existing estate. The proposed design and layout is considered to be of a good standard and will not have an adverse impact on residential amenity. The proposed development is considered acceptable in this location and is recommended for approval subject to appropriate conditions”.*

- 9.2 It should be noted that the aforementioned application was determined under a previously adopted local plan for the district (1993) and it therefore falls to be considered for the current re-submission application whether the residential development of the site remains acceptable in principle against the relevant plan policies of the subsequent and currently adopted local plan (the Fenland Local Plan (Adopted May 2014) with regard to Spatial Strategy, Settlement Hierarchy and other material matters and whether the development would now meet the provisions of the NPPF whereby application F/YR11/0101/F was determined very shortly before the NPPF was first published on 27 March 2012 and which is a material planning consideration for the ‘re-submitted’ proposal.
- 9.3 In this respect, Policy LP3 of the Fenland Local Plan (‘the local plan’) identifies Turves as a ‘Small Village’ settlement and states that residential development within such settlements will be considered on its merits, but will normally be of a very limited nature and normally be limited in scale to residential infilling. Policy LP12(a) further qualifies the requirements for village development in general, stating that only infill of existing villages will be considered favourably.
- 9.4 It should be noted, however, that the application site is shown to be outside the defined development boundary for Turves for the emerging Fenland Local Plan whereby Turves is defined within the emerging local plan for the purposes of Policy LP1 relating to Settlement Hierarchy as a ‘Small Village B’ and therefore is classed as falling within the countryside. Furthermore, the proposed housing growth strategy for the emerging local plan does not allocate any housing allocation sites for Turves. However, as previously stated above, the policies of this plan carry extremely limited weight in decision-making at this time given the very early stage which the plan is at.
- 9.5 The NPPF (July 2021) in its detailed glossary of terms does not define what is meant by the term ‘infilling’. However, ‘Appendix C – Glossary’ contained at the end of the adopted Fenland Local Plan covering terms which are considered more locally specific to the Local Plan defines ‘Residential Infilling’ as *‘Development of a site between existing buildings’*.

- 9.6 By this definition (and which is a definition widely accepted by other local planning authorities), the proposed development does not constitute a form of infilling. However, the proposal can be seen as representing something of an unusual circumstance in that the site is surrounded on three sides by existing housing with a physical barrier also existing to the immediate north, namely the railway line. As such, the proposed development would not conflict with a prevailing linear pattern, nor would it encroach into the open countryside as would otherwise usually be the case when considering proposals in Small Villages which are not 'infill'.
- 9.7 Whilst therefore the proposed development would strictly be contrary to Policy LP3 of the adopted Local Plan relating to Turves as a Small Village as it would not represent residential infilling by any recognised definition as aforementioned, adopted policy in this instance is therefore legitimately overridden by the particular circumstances of the site and also by virtue of the previous grant of planning permission for 5 no. dwellings at this site under ref; F/YR11/0101/F, albeit that the permission for that scheme has since expired whereby it is noted that Policy LP3 states that development will be considered on its merits, but will *normally* (report emphasis) be of a very limited nature, meaning that there is scope for some flexibility when anomalous circumstances arise.
- 9.8 Furthermore, the proposed development would chime with the provisions of the NPPF which states at Chapter 12 that planning decisions should promote an effective use of land in meeting the need for homes and other uses, adding at paragraph 120 d) that planning decisions should *"promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively"*. In this respect, the site is both under-utilised and available for housing whereby the NPPF is a material consideration to the planning merits of the current application proposal.

### **Flood Risk**

- 9.9 The application is accompanied by a Flood Risk Assessment (FRA) which updates the FRA which accompanied previously approved application F/YR11/0101/F which identifies all of the site as falling within Flood Zone 3 as shown on the government's Flood Risk map, representing the highest risk of flooding where indeed the whole of Turves lies within Flood Zone 3.
- 9.10 Policy LP14 includes a requirement for applicants to perform a sequential test in order to assess whether less flood prone sites have been duly considered. It is stated in the updated FRA that both the sequential and exception tests are met by reason of the previous permission for the site under F/YR11/0101/F. Whilst this position is noted, it should be emphasised that this permission has since lapsed and it is argued therefore that the submitted sequential test is flawed in its methodology. Notwithstanding this, it can be said that the sequential test is passed as a whole as the entire Turves settlement lies within Flood Zone 3 meaning that there are no alternative sites within Turves that would be at a lower flood risk and none that would be able to accommodate, individually or cumulatively, a 5 no. dwelling development as proposed. The applicant has provided flood resilience details in the submitted FRA to demonstrate how the development would be safe from flooding for its lifetime.

### **Access considerations**



- 9.11 The proposal shows a 5m wide raised block paved shared access road leading from Red Barn as previously shown for approved application F/YR11/0101/F which would incorporate a hammer head turning area whereby it is stated that the existing driveway leading to the site boundary is within the ownership of the applicant. CCC Highways have noted for their consultation response that planning permission has previously been granted for the same said housing scheme under F/YR11/0101/F showing exactly the same road layout arrangement as now proposed and have not raised any highway objections to the current re-submitted scheme subject to the access road clearly showing at 5m width (which it does). No highway objections are therefore raised to the proposal under Policies LP15 and LP16 of the adopted Fenland Local Plan.

## **Design**

- 9.12 The proposed dwellings for the submitted housing scheme would as before with approved application F/YR11/0101/F incorporate an appropriate vernacular building style with good pitched roofs, including the provision of roof dormers and roof lights, and good articulation of form between the various building elements. The dwellings would be 1½ storey in height which would represent an appropriate building scale for this infill site which is bounded by 1½ storey chalet style dwellings within Burnt House Road on its west side and by mainly two storey dwellings, but with some 1½ storey dwellings mixed in, within the Red Barn estate on its south and east sides. The presented scheme would therefore be in character with the prevailing built form of the immediate area.
- 9.13 The use of red brick, clay tiles and timber windows as external material finishes for the dwellings would be appropriate for this location as would the specified hard landscaping measures (cobble driveways), the indicative soft landscaping planting scheme as shown on the 'Proposed Site Layout' and also the proposed external lighting scheme specifying solar energy bollards along the access road into the development as shown on the 'Proposed External Lighting Layout'.
- 9.14 The development would have a suitable site density with the dwellings appearing relaxed within their respective plots with acceptable separation distances shown between their respective opposing flank elevations. All of the dwellings would have generous rear gardens which would comfortably exceed the minimum garden size specification as set out within Policy LP16 (h) of the adopted Local Plan. Additionally, all of the dwellings as 3-bedroomed units would have on-site parking provision which would either meet or exceed the minimum parking standards as set out in Appendix A 'Car Parking Standards' of the adopted Local Plan. Furthermore, all of the dwellings proposed are to incorporate a range of 'fabric first' energy reduction and performance improvement features, including Air Source Heat Pumps (ASHP) for space and water heating.
- 9.15 A communal bin store/collection point for the proposed 5 no. dwellings is shown positioned at the start of the development site on the submitted '*Refuse and Recycling Area Plan*' which would be enclosed by 1.8m high palisade fencing whereby this refuse and recycling facility was shown in an identical location for the proposed development for approved application F/YR11/0101/F. No objections are therefore raised to its siting at this entrance point similarly for the current application. It is noted that representations have been received from the occupiers of the adjacent residential property, No.37 Red Barn, raising concerns about the proposed positioning of the communal bin store/collection point adjacent to their western flank boundary in terms of smells that could emanate from it, particularly on bin collection days. However, whilst this representation is noted, it should be

emphasised that the current indicated positioning of the refuse and recycling facility at the beginning of the development would comply with the SPD adopted 25m maximum walking distance by refuse operatives from a highway, albeit that it would by coincidence be at the maximum walking distance of 25m, whereby moving it any further into the development would take it over this 25m maximum walking distance. No design objections are therefore raised to the proposal (as before) under Policy LP16 of the adopted Local Plan.

### **Impact on residential amenity**

- 9.16 Consideration is required to be given to the impacts of the proposed development on adjacent residential amenity, particularly as the development site is bounded by existing housing on three sides. The relaxed density of the development and arrangement of the dwellings within the proposal site is such that the development would not be overbearing on any adjacent dwellings, whilst similarly there would not be any material overshadowing or material loss of light resulting for these adjacent properties. Neither the east facing flank elevations to the dwellings for Plots 1 and 5 or the west facing flank elevation for Plot 3 would contain windows of any description meaning that there would not be any material overlooking into opposing neighbouring properties on these sides. The proposal would therefore be compliant with Policies LP2 and LP16 of the adopted Local Plan.

### **Impact on protected/priority species**

- 9.17 The site is currently undeveloped with the description of the site/habitat potential given in the prepared Ecological Appraisal (Applied Ecology, July 2022) as follows:

*“Habitats within the site largely comprise unmanaged tall ruderal with scrub, developing woodland, hardstanding and amenity grassland. A single off-site drain lies adjacent to the east of the site”.*

- 9.18 The appraisal states that no non-statutory designations are present within or adjacent to the site boundary, with all such designations being well separated from the site by existing development, access infrastructure and open countryside, adding that it is considered that these designations are unlikely to be affected by the proposal given the nature and scale of the proposed development and physical distance from all non-statutory designations.
- 9.19 A walk-over of the site for the ecology appraisal established the following site conditions with regard to the presence or absence of protected/priority species:

Bats – No trees were identified within the site as providing features with the potential to support roosting bats and that limited foraging opportunities are present in the form of tall ruderal, scrub and developing woodland.

Reptiles – Sub-optimal habitat present in the form of tall ruderal, scrub and developing woodland.

Great Crested Newts – No suitable waterbodies are present at the site or within 250m of the site boundary.

Invertebrates – Common and widespread species likely to be present.

Badger – No evidence of Badger setts or Badger foraging / commuting behaviour was recorded within / adjacent to the site. It is likely that Badger may occasionally pass through / make use of the site.

Other mammals – Other mammal species likely to be present are widespread and not afforded specific legislative protection.

Birds – Suitable nesting habitat exists on the site in the form of dense scrub and woodland.

- 9.20 The submitted ecological appraisal concludes that it is considered that no significant harm to any habitats or faunal species of interest will occur as a result of the proposed development subject to the satisfactory implementation of the recommended mitigation and safeguarding measures within the recommendations section of the report.
- 9.21 The submitted appraisal has been reviewed by the Council's Wildlife Officer who has commented in his consultation response for this application that he has no ecology objections to the submitted proposal based upon the findings, conclusions and recommendations of the appraisal subject to stated conditions to make the proposal acceptable in planning terms from an ecological perspective, including the satisfactory implementation of a Construction Environmental Management Plan (CEMP). No policy objections are therefore raised under Policy LP19 of the adopted Local Plan subject to these conditions being imposed on any planning permission granted.

#### **Other matters – Trees, drainage, contamination considerations**

- 9.22 A planted area of young to semi-mature broadleaved trees, including English Oak, Hazel, Silver Birch, Ash and Dogwood exists within the northern area of the site which would be required to be removed as a result of the development to facilitate the dwellings for Plots 3, 4 and 5 and would not be replaced. The total loss of this planted deciduous tree grouping would be regrettable and it is considered both appropriate and reasonable in the interests of local visual amenity for a strip of these trees running along the northern boundary of the site, the extent to be agreed, to be retained as part of any landscaping scheme to be submitted and approved for the proposal should planning permission be granted whereby any agreed reduced tree strip would not diminish the rear garden areas of the dwellings to which they relate.
- 9.23 The submitted Biodiversity Net gain Assessment (BNGA) (Allied Ecology, July 2022) has identified that the removal of this existing tree planted area would trigger a 'trading error' under the relevant biodiversity net gain metric, although adds that even if this planted area were proposed to be replaced within the remainder of the site that this would still not address the trading error and would result in a biodiversity net loss for the proposed scheme. As such, whilst the assessment states that this trading error would not be resolved under the proposal, the current approach to recommended biodiversity enhancements identified for the scheme would represent delivery of over 20% biodiversity net gain within the site as a whole for the proposal and that in conjunction with additional faunal enhancements and a proposed 100% increase in on-site hedgerow habitats that the proposal is considered able to deliver considerable net gains for biodiversity. No objections are therefore raised under Policies LP16 and LP19 of the Fenland Local Plan.
- 9.24 The submitted Sustainable Drainage Strategy (Ellingham Consulting Ltd, July 2021) follows on from the submitted FRA. The strategy extensively details the measures taken to minimise localised flood risk whereby the drainage proposals have been designed to cater for a 1 in 100 year plus climate change storm event. Surface water from the proposed development is proposed to be drained into the watercourse to the east of the site due to the soil being classified as unsuitable for infiltration. A swale is proposed along the boundary of the site to the rear of Nos.

37-43 Red Barn to facilitate run-off into a detention basin before discharging into the existing drain to the east as shown on the 'Proposed Site Layout'.

9.25 The Middle Level Commissioners have been consulted on the application who have stated that several concerns have been raised by local residents about drainage and flooding in the localised area due to the absence amongst other things of a high ground water table and unadopted sewer systems, although it has stated that it does not have any evidence of flooding in the vicinity of the application site in recent years. It has commented on the proposed method of drainage at the site and considers that issues of maintenance, waste water management, pollution control, long terms ownership, funding and maintenance can be addressed through appropriate planning conditions. In this respect, the applicant has responded to the Middle Level Commissioners consultation response addressing all of the points raised (see response letter dated 9 September 2022 from Ellingham Consulting Ltd) and can form the basis of any suitable worded conditions.

9.26 It is considered that sufficient measures have been taken by the applicant to ensure that a suitably designed surface water and sewer system for the proposed development can operate at the proposal site successfully and no design/drainage objections are therefore raised in this respect under Policies LP14 and LP16 of the adopted Local Plan. The representations received by a local resident regarding available site access to maintain the proposed SuDS system are noted. The Council has since received a communication from the applicant following these expressed concerns, which states as follows:

*"The drainage maintenance strip adjacent to the Red Barn development site is still in the ownership of Mr Walter Aldridge estate & Mr & Mrs Blewett and the drainage strip would be retained for future maintenance. Drainage machinery will be able to gain access for maintenance using the public right of way and from memory has been used in the past".*

It is considered from this received information that site access to the proposed SuDS scheme should not represent a hindrance to it regarding future maintenance.

9.27 Previous attention was given for approved application F/YR11/0101/F to address a concern for the potential of there being contamination on site. As a result, a Phase 1 and a subsequent intrusive Phase 2 investigation was carried out to establish ground conditions. The Phase 2 investigation undertaken has detected no ground or other contamination at the site and has concluded that the site is suitable for the proposed use with no further assessment considered necessary.

9.28 FDC Environmental Health have reviewed the above reports and has accepted their findings along with the recommendations made, although have commented as an amenity safeguard that the 'Unsuspected Contaminated Land' condition be imposed should permission be granted given the nature of development being proposed. No objections are raised under Policy LP16 of the adopted Local Plan on this basis. However, it is considered necessary and reasonable in the interests of the protection of the residential amenity of future occupiers of the proposed dwellings for a noise condition for railways to be imposed on any planning permission granted given the adjacent railway line to the immediate north which has a scheduled number 38 passenger trains running daily along it as well as carrying quite a lot of freight traffic.

## Conditions

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

The applicant has been consulted on the proposed conditions and has confirmed their agreement to them in writing.

The proposed conditions are as follows;

- Condition 3 – Hard and soft landscaping details
- Condition 4 – Tree protection details
- Condition 6 – Construction Environment Management Plan (CEMP)
- Condition 15 – Railway noise mitigation scheme
- Condition 16 – Construction Management Plan (CMP)

## 10 CONCLUSIONS

- 10.1 The current proposal as a 're-submission' application from approved, but lapsed application F/YR11/0101/F is considered acceptable in principle and in matters of detail whereby it would represent an appropriately designed small housing scheme at this undeveloped and partially enclosed site location situated at the northern end of Turves where it would make effective and efficient use of available and currently under-utilised land in line with NPPF advice relating to new housing.
- 10.2 Whilst the proposed development would not strictly align with Policy LP3 of the adopted Local Plan relating to Turves as a Small Village settlement as it would not represent residential infilling by recognised definition, adopted plan policy in this instance is legitimately overridden by the particular circumstances of the site's physical location and also in recognition of the previous grant of planning permission by the Council for 5 no. dwellings at this site under ref; F/YR11/0101/F, itself heavily influenced by a previous appeal decision, albeit that the permission has since expired.
- 10.3 The proposal would not give rise to any significant residential amenity harm to occupiers of neighbouring properties and would not cause harm to any protected or priority species or their habitats whereby opportunities exist for ecology net gains to be made through the proposal.
- 10.4 It is therefore recommended that the application be granted subject to appropriate conditions.

## 11 RECOMMENDATION:

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

### Conditions

1	The development permitted shall be begun before the expiration of 3 years from the date of this permission.
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	Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2	<p>The development shall be carried out in accordance with the submitted 'Schedule of External Finishes' detailing the brickwork and roof tiles to be used for the proposed dwellings.</p> <p>Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan (adopted May 2014).</p>
3	<p>Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-</p> <ul style="list-style-type: none"> <li>a) proposed finished levels</li> <li>b) means of enclosure</li> <li>c) vehicle and pedestrian access and circulation areas</li> <li>d) hard surfacing, other hard landscape features and materials</li> <li>e) planting plans, including specifications of species, sizes, planting centres number and percentage mix for boundary hedgerows and other planting features</li> <li>f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife</li> <li>g) details of siting and timing of all construction activities to avoid harm to all nature conservation features</li> <li>i) location of service runs</li> <li>j) management and maintenance details</li> <li>k) retention of a boundary strip of the existing grouping of native broad-leaved deciduous trees which stand within the northern area of the site (exact strip to be agreed).</li> </ul> <p>Reason – The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan (adopted May 2014).</p>
4	<p>Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover, measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.</p> <p>Reason – To ensure that any retained trees are adequately protected in accordance with Policy LP16 of the Fenland Local Plan (adopted May 2014).</p>
5	<p>All hard and soft landscape works, including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the</p>

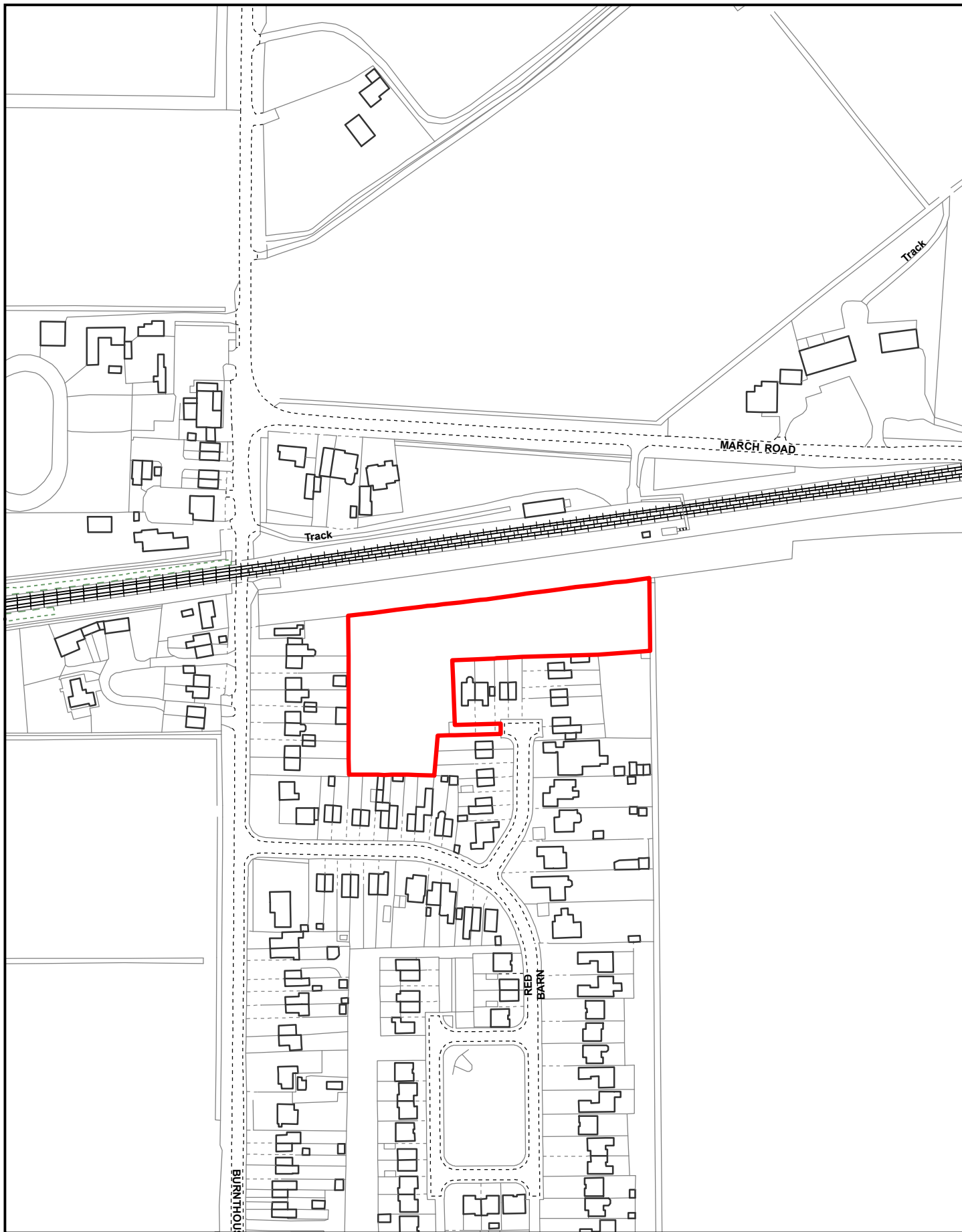


	<p>completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason – To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan (adopted May 2014).</p>
6	<p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> <li>a) Summary of potentially damaging activities.</li> <li>b) Identification of “biodiversity protection zones”.</li> <li>c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.</li> <li>d) The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>e) The times during construction when specialist ecologists need to be present on site to oversee works.</li> <li>f) Responsible persons and lines of communication.</li> <li>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</li> <li>h) Use of protective fences, exclusion barriers and warning signs.</li> <li>i) Methodology on the creation of the proposed habitats within the Biodiversity Net Gain Assessment.</li> </ul> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason – To accord with relevant wildlife legislation to safeguard protected and priority species and their habitats in accordance with Policy LP19 of the Fenland Local Plan (adopted May 2014).</p>
7	<p>Ecology bio-diversity enhancement measures to encourage a net gain of flora and fauna for the site resulting from the approved development, including the provision of bat boxes, bird boxes, bee bricks, hedgehog domes and hedgehog access points from/to the development site, shall be carried out in accordance with the bio-diversity enhancement recommendations set out in the submitted document entitled ‘Ecological Appraisal’ (Allied Ecology, July 2022).</p> <p>Reason – To encourage bio-diversity net gain in accordance with Policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014).</p>
8	<p>Vegetation clearance at the site shall only take place outside the bird breeding season, namely outside the period 1 March to 31 August inclusive.</p>

	Reason – To ensure compliance with Section 1 of the Wildlife and Countryside Act (as amended) with respect to nesting birds and to provide biodiversity mitigation in accordance with Policy LP19 of the Fenland Local Plan (adopted May 2014).
9	<p>The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Geoff Beel consultancy (Revised Final Report – July 2021) and the following mitigation measures detailed within the FRA:</p> <p>'Finished floor levels are to be set no lower than 300mm above the carriageway of Red Barn'.</p> <p>Reason – To reduce the risk of flooding in accordance with Policies LP14 and LP16 of the Fenland Local Plan (adopted May 2014).</p>
10	<p>The development shall be carried out in accordance with the sustainable drainage scheme (SuDS) prepared by Ellington Consulting Ltd ('Final Report') dated July 2021, ref; ECL0514.</p> <p>Reason – To provide a satisfactory means of surface water drainage for the proposed development and to protect future occupiers of the development and occupiers of adjacent properties from surface water flooding in accordance with Policies LP14 and LP16 of the Fenland Local Plan (adopted May 2014).</p>
11	<p>The access road serving the development shall be constructed to a minimum width of 5 metres. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Surface water from private roads/ driveway areas must not discharge onto the public highway and appropriate intervention must be provided.</p> <p>Reason – In the interests of highway safety in accordance with Policies LP15 and LP16 of the Fenland Local Plan (adopted May 2014).</p>
12	<p>The parking spaces shown for the proposed dwellings on drawing P21-3545_02 Rev 1 shall be laid out and retained for occupant use/visitors prior to first occupation of the dwellings and shall thereafter not subsequently be used for any other purpose(s).</p> <p>Reason – To ensure that the development as approved has the appropriate levels of resident parking and to avoid on-street parking in accordance with Policy LP16 and Appendix A – Parking Standards of the Fenland Local Plan (adopted May 2014).</p>
13	<p>The proposed external lighting scheme hereby approved as shown on drawing 11182 PL02 Rev A ('Proposed External Lighting Layout') and on the accompanying technical specifications sheet providing details of solar bollards/column lighting shall be installed prior to occupation of any of the dwellings and retained thereafter in perpetuity.</p> <p>Reason - In order to ensure adequate safety and security on site for future occupiers of the development and for visitors in accordance with Policies LP16 and LP17 of the Fenland Local Plan (adopted May 2014).</p>

14	<p>The proposed refuse/recycling facility hereby approved as shown on drawing 11182 PL01 Rev A ('Refuse and Recycling Area Plan') shall be first made available for the development prior to occupation of any of the dwellings and retained thereafter in perpetuity.</p> <p>Reason – To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of residential amenity and sustainability in accordance with Policy LP16 of the Fenland Local Plan (adopted May 2014).</p>
15	<p>Prior to commencement of development a scheme of mitigation to protect habitable rooms and external amenity areas from excessive railway noise in order to confirm compliance during daytime and night-time hours with levels as recommended by the World Health Organisation 1999 '<i>Guidelines for Community Noise</i>' and BS8233:2014 '<i>Guidance on sound insulation and noise reduction for buildings</i>' in accordance with a noise impact assessment undertaken by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to occupation of any of the dwellings.</p> <p>Reason – To safeguard the amenity of future occupiers of the development in accordance with Policies LP2 and LP16 of the Fenland Local Plan (adopted May 2014).</p>
16	<p>Prior to commencement of development a Construction Management Plan (CMP) that sets out how the potential for adverse impacts such as noise, dust and other unwanted nuisance will be avoided or minimised during the various stages of development shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The CMP should include but not be limited to the following elements:</p> <ul style="list-style-type: none"> <li>• Contractors' access arrangements for vehicles, plant and personnel, including the location, design and specification of construction access and the traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers</li> <li>• Construction hours (with no noisy working outside the hours of 8am to 5pm Monday to Friday, 8am to 1pm Saturdays whilst at no time on a Sunday or bank or public holiday)</li> <li>• Delivery times for construction purposes</li> <li>• Noise monitoring methods, including location, duration, frequency and making available the results of monitoring at the request of council officers</li> <li>• Mitigation against the level of noise generated by construction equipment, plant and vehicles</li> <li>• Vibration monitoring method including location, duration, frequency and making available the results of monitoring at the request of council officers</li> <li>• Dust suppression management (wheel washing measures for example to prevent the deposition of debris on the highway and the general environment)</li> <li>• Site lighting</li> <li>• Liaison, consultation and publicity arrangements including dedicated points of contact.</li> </ul>

	<p>The Construction Management Plan (CMP) as approved shall thereafter be put in place and maintained for the duration of the development until development completion.</p> <p>Reason - To safeguard the amenity of occupiers of adjacent residential properties in accordance with Policies LP2 and LP16 of the Fenland Local Plan (adopted May 2014).</p>
17	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for any necessary contamination report(s)/remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved contamination report/remediation strategy.</p> <p>Reason – To control pollution of land or water in the interests of the environment and public safety in accordance with Policies LP2 and LP16 of the Fenland Local Plan (adopted May 2014).</p>
18	<p>Prior to the first occupation of the development a refuse and recycling collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing.</p> <p>Reason – To ensure a satisfactory form of refuse and recycling collection for the development, to meet the District Council requirements for refuse and recycling and to prevent the unsightly storage of refuse/recycling containers in the interests of amenity and sustainability in accordance with Policies LP2 and LP16 of the Fenland Local Plan (adopted May 2014).</p>
19	<p>Prior to the first occupation of the development hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980.</p> <p>Reason – To ensure a satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy LP15 of the Fenland Local Plan (adopted May 2014).</p>
20	Approved Plans



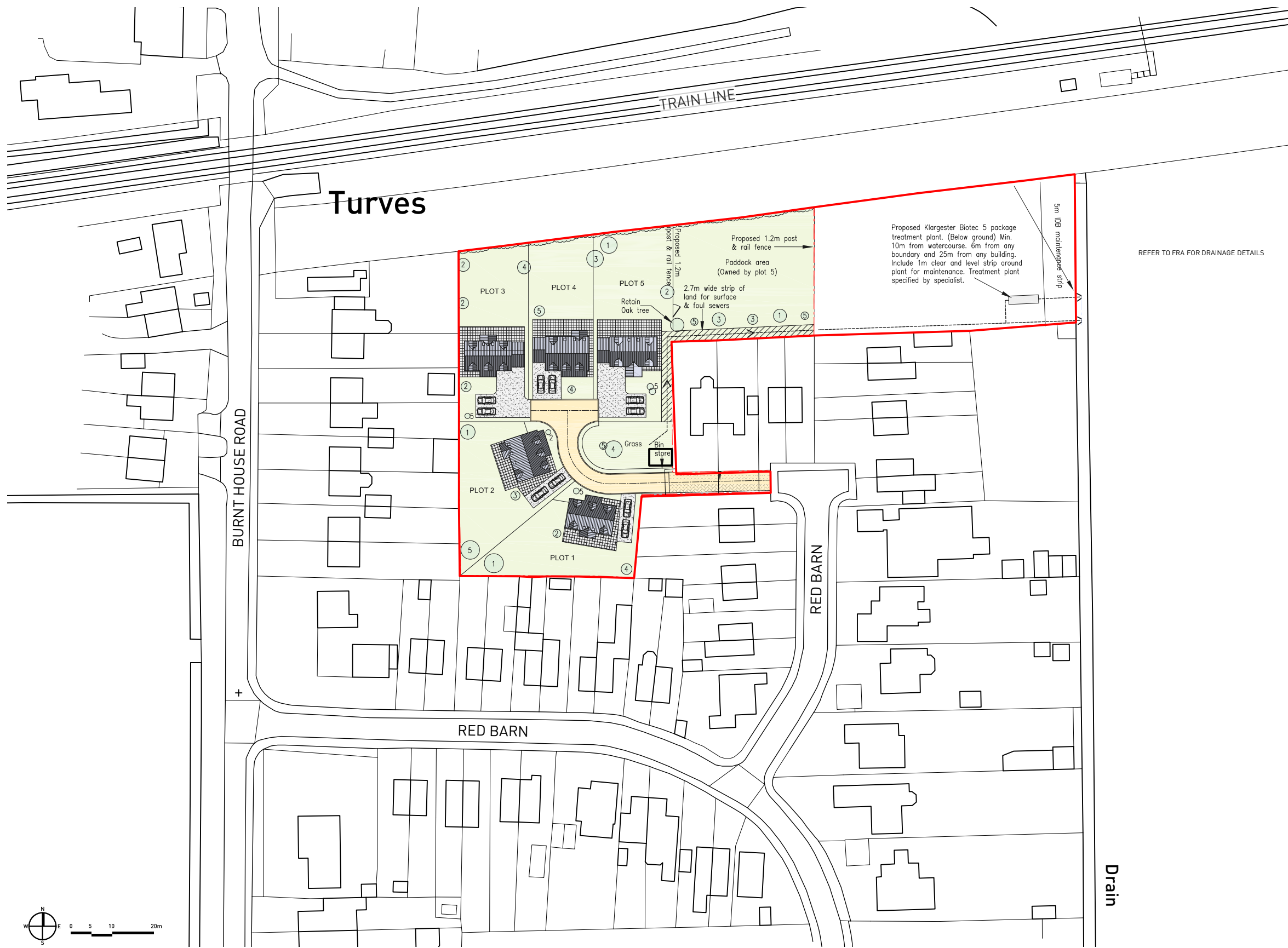
Created on: 06/05/2022

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**F/YR22/0459/F**

Scale = 1:2,500





KEY

SITE LOCATION

PROPOSED SITE LAYOUT  
BY PETER HUMPHREY ASSOCIATES

Landscaping Details:

Proposed landscaping to consist of native trees and hedges,

1 = Hawthorn hedging  
2 = Beech Tree  
3 = Oak Tree  
4 = Willow Tree  
5 = Silver Birch

Hedging planting size: 30–60cm. Planted in double rows 30cm apart. Plants to be 30cm apart in rows and staggered. 6 plants per metre of hedge.

Trees to be evenly spaced around site perimeter as shown. Size 10–12cm planted at 20m centres.

\*Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Key:

Weathered cobble driveway

Trees and hedges

Patio/path

Grass area

Brindle block paviors

LAND AT RED BARN NORTH, TURVES - PROPOSED SITE LAYOUT [AS RECIEVED]



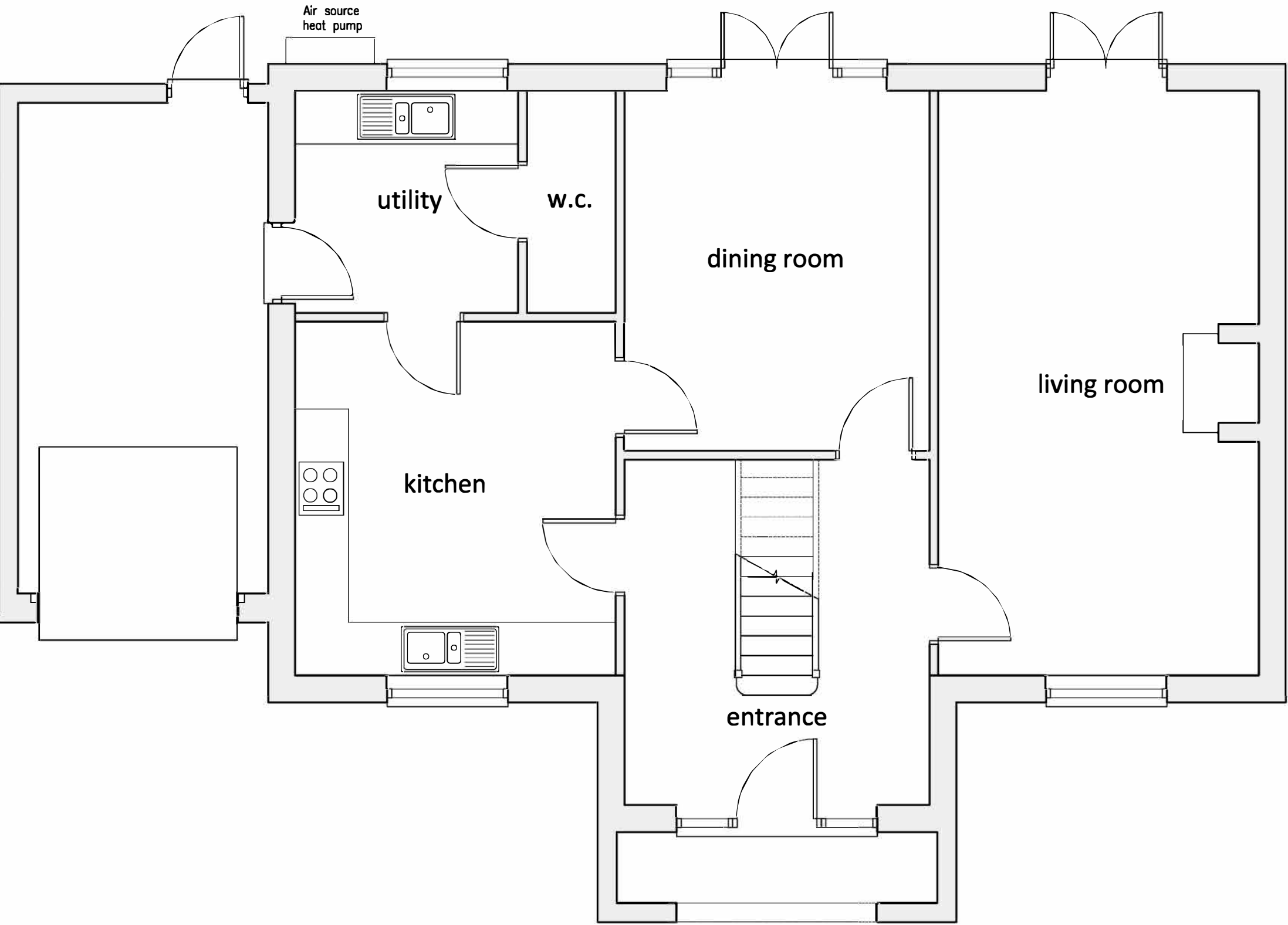


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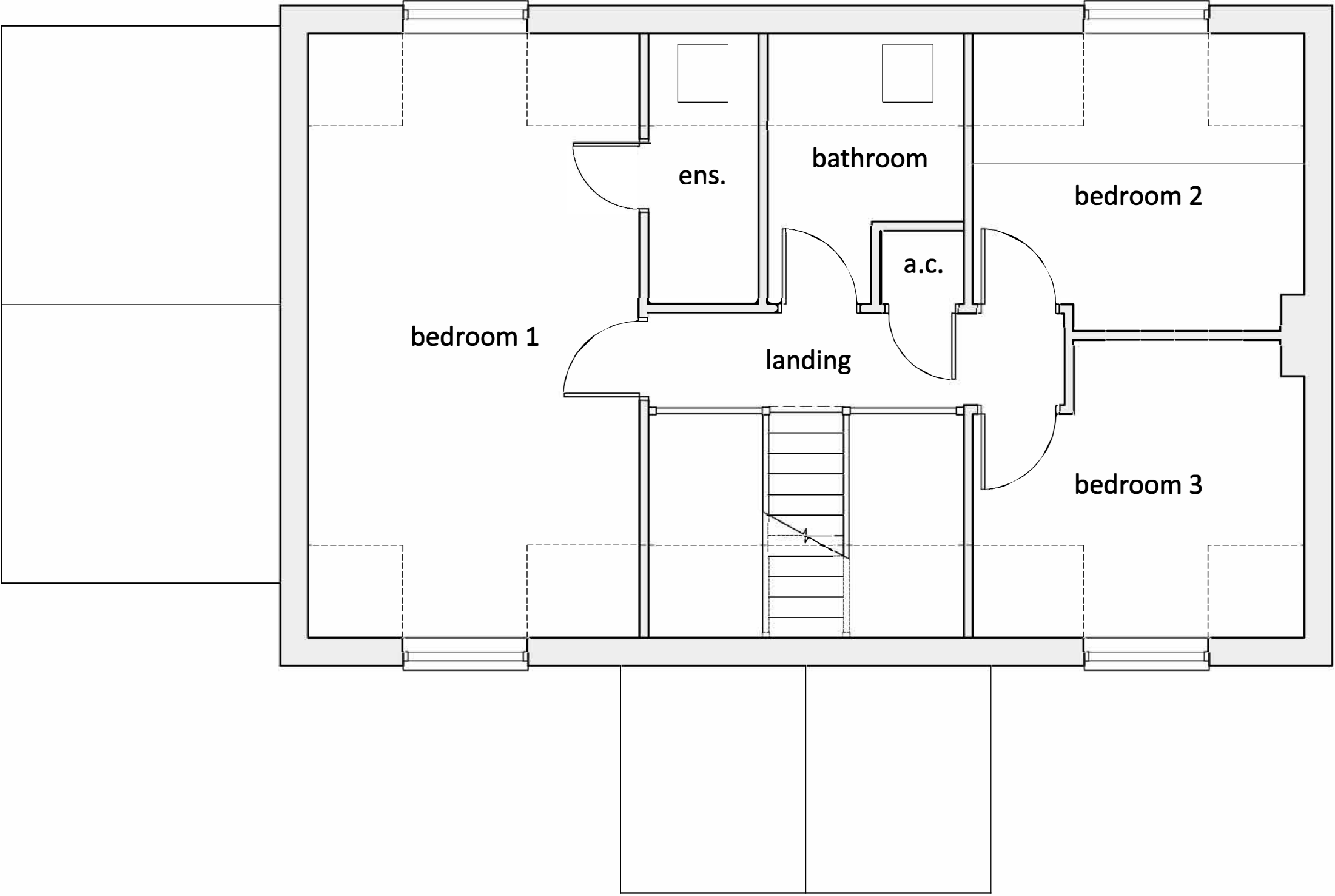
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Proposed Rear Elevation 1:100

Proposed Side Elevation 1:100



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

01/08/2011 - Amended for Planning. REV A.

**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

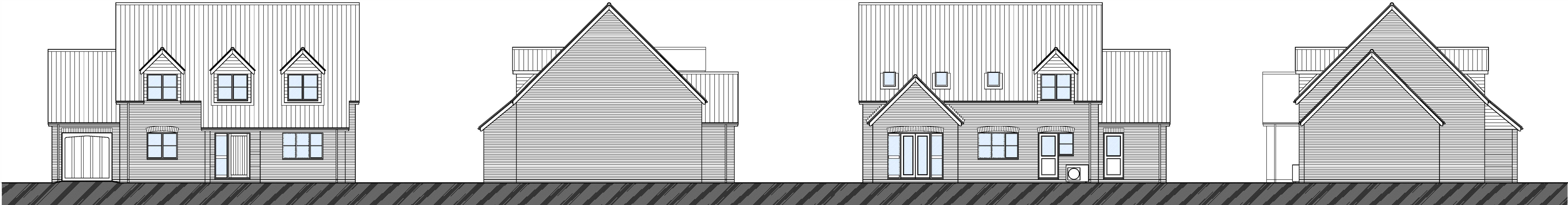
PROJECT  
Proposed 5No. detached dwellings  
Land to West and North of  
  
Red Barn  
Turves  
Cambridgeshire

DRAWING TITLE  
**House Type - Plot 5**  
  
CLIENT  
The Executors of the Estate of Mr Walter Aldridge; Mrs D C Laws  
and Mrs A.E. Blewett  
  
DATE July 2011 SCALE As Shown JOB No. 4642/P07A

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Island District Council  
**Building**  
Design Awards  
Building Excellence Award  
Category Winner 08.09.10  
Overall Winner 2010



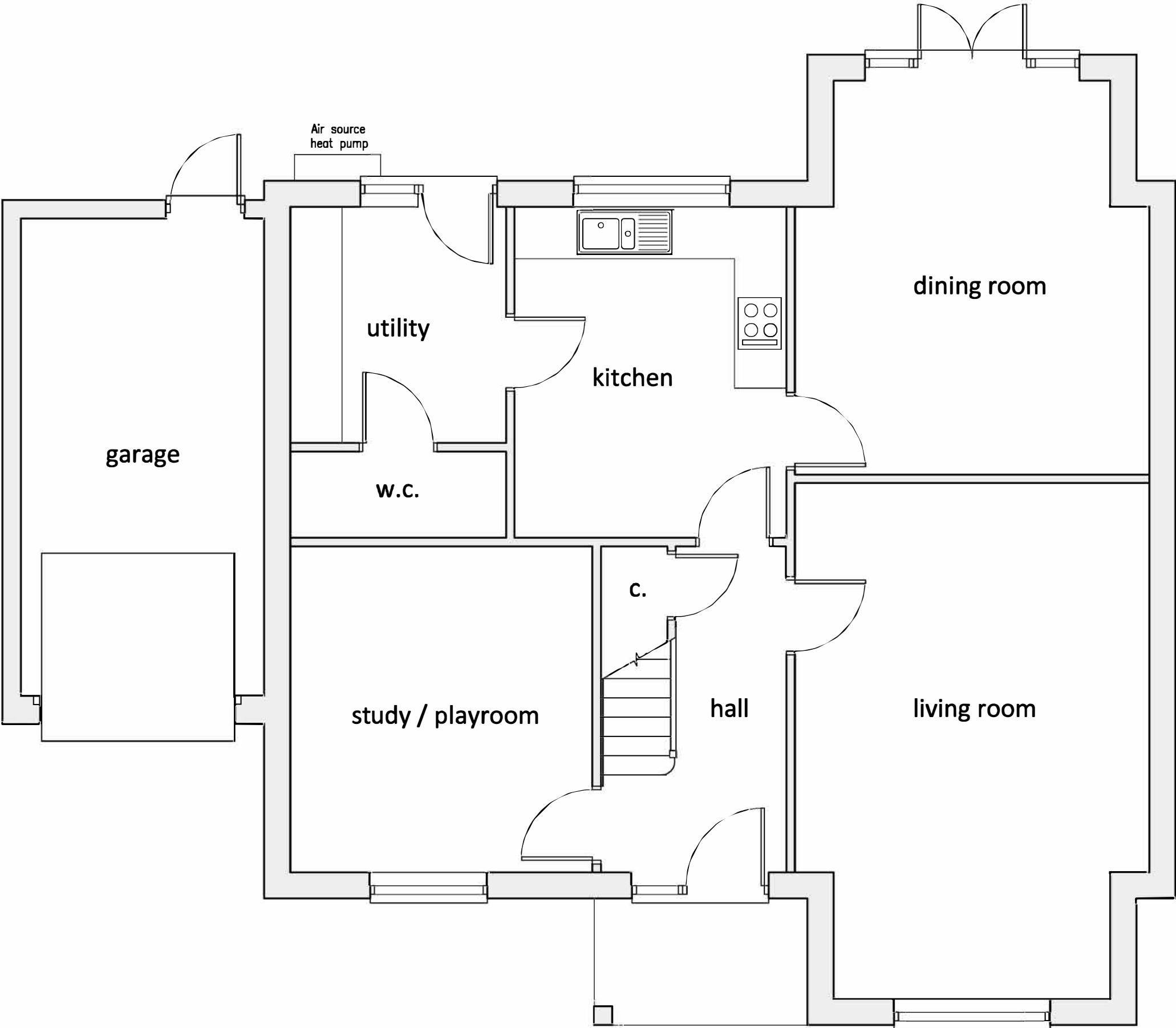


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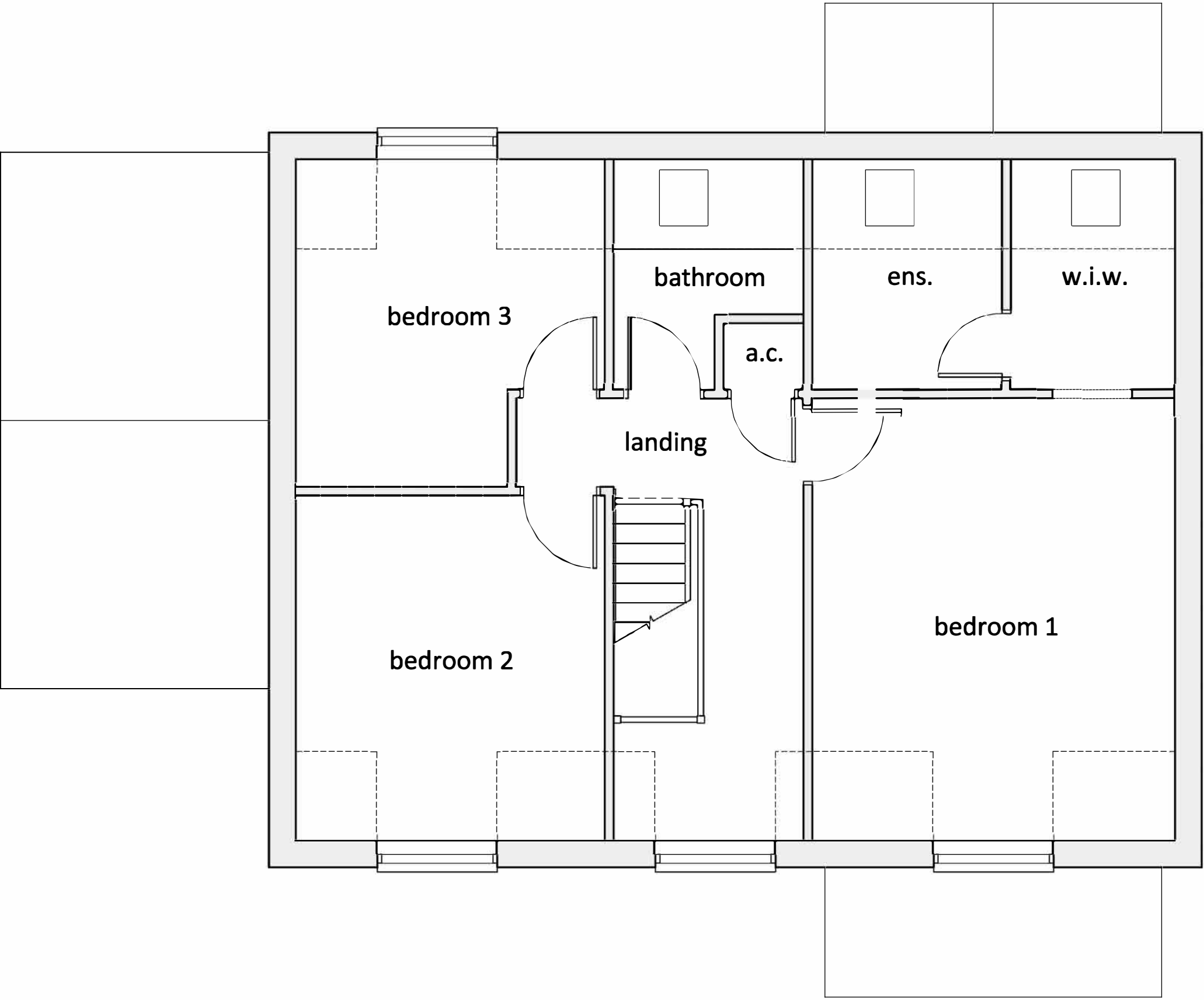
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Proposed Rear Elevation 1:100

Proposed Side Elevation 1:100



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

01/08/2011 - Amended for Planning. REV A.

**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
Proposed 5No. detached dwellings  
Land to West and North of  
Red Barn  
Turves  
Cambridgeshire

DRAWING TITLE  
**House Type - Plot 4**

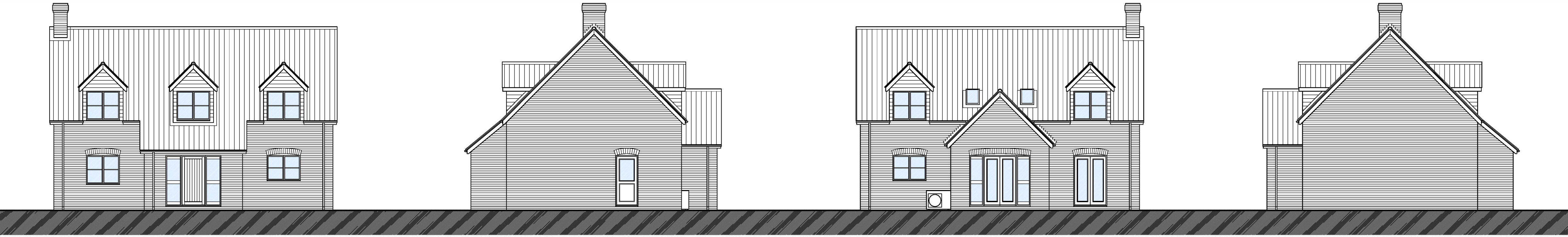
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Laws and Mrs A.E. Blewett

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Overall Winner 2010



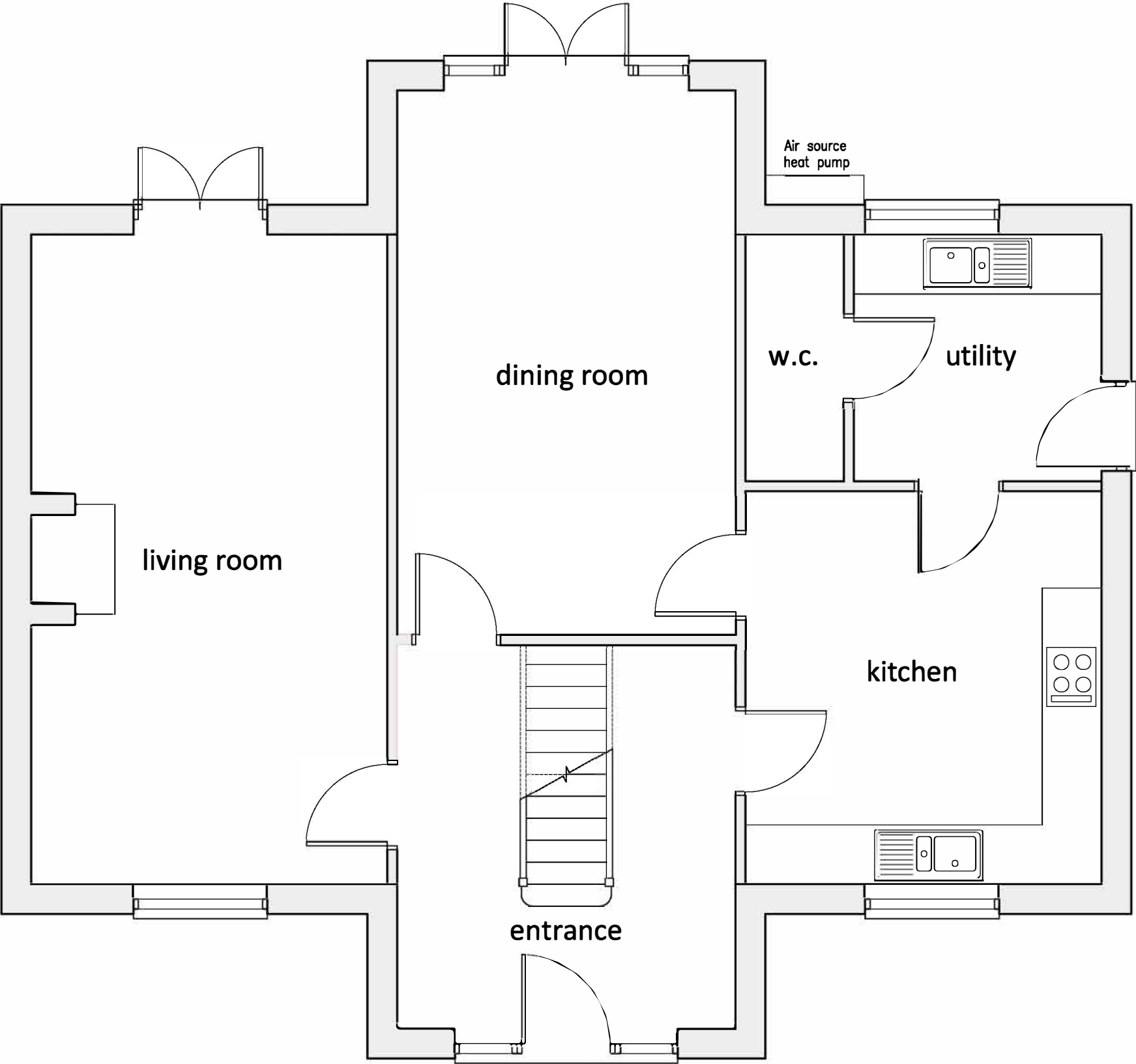


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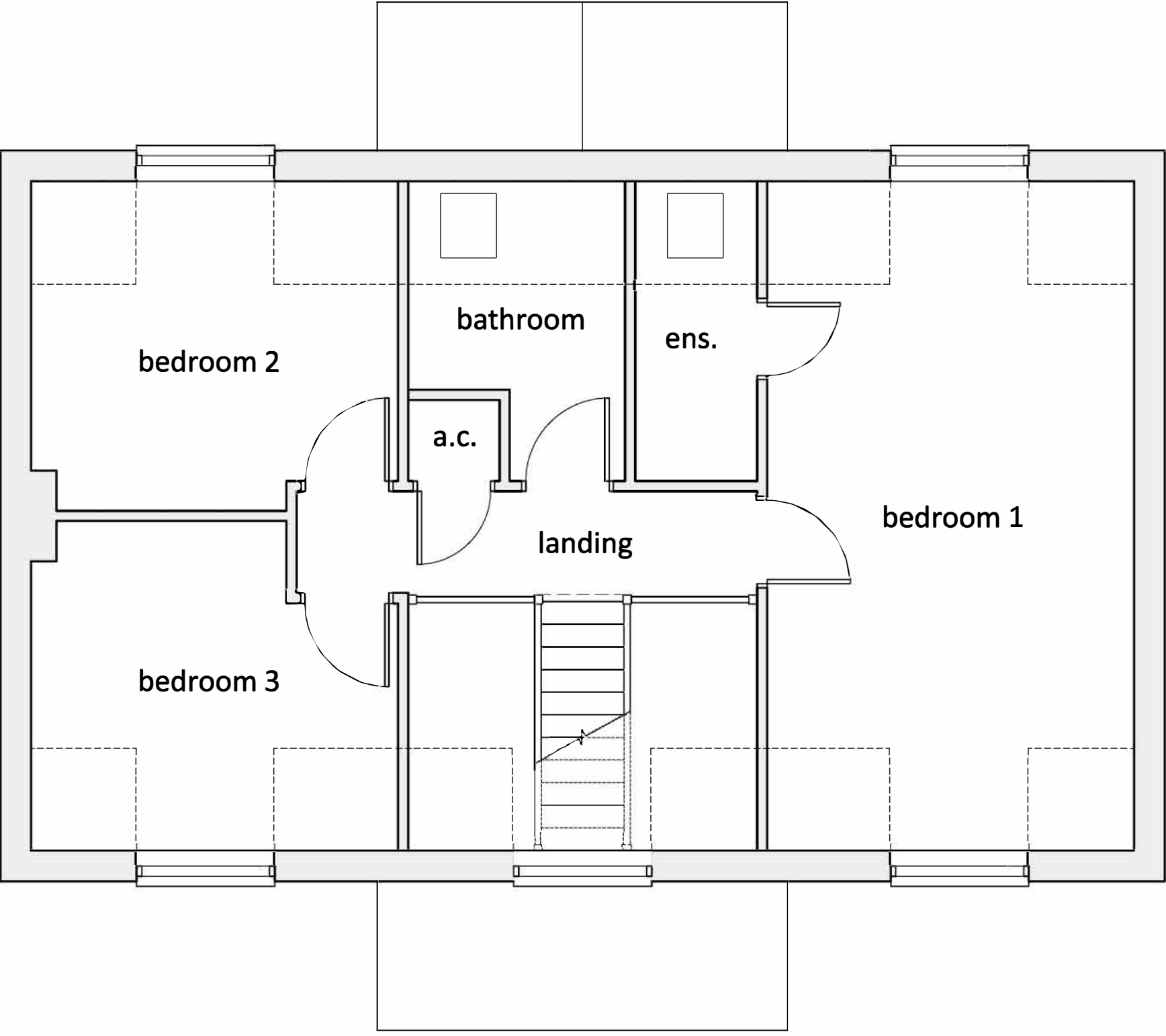
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Proposed Rear Elevation 1:100

Proposed Side Elevation 1:100



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

01/08/2011 - Amended for Planning. REV A.

**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
Proposed 5No. detached dwellings  
Land to West and North of Red Barn  
Turves  
Cambridgeshire

DRAWING TITLE  
**House Type - Plot 1**

CLIENT  
**The Executors of the Estate of Mr Walter Aldridge; Mrs D C Laws and Mrs A. E. Blewett**

DATE July 2011 SCALE As Shown JOB No. **4642/P03A**

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Island District Council  
**Building Design Awards**  
Building Design Awards  
Category Winner 08.09.10  
Overall Winner 2010



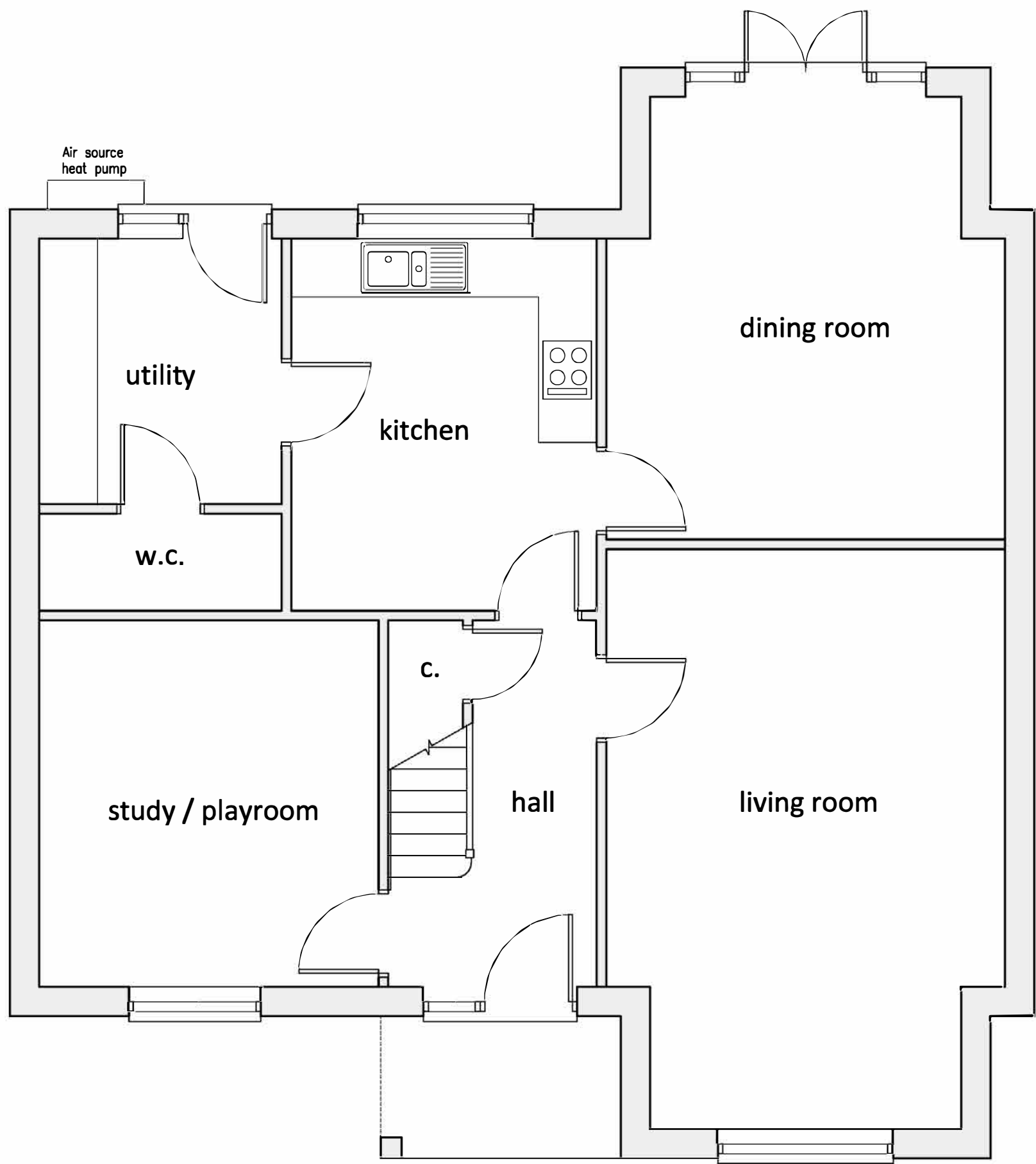


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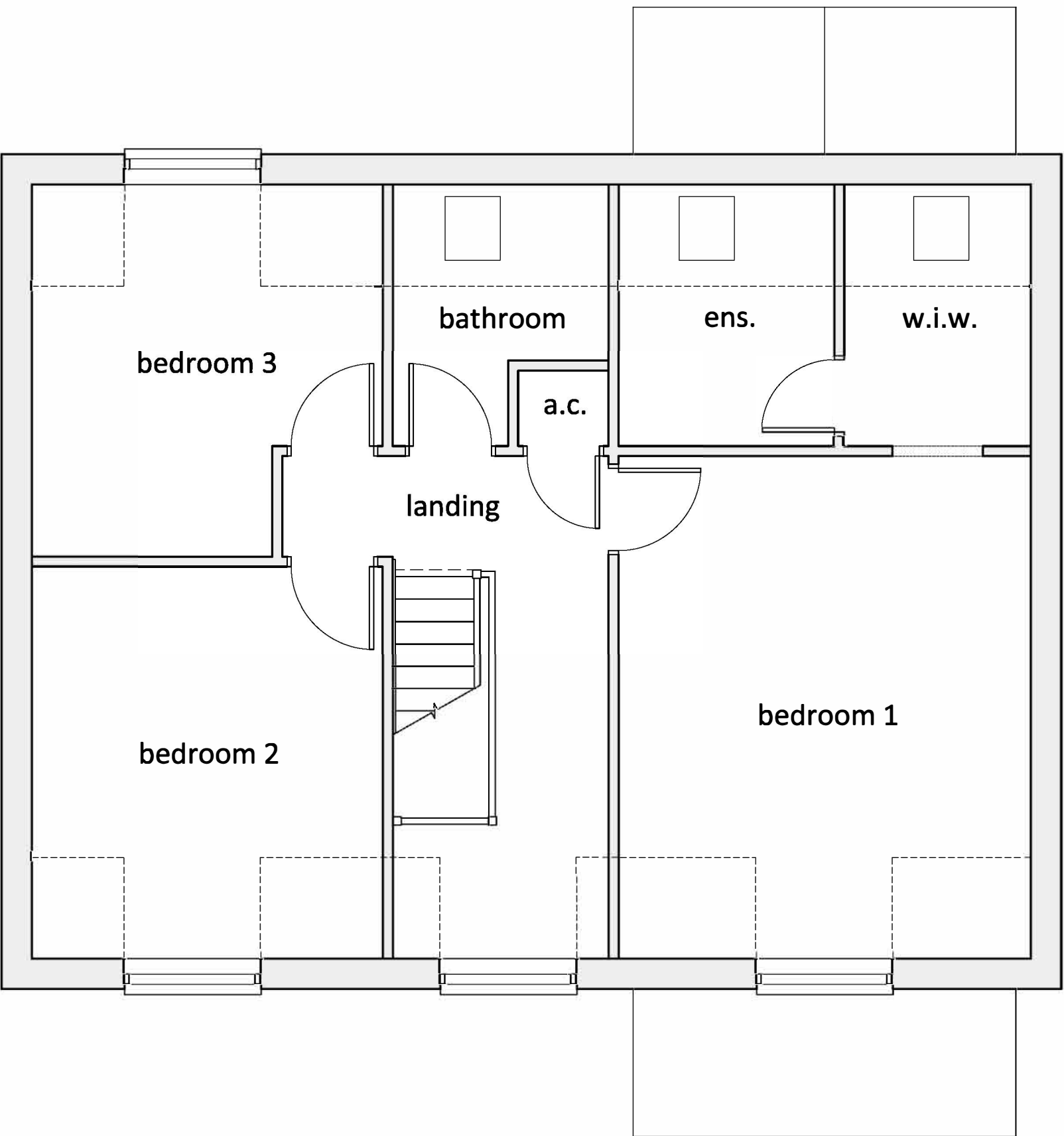
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Proposed Rear Elevation 1:100

Proposed Side Elevation 1:100



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

01/08/2011 - Amended for Planning. REV A.

**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
Proposed 5No. detached dwellings  
Land to West and North of  
Red Barn  
Turves  
Cambridgeshire

DRAWING TITLE  
**House Type - Plot 2**

CLIENT The Executors of the Estate of Mr Walter Aldridge; Mrs D C Laws  
and Mrs A. E. Blewett

DATE July 2011 SCALE As Shown JOB No. 4642/P04A

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Building  
Design Awards  
Building Award as entered  
Category Winner 08.09.10  
Overall Winner 2010



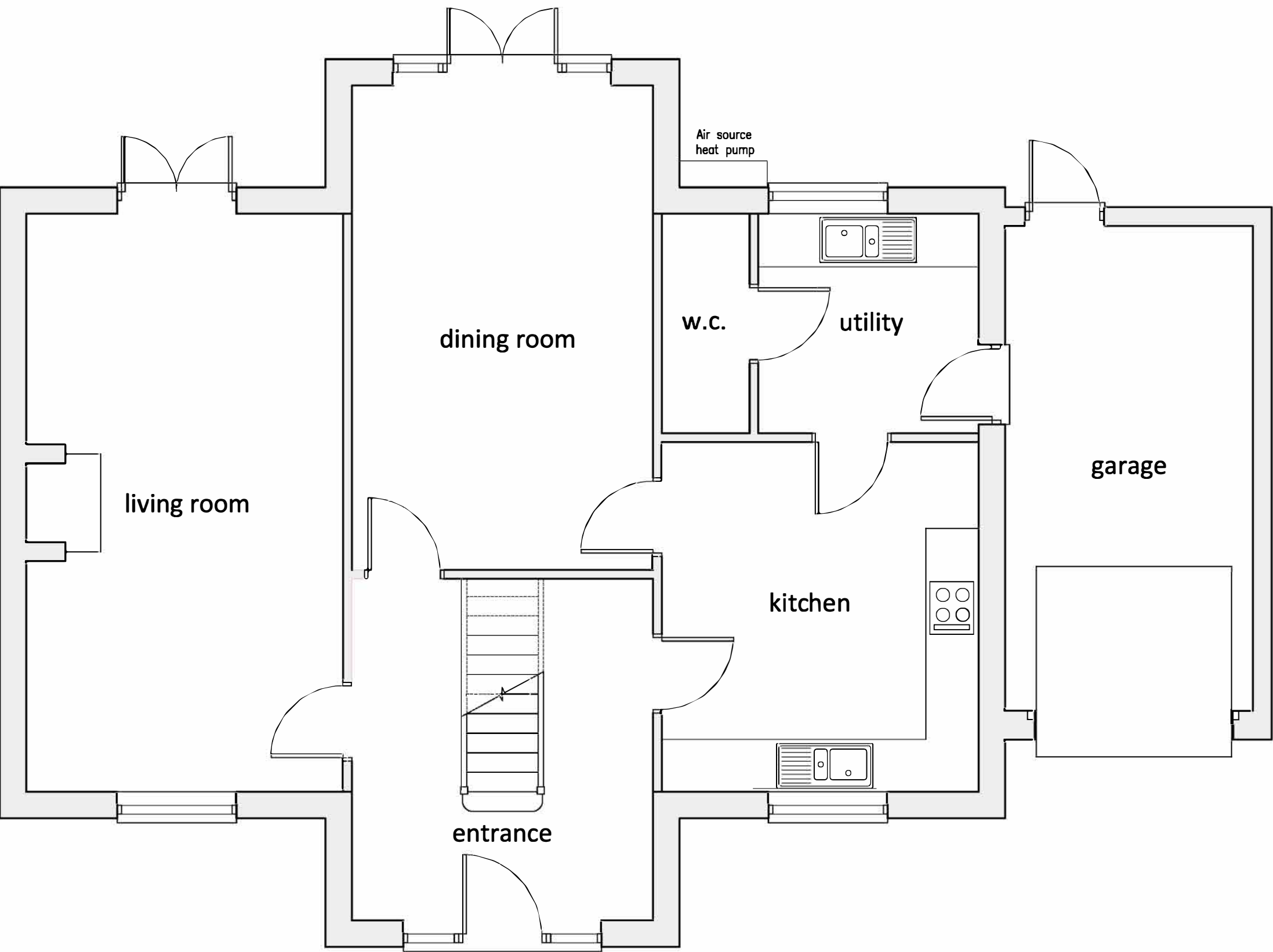


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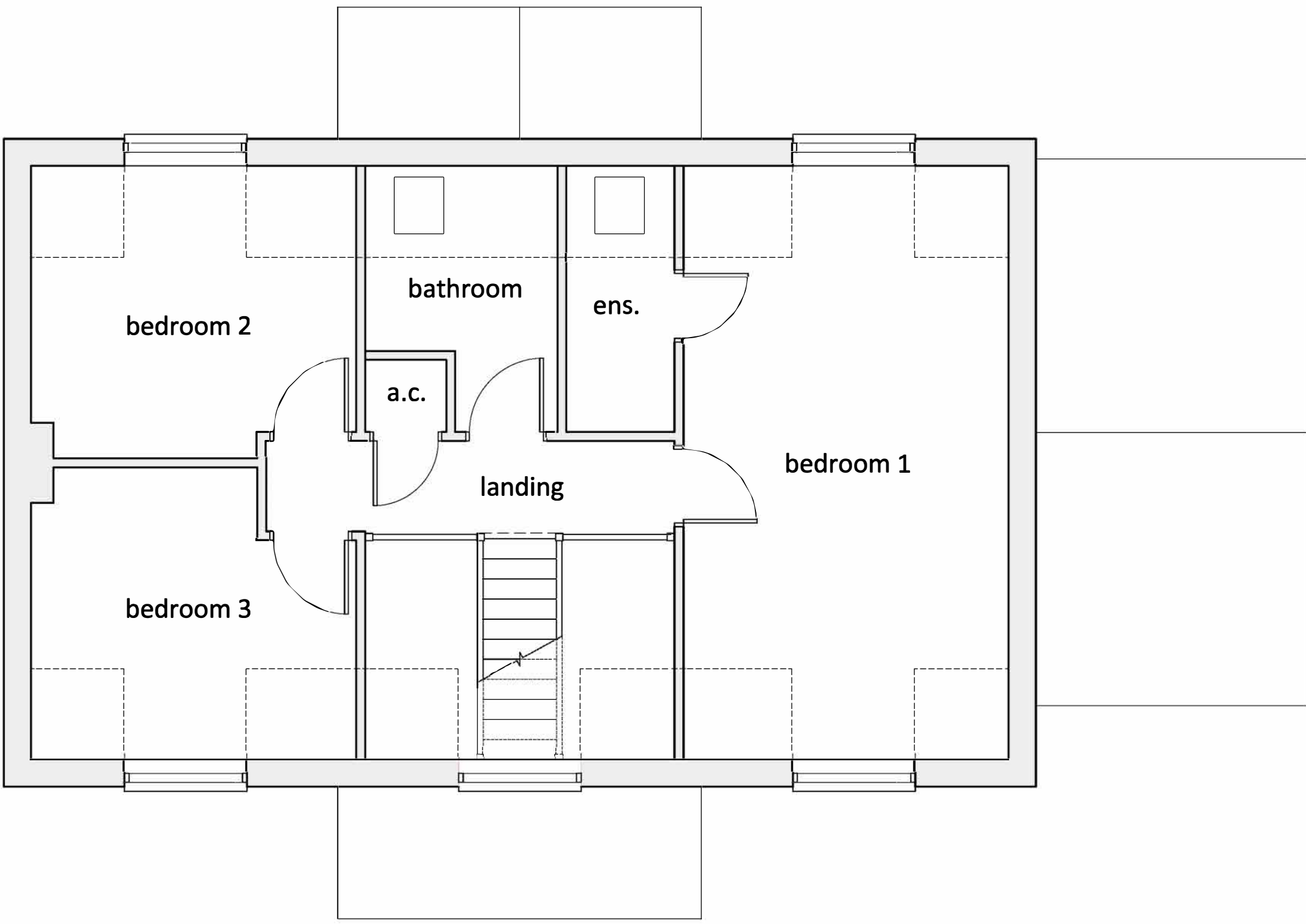
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Proposed Rear Elevation 1:100

Proposed Side Elevation 1:100



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

01/08/2011 - Amended for Planning. REV A.

**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
Proposed 5No. detached dwellings  
Land to West and North of  
Red Barn  
Turves  
Cambridgeshire

DRAWING TITLE  
**House Type - Plot 3**

CLIENT The Executors of the Estate of Mr Walter Aldridge; Mrs D C  
Laws and Mrs A. E. Blewett

DATE July 2011 SCALE As Shown JOB No. 4642/P05A

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Island District Council  
Building Design Awards  
Building Excellence Award  
Category Winner 08/09/10  
Overall Winner 2010

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F/YR22/0811/O

**Applicant: Mr And Mrs D Mallett**

**Agent : Mr Connor White  
Swann Edwards Architecture Limited**

**Land South Of, Hall Bank, Tydd St Giles, Cambridgeshire**

**Erect up to 8 x dwellings (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 This application proposes the delivery of up to 8 detached dwellings on a site which is outside the built form of the designated 'small village' of Tydd St Giles.
- 1.2 The scheme is contrary to Policies LP3, LP12, LP14, LP15 and LP16 in the adopted plan and would be contrary to draft local plan policy LP1 given that it is not infill and does not demonstrate compliance with flood risk policy.
- 1.3 The consultation response of the LHA is awaited as to whether the scheme achieves technical compliance relating to highway safety and accessibility, however a policy compliant scheme with regard to Policy LP15 in terms of highway safety and accessibility would not outweigh other policy concerns.
- 1.4 As a 'Small Village' the usual dispensation relating to 'edge of settlement' development falls away as clearly referenced in Policy LP12 Part A (a), and the new hinterland element of the emerging local plan would not 'bite' as the development exceeds the parameters given with regard to numbers and impacts.
- 1.5 It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 1.6 In addition whilst a sequential test has been submitted this focuses solely on the settlement of Tydd St Giles, and therefore does not follow the adopted approach outlined in the FDC document 'Approach to the Sequential Test for Housing' This document identifies that the area of search for the purposes of carrying out the Sequential Test in such areas would be the 'whole of the rural area'.

- |  |
|--|
| <p>1.7 There are fundamental policy issues arising relating to this proposal, as highlighted within this report, both in respect of the current and emerging local plans and nothing would weigh against these matters to suggest that the scheme has the potential for approval without severely undermining both the development plans. Accordingly, the scheme must be recommended for refusal.</p> |
|--|

## **2 SITE DESCRIPTION**

- 2.1 The site comprises an area of agricultural land of 1.142 Ha; it encompasses the frontage section of a larger field to the southern side of Hall Bank which is an area of open countryside located on the approach into the built settlement of Tydd St Giles.
- 2.2 Along the length of Hall Bank only sporadic development is evident with two dwellings immediately to the north of the site, within South Holland Local Authority area, with a further dwelling circa 367 metres distant to the south-west. Open fields lie to the north, south and west. On the southern side of Hall Bank (within Fenland) again to the south-east of the site the nearest dwelling, Romain, is circa 375 metres distant from the site under consideration.
- 2.3 The current site is relatively featureless save for an overhead line which runs north-east to south-west across the site within its western section; the site layout is annotated to note that it is the intention to remove this infrastructure and relocate underground.
- 2.4 To the south-east of the site (100 metres distant) is the residential property known as Foxs Barn, with its associated stables and open paddock between the application site and the residential curtilage of this dwelling. Beyond Foxs Barn is the development 'The Poplars' which comprises 7 detached dwellings currently under construction occupying land which previously accommodated a steel barge building company which relocated some time ago.
- 2.5 The site falls within Flood Zones 2 and Flood Zones 3, with the Flood Zone 3 area being 10 metres at its deepest point with the road frontage; and representing circa 681 sq. metres (circa 6 % of the overall site area).

## **3 PROPOSAL**

- 3.1 This is an outline planning application for up to 8 dwellings with access committed.
- 3.2 The illustrative site plan shows frontage/linear development of 8 detached units each benefiting from its own access. A further 'access' to a farm track to the land beyond the site is also identified (circa 60 metres from the most westerly corner of the site).
- 3.3 A footpath is shown along the site frontage and is referenced within the design and access statement 'to link with the existing network in High Broadgate'. The agent was asked to clarify the extent of the link and the width/construction details of the intended provision, and this information has been submitted.

Further infrastructure in the form of passing bays has also been included in the updated details.

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

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

#### **4 SITE PLANNING HISTORY**

##### Site to the east of Foxs Barn

F/YR17/0967/O	Erection of a dwelling (Outline application with all matters reserved) Land North of The Gables, High Broadgate, Tydd St Giles	Refused 05.12.2017 Allowed on Appeal 02.08.2022
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#### **5 CONSULTATIONS**

##### **5.1 Parish Council**

*'The members of the Parish Council's Planning Committee considered this application at their recent meeting.'*

*They considered the proposed development to be outside the village and of a scale and nature that would be out of keeping with its setting, contrary to policies LP3 and LP12 of the Local Plan. Hall Bank is a single carriageway road along the edge of the Shire Drain and the inclusion of eight separate access points around a bend in the road would be hazardous to traffic. Whilst a footpath is shown along the front of the development, it would not be possible to connect this to existing footpaths in the village.*

*Members resolved not to support the application'.*

##### **5.2 South Holland DC (Housing & Plan Services)**

*'We have no comments or objections to this proposal'.*

##### **5.3 CCC Highways**

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

*Visibility Splays should be added on each of the access point.*

*The plan also has proposed footway. Does this intend to connect to the existing footway at High Broadgate? Please show the extent of the footway.*

*Hall Bank is a single-track road. The addition of 8 new dwellings will increase the number of trips in this area. Therefore, there will be increase in the number of conflicts when vehicles are passing each other. There should be some*

*highway mitigation to this issue. Is there likely to be passing places or road widening?*

*Subject to this the future reserved matters application to provide access details and car parking and turning arrangements that meets FDC parking standards.'*

Comments are awaited in respect of the updated details (submitted 29.09.2022) and will be reported to committee.

#### **5.4 Environment & Health Services (FDC)**

*'The Environmental Health Team are unlikely to object to the principle of any development where a high quality and sustainable living environment is to be created. From an environmental health standpoint this will be subject to the satisfactory attention being given towards mitigating against the potential for adverse environmental impacts that can affect the quality of life such as noise and odour pollution, satisfactory conclusions being reached that show the site is free from contamination and that such a scheme positively contributes towards improving the health and wellbeing of people in support of sustainable and better ways to live and travel.*

*Consequently, the Environmental Health Team has reviewed the outline information and has 'No Objections' to the proposed scheme as it is unlikely to affect or be affected by the existing noise or air climate. Given the application sites previous pastoral use contamination is also unlikely to be an issue.*

*Informative: The installation of modern and energy efficient heating systems, suitably designed glazing and thermal insulation materials should meet latest standards and that the development, affords future occupiers sustainable travel options such as walking, cycling and the use of electric vehicles with electric vehicle charging points being considered otherwise as a minimum, welcome packs should be provided to all new residents that contain information and incentives to encourage the uptake of greener forms of travel'.*

#### **5.5 Environment Agency**

*'We have reviewed the documents as submitted and we have no objections to the development proposed subject to the condition outlined below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. Further information for the developer is provided below.*

##### *Flood Risk Condition*

*The development shall be carried out in accordance with the submitted flood risk assessment prepared by Ellingham Consulting LTD, Ref: ECL0787 dated June 2022 and the mitigation measures detailed in section 5.2 of the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development Reason for condition To reduce the risk of flooding to the proposed development and future occupants.*

*Flood resistance and resilience - advice to LPA/applicant*

*We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. [..]*

**5.6 North Level Internal Drainage Board**

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

**5.7 Cambridgeshire Fire & Rescue Service**

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

**5.8 Local Residents/Interested Parties**

7 letters of objection have been received from 7 households within Tydd St Giles these may be summarised as follows:

Character of area, design and layout

- Density/Over development/Out of character/not in keep with area
- Loss of view/Outlook/ Visual Impact
- *'Hall Bank is a year-long oasis of calm and one of my favourite places to walk. This is Grade 1 agricultural land providing a wonderful, unspoilt vista of Fenland farming. The peaceful road is too narrow for anything but the occasional car and this development will adversely affect the area's serenity'.*
- *'The contention that eight potentially large properties along the bank would not have a detrimental effect on the nature of the area or villagers quiet enjoyment of this area is erroneous. While eight properties may not, as stated in the design and access statement, be a large number in the context of the whole village, it is an excessively large number for an area currently only containing 10 houses, in the main spaced along the length of the bank.'*
- *'The connections claimed with High Broadgate and Trafford House are not realistic. If granted, there would inevitably be applications for infill development on the adjacent land, particularly to the east, which will lead to ribbon development contrary to LP12. The corner of Hall Bank with Hockland Road forms one of the natural entrances to the village. When leaving the village along Hall Bank the open Fenland landscape is revealed. The proposed development (and indeed any development on the site) would be directly contrary to the requirement of LP12 to preserve the open landscape'.*
- *'The development extends existing linear patterns of the village, contrary to LP12. The development is adjacent to High Broadgate only as the crow flies'.*

Policy and Precedent

- Site is not infill; it is an agricultural location with many acres between houses on a single-track road
- The properties that the submission indicates it 'infills' are on the other side of the road and in a different county, it would also leave the field between Fox's Barn and the site open for infill.
- *'If granted there would remain open agricultural land to the east and west of the site'.*

- There have been many better supported locations for development highlighted in recent meetings
- This proposal totally goes against LP3 and LP12
- *'Tydd St Giles is a small village where development is severely restricted. The proposal's justifications for developing along Hall Bank twist the letter and spirit of Local Planning Policy in an attempt to shoehorn this proposal into a compliant form'.*
- Outside the village boundary
- *'LP3 states that small village development will be considered on its merits but will normally be of a very limited nature and 3.3.11 confirms Government policy; that the intrinsic character and beauty of the countryside should be recognised and any development should be fully justified by special circumstances'.*
- *'LP12 further confirms FDC's vision not to "harm the wide-open character of the countryside" and its villages, and lists more than a dozen criteria and a link back to LP3 in its desire to preserve that vision. Further, a footnote to LP12 defines the developed footprint of the village which clearly excludes detached, individual or intermittent buildings, paddocks and other undeveloped land that relates more to the surrounding countryside than the built-up area of the settlement'.*
- *'In the Design & Access Statement, the meaning and intent of the quoted LP policies have been manipulated to fit a fabricated need, with words that have been cynically cherry-picked rather than adhere to and respect their full meaning. This isn't an 'infill' and it does create a new linear pattern'.*
- Outside DAB
- *'TSG has already exceeded its quota of development with houses along Kirkgate, Sapphire Close and The Poplars, not to mention TSG's Holiday Park'.*
- *'Allowing this development would fly in the face of local planning policies that are in place to protect and preserve the nature and character of this Fenland village; to stop all those who would seek to despoil it.'*

#### Access/Traffic or Highways/Parking arrangements

- Road is far too narrow for vehicles to safely pass pedestrians let alone other road users who may be coming in the opposite direction.
- Single track road with no passing points (other than private driveways) and a dyke on the opposite side meaning there is little ability to pull off the road to pass. It is a narrow road which already has traffic concerns for those obliged to use it.
- Development would create substantial increase in vehicle movements
- Development would impact on existing visibility around the bend
- Increased pedestrian usage along a single-track road; footpath appears of insufficient width for example wheelchair users
- The corner where Hall Bank now has an exit for the estate of new houses (The Poplars) is on a blind double bend. ANY further increase in regular traffic along this road is going to make it a much more dangerous piece of highway
- The eight new accesses are unlikely to have sufficient visibility
- Current road is in a poor state of repair, additional vehicle movements will accelerate damage resulting in additional road maintenance costs.
- 'Hall Bank is narrow, and the proposed accesses are unsuitable, and potentially unsafe. Whilst the area appears to be open and clear, a vehicle leaving any one of the proposed dwellings would have difficult visibility and



would be driving directly towards the Shire Drain. It is hard to see how this proposal meets any of the criteria of LP3 and LP12'

- Road is not sufficient to cope with the increased traffic. Given that the proposed development envisages eight accesses to the road, close to a bend, there is a significant likelihood of traffic problems or accidents.
- 'The proposed footpath will not link up with the existing footpath at High Broadgate as there are two properties in between the two and will ensure that there is effectively no passing point possible for the length of Hall Bank until beyond the development'.

#### Flooding, Drainage

- There is a known and very real problem with water and sewage/ drainage in the village which appears not to be able to cope with the amount of houses at present without and more being added.
- 'An argument in favour of there being no need for an exception test is overly optimistic'.
- 'Many winters have seen small to rather large lakes appearing across this paddock and remaining in situ for some time'.

#### Other matters

- Would set a precedent; concern that the rest of the field would be built on
- Agricultural land
- Devaluing property
- Environmental concerns – the wildlife and dog walkers don't need new houses to continue to access the footpaths/open field
- Wildlife concerns
- Would not be of benefit to the village only to those moving into the houses, no guarantee that these houses would support the local shop and facilities, the submission suggests that it will be families already in the village.
- No additional jobs
- Interesting that a number of comments have been made by extended family members and more than one for the same household in some instances.
- A pre-planning discussion might have avoided this proposal coming to the surface in the first place.

#### Supporters

13 letters of support have been received 11 from Tydd St Giles residents originating from 9 households, 1 from Sutton Crosses and 1 from Newton; these may be summarised as follows:

- *'I am very much for the shop/post office etc as this will make my life so much easier' additional dwellings will give more opportunity for the shop to succeed and bring younger blood into the village'.*
- Scheme will enable village to expand without backfill
- Scheme will provide housing for local villagers and add to housing mix providing family homes
- Will increase footfall for village facilities and events and enable shop to be built, will also provide pupils for the school – enhancing funding and improving its facilities.
- Villagers have made it clear that there are areas in the village that they wouldn't want to be developed (Newgate Road and the village centre) this leaves the only options for development on existing roads leading into the village

- Development would be in proportion to existing houses within the village and within keeping of the local character.
- The development would also incorporate a footpath linking up to the existing one along High Broadgate giving safer access for pedestrians.
- Additional housing will also give increased revenue for the local parish council, with a shortage of country wide housing and within the fenland area the village will have to naturally expand with the rate of the population increasing.
- Proposed development will not impact on residential amenity, the large meadow to the rear will be left for the foreseeable future.
- Consider the development is infill and is a natural progression for growth in the village, in keeping with precedents set on Kirkgate and Cats Lane
- Hall Bank is already being developed with the Poplars
- Linear development in keeping with the general development of the area
- *'The proposed application will provide the opportunity for hard working families to live in an economical as well as environmentally friendly home, whilst also creating jobs and improving the struggling economy'*
- *'A lot of thought has gone into the scheme'*
- *'This will provide housing for local residents that have lived here in the village for 100+ years between them. Residents that bring a lot to the village already, so will be able to continue that'.*
- *'There has already been some development on Hall Bank and so far with the added residents and building work, there have been no issues with traffic on the road whatsoever. The meadow at the back of the development will provide a safe space for local wildlife, as well as a countryside feel for nearby residents and dog walkers. I believe that this development will fit in perfectly within the village'*
- *'The family who wish to build upon it, are doing so do bring their children back to the village. As a younger resident of the village I do think that the village requires more properties to allow families to live together and make the village thrive. I also think if the amenities that have been planned also go through the more local people that can use them the better'*
- Development will provide a high-quality environment for its residents
- It would be nice to finally have a footpath from Hall Bank to High Broadgate so that I can walk safely and not on the road as the grass verge at the moment is very uneven with rabbit holes, therefore it would benefit a lot of people to have a footpath along that stretch of road. Consider the footpath will be easy to install
- *'Hall Bank is one of the perfect locations in the village as it's not a back fill spoiling some else's view and there are no properties directly in front to spoil their views, considering there has been new builds along Kirkgate as far as they can possibly go and Church Lane going out of the village towards Newton have also gone as far as they can go. Cats Lane is now filled up to the Trent Bridge and the Lincolnshire border, they have already started building past the Community Centre on Middle Broad Drove East, therefore I believe that this is a continuous and growth of the village which I am in full support of'.*

## 6 STATUTORY DUTY

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

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

## **7 POLICY FRAMEWORK**

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

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

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

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

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 79 - To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Para. 80 - Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
  - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

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

Para. 159 - Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Para. 162 - The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

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

### 7.3 **National Design Guide 2021**

Context C1 - Relationship with local and wider context;

Identity I1 - Respond to existing local character and identity

Built Form B2 - Appropriate building types and forms

Movement M1 – An integrated network of routes for all modes of transport

Uses U2 - A mix of home tenures, types and sizes

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

Lifespan L3 - A sense of ownership

### 7.4 **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

### 7.5 **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:

LP1: Settlement Hierarchy (Part C – Frontage Infill Development)

LP7: Design (aligns with the 10 characteristics of the National Design Guide)

LP18: Development in the Countryside (Part E: New dwellings of exceptional design quality) and (Part H: Protecting the best and most versatile agricultural land)

LP20: Accessibility and Transport

LP22: Parking Provision

LP28: Landscape

LP32: Flood and Water Management

LP63: Residential site allocations in Tydd St Giles (7 dwellings at Hockland Road) [referred to in the site description as The Poplars]

## 8 **KEY ISSUES**

- **Principle of Development**
- **Character, design and layout**
- **Highways and access**
- **Flood risk and sequential test considerations**
- **Other matters**

## 9 **ASSESSMENT**

## Principle of Development

- 9.1 The scheme falls to be assessed under current Local Plan Policies LP3, LP12, LP14, LP15 and LP16. As noted in the evaluation below the scheme does not comply with Policy LP3 or LP14, and also represents character harm with regard to Policies LP12 and LP16.
- 9.2 Policy LP3 clearly indicates that Tydd St Giles is a small village which is capable of residential infilling. The planning portal glossary notes that Infill development is 'the development of a relatively small gap between existing buildings' It is clear the site in question may not be deemed as infill and that the scheme instead represents an extension of the settlement into the open countryside, contrary to the settlement hierarchy and for this reason alone should be resisted.
- 9.3 It is also acknowledged that the village threshold for Tydd St Giles of 27 units would be reached should this development be allowed, noting that the Village Thresholds Position Statement 18 August 2022 currently shows 19 units having either been built/or are committed to be built. Although case law indicates that non-compliance with the 'Threshold' element of the policy would not be sufficient reason to resist a scheme which is acceptable in all other policy regards.
- 9.4 With regard to the consultation draft to of the emerging Local Plan, which carries limited weight at this time as per paragraph 48 of the NPPF, given that consultation has only recently commenced, the site is outside of the defined settlement boundary and is therefore classed as open countryside where development will only be permitted in the circumstances set out within the NPPF. Paragraph 80 of the NPPF is relevant. It states that:

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building; or*
- e) the design is of exceptional quality, in that it:*
  - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area*



- 9.5 Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the development would not accord given the nature of the site, the scale of development and the flood classification of the site.
- 9.6 Consequently the proposed development is in clear conflict with the policies of the adopted Local Plan, the NPPF and also would not comply with the emerging Plan.

### **Character and visual amenity**

- 9.7 The transition from countryside to village is clearly marked in this location with the 'built footprint' of the village occurring beyond Fox's Barn with only sporadic development beyond this earlier conversion scheme.
- 9.8 Pertinent to the consideration of the site context attention is drawn to an appeal decision relating to land east of Fox's Barn as listed in the history section above (LPA ref: F/YR17/0967/O). Whilst the Planning Inspector overturned the delegated decision to refuse planning permission on the grounds of character they did note that *'the appeal site comprises the garden to Foxs Barn which has the distinction of being the last house as one exits Tydd St Giles'*. Going on to note that *'to the east of Foxs Barn, there is a marked transition from village to open countryside'*. Although the Planning Inspector references 'east' it is clear that their intention was to separate what they considered to be the 'village' from the 'countryside'; with the appeal decision going on to reference the *'village edge'*.
- 9.9 In accepting that the site under consideration at that time was not open countryside a clear acceptance that land beyond Foxs Barn **was** open countryside was indicated; and such a stance is considered unequivocal.
- 9.10 It is further considered that the development of this site with 8 dwellings would introduce development at a level and scale which would erode the existing character of the area which is open countryside. This view aligns with the robust and measured objections put forward by local consultees who clearly and articulately express their concerns regarding the development; both its non-conformity with local plan policies and the real character harm that would arise.
- 9.11 Furthermore, Policy LP12 clearly states that development should not extend existing linear features and again this development is contrary to this outlined aim.
- 9.12 For the reasons outlined above the scheme should be resisted as contrary to Policies LP12 and LP16.

### **Residential amenity**

- 9.13 Notwithstanding the character harm identified above and the lack of policy fit relating to the settlement hierarchy the site could be developed in such a manner as to provide appropriate levels of residential amenity for the intended householders in terms of private amenity space and servicing arrangements.

- 9.14 Furthermore, given the relationship of the site to the dwelling known as Fox's Barn which is circa 100 metres distant (south-easterly direction) from the common boundary with the site no issues are highlighted in securing an appropriate scheme which does not compromise existing residential amenity.
- 9.15 It is considered that the scheme has the potential to comply with Policies LP2 and LP16 of the FLP, subject to detailed layout and design which would be secured under the reserved matters for the site. However, the absence of residential amenity harm would not in itself justify acceptance of the scheme noting the fundamental 'principle' issues highlighted.

### **Highway safety and sustainability**

- 9.16 The LHA have indicated that clarification is required regarding the extent of footway provision and have also noted that visibility splays should be shown relating to the individual accesses which should be formed to the CCC Highway specification. In addition, they highlight that Hall Bank is a single-track road and that some highway mitigation will be required querying whether there is likely to be passing places or road widening.
- 9.17 The comments from local residents and the Parish Council are noted relating to highway safety, visibility and the provision of a footway and at this time it is not possible to say with certainty that a link can be achieved to the village footway network, or indeed whether appropriate visibility and highway mitigation can be achieved. The agent has provided an updated site and location plan which seeks to address these scheme deficiencies and consultations are currently being undertaken in respect of the revised details.
- 9.18 It is intended to report the outcome of this consultation event to the Committee meeting however noting the fundamental 'in principle' policy concerns relating to the location and form of the development proposed it is contended that even if these 'technical' details are found to be sound and deliverable they would not outweigh the wider policy harm.
- 9.19 At this time it has not been proven that the scheme has the potential to deliver the footway link and appropriate highway mitigation together with visibility and at the time of drafting this report this element must therefore form one of the reasons for refusal; the reason will be couched in such a way as to identify that the current scheme 'fails to demonstrate' as opposed to an outright 'highway safety and connectivity' refusal and is at present contrary to the aims of Policy LP15 of the FLP (2014). Obviously should the LHA advise that the scheme as outlined is deliverable this aspect of the refusal will be revisited; again this will be updated to the Committee meeting.

### **Flood risk and the application of the Sequential Test**

- 9.20 The site lies within a flood zone 3 location and whilst the site-specific flood risk assessment demonstrates that the site could be made safe from flooding for its lifetime this does not obviate the need to demonstrate compliance with the sequential and exceptions test.
- 9.21 There is a clear mandate in both the National and Local Planning policy that directs development to areas of lowest flood risk unless it can be demonstrated that there are no sequentially preferable sites available.

- 9.22 The Design and Access statement submitted in support of the application seeks to address matters relating to the sequential test in the following statement:

*'The application site is located within Flood Zones 2 and 3 of the Environment Agency Flood Maps for Planning. As can be seen from the extract below, there is no other vacant land available within the settlement of Tydd St Giles which could accommodate a development of up to eight dwellings. The only land which is vacant and is at a lower risk of flooding is within the middle of the 'square' which is enclosed by the Hockland Road/Church Lane/Newgate Road/High Broadgate highways. However, it has long been considered by the Local Planning Authority that the development of this parcel of land would be unacceptable in form and character terms and accordingly has never been allocated for housing or included within previous settlement boundaries. It is therefore reasonable to conclude that this land is not available and the application site is the only land available which is large enough to accommodate the development, therefore the Sequential Test is passed.*

*Only small parcels of the application site, close to the highway boundary, are within Flood Zone 3. The majority of the land is within Flood Zone 2 and it is likely that the dwellings will be positioned in Flood Zone 2 in their entirety. Upon passing the Sequential Test, sites within Flood Zone 3 and proposed for residential development will require the Exception Test to be passed. However, on the basis that only small parts of the front garden will be on Flood Zone 3 land and the dwellings and private rear garden space will be on Flood Zone 2 land, it is submitted that the 'development' will be in Flood Zone 2. As such the Exception Test is not required'.*

- 9.23 The above D & A extract is further supported by a sequential test assessment contained within the Flood Risk Assessment which focuses on the settlement of Tydd St Giles and demonstrates that there are no unimplemented consents for 8 dwellings, either delivered as a whole or in a disaggregated form.
- 9.24 The agent does however fail to address the fact that when considering a site that does not meet the general settlement policy, i.e. it is not infill and it is located within the open countryside, the sequential test should to be applied on a district wide basis and that would be the 'area of search'; accordingly it is clear that the site does not have the potential to satisfy the sequential test.
- 9.25 With regard to the exception test it is accepted that in reality the proposed dwellings are likely to be situated within the Flood Zone 2 area of the site and as such there would be no requirement to satisfy the exceptions test.
- 9.26 Noting the adopted and indeed consistent stance of the LPA when applying the sequential test on sites which do not comply with the settlement hierarchy it is asserted that the scheme has no potential to satisfy the sequential test, as this would require the application of the Sequential test on a district wide scale. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made safe for its lifetime the sequential test still needs to be satisfied, i.e. flood risk safety measures do not overcome locational issues.

- 9.27 Accordingly, the scheme does not satisfy the requirements of the NPPF, the FLP and the Cambridgeshire Flood and Water SPG and should be resisted on flood risk grounds.

## **Other matters**

- 9.28 **Future development** – The field to the rear of the site and on land between the site and Fox's Barn has been highlighted by objectors as having future development potential if this scheme is allowed; however, officers and Members must restrict their considerations to the scheme currently before them.
- 9.29 **Local housing for local families** – One common thread of the letters of support relate to the applicants contribution to village life and that the dwellings will enable their/and other local families to remain/return to the village; however, neither fact is explicit in the submission, nor indeed would these matters outweigh national or local policy.
- 9.30 **Devaluation** – this is not a material planning consideration.

## **10.0 CONCLUSIONS**

- 10.1 The proposal is contrary to Policies LP3, LP12, LP14, LP15 and LP16 in the adopted plan and would also be contrary to draft local plan policy LP1 given that it is not infill and does not demonstrate compliance with flood risk policy. Furthermore, the technical details relating to access and connectivity have not yet been found to demonstrate that the scheme will accord with Policy LP15 in terms of highway safety and accessibility.
- 10.2 As a 'Small Village' the usual dispensation relating to 'edge of settlement' development falls away as clearly referenced in Policy LP12 Part A (a), nor does the new hinterland element of the emerging local plan 'bite' as the development exceeds the parameters given, i.e. 8 residential dwellings proposed.
- 10.3 It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 10.4 In addition whilst a sequential test has been submitted this focuses solely on the settlement of Tydd St Giles. Such an approach does not follow the adopted guidance 'Approach to the Sequential Test for Housing' which identifies that the area of search for the purposes of carrying out the Sequential Test will be:
- a) Developments in the countryside – The whole of the rural area;
  - b) Developments in towns and villages – The town/villages that the proposal would sustain

As the site is considered to relate more readily to the 'open countryside', i.e. outside the built form of the settlement and goes beyond that allowed for under Policy LP3 the sequential test should be applied on a district wide basis. This being clearly at odds with the approach taken in this instance, rendering the

sequential test incomplete and as a result contrary to LP14 and the NPPF in that it has not been demonstrated that there are no other more sequentially preferable sites which could accommodate the development within an area of lower flood risk.

- 10.5 The consultation response of the LHA is awaited as to whether the scheme achieves technical compliance relating to highway safety and accessibility, however a policy compliant scheme with regard to Policy LP15 in terms of highway safety and accessibility would not outweigh other policy concerns.

## 11 RECOMMENDATION: Refuse

### Reasons for refusal

1	Policy LP3 of the Fenland Local Plan (2014) identifies that Tydd St Giles is a 'small village' where development will normally be limited in scale to residential infilling or a small business opportunity. The location of the site is such that it fails to satisfy this requirement and by default Policy LP12 (a), noting the absence of adjoining development immediately to east and west of the application site. This is clearly at odds with Policy LP3 and LP12 of the Fenland Local Plan and the proposal must be resisted on these grounds.
2	Policy LP12 identifies that only infill developments will be considered favourably within settlements that have been identified as 'small villages' such as Tydd St Giles and does not allow for the usual acceptance of development where a site adjoins the existing built form. Real and actual character harm would arise through the introduction of new development in this location which would serve to extend existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly contrary to Policy LP12 and LP16 of the Fenland Local Plan (2014).
3	Policy LP14 of the Fenland Local Plan (2014) and the National Planning Policy Framework (2012) require applications within Flood Zone 3 locations to satisfy the sequential and exception test, with further guidance regarding the application of the sequential test being given in Cambridgeshire Flood and Water SPD and the Fenland District Council 'Approach to the Sequential Test for Housing'. Whilst a Sequential Test has been submitted in respect of this application this focuses solely on the settlement of Tydd St Giles however noting that the site fails to accord with the Settlement Hierarchy outlined in Policy LP3 of the Fenland Local Plan (2014) and relates to the open countryside the Sequential Test is required to be applied on a district-wide basis and in this respect the proposal fails to comply with Policy LP14 of the Fenland Local Plan (2014) and the NPPF (2021)
4	Policy LP15 of the Fenland Local Plan (2014) requires that proposals demonstrate accessibility and provide for safe and convenient access for all. The current scheme proposals fail to demonstrate: <ul style="list-style-type: none"> <li>(i) that a footway provision connecting to the existing village footway network is achievable</li> <li>(ii) that appropriate highway mitigation in the form of passing bays can be accommodated to compensate for the additional traffic along this single</li> </ul>

	<p>track highway</p> <p>(iii) that appropriate visibility is achievable in respect of the individual access points to serve the dwellings</p> <p>At this time it has not been confirmed that the scheme complies with the aims of Policy LP15 and by default it is has not been demonstrated that the proposal will provide appropriate and safe levels of accessibility and that it would not compromise highway and pedestrian safety.</p>
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**F/YR22/0811/O**

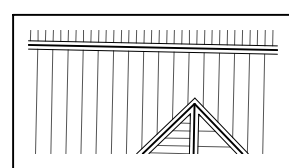
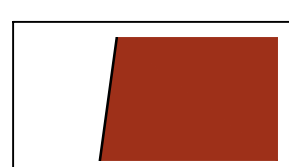
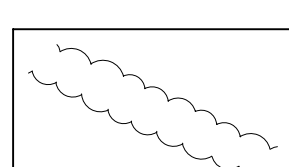
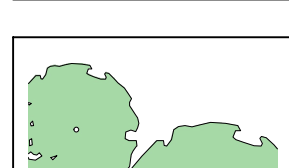
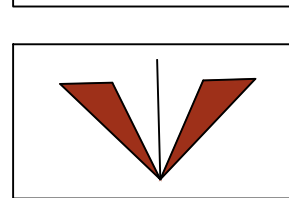
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General Notes  
1. All dimensions are shown in 'mm' unless otherwise stated.  
2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
3. This drawing is to be read in conjunction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

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

SITE KEY:

-  Indicates position of proposed indicative dwellings
-  Indicates position of buildings taken from OS Map
-  Indicates existing trees
-  Indicates indicative position of proposed vegetation
-  Indicates position of proposed site access



FOR APPROVAL

**SWANN EDWARDS**  
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Job Title Proposed Residential Development Hall Bank, Tydd St Giles Wisbech, PE13 5NG For: Mr & Mrs. Marlett	Drawn by GT	Checked by GE	Drawn by GT	Checked by GE
Job No. SE-1905	Drawn Title Outline Planning Site Plan & Location Plan	Drawn Date May 2022	Drawn Date May 2022	Drawn Date May 2022
Drawn Title Outline Planning Site Plan & Location Plan	Drawn Date May 2022	Drawn Title Outline Planning Site Plan & Location Plan	Drawn Date May 2022	Drawn Title Outline Planning Site Plan & Location Plan
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**F/YR22/0828/F**

**Applicant: Mr & Mrs Clinton**

**Agent : Mr Ian Gowler  
Gowler Architectural**

**Land South West Of 27A, Wimblington Road, Doddington, Cambridgeshire**

**Erect a dwelling (2-storey, 3-bed)**

**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 dwelling (2-storey, 3-bed) to Land South West of 27A Wimblington Road. The site currently forms garden land associated with 27A Wimblington Road.
- 1.2 The proximity and the 2-storey nature of the proposed dwelling will introduce adverse overbearing and overshadowing impacts to the dwelling to the north-east to the detriment of residential amenity. The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to Policies LP2 and LP16(e) of the Fenland Local Plan 2014.
- 1.3 The constrained nature of the application site results in the scheme failing to provide a third of the curtilage for private amenity space. The scheme is therefore considered to result in an unacceptable level of private amenity space for the proposed dwelling to the detriment of future occupiers and is therefore considered to be contrary to Policy LP2 and LP16(h).
- 1.4 Subsequently, the recommendation is to refuse this application.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated on the north-western side of Wimblington Road within the settlement of Doddington.
- 2.2 The site is currently used as garden land in association with the dwelling at 27A Wimblington Road. A range of trees are currently situated within the site, with the site being bounded in a 1 metre (approx.) closed boarded fence.
- 2.3 The dwelling to the east of the application site is a 2-storey detached dwelling with a front projecting 2-storey gable constructed in a red brick. The dwelling to the west of the site is a 2-storey detached dwelling finished in a grey render.
- 2.4 The application site is situated within Flood Zone 1 and an Amber Great Crested Newts Protection Zone.

### **3 PROPOSAL**

- 3.1 This application seeks to erect a 2-storey, 3-bed dwelling. The proposed dwelling will cover a floor area of approximately 69.6m<sup>2</sup>. The proposed roof will be dual-pitched with an eaves height of 5 metres approx. and a ridge height of 7.5 metres approx.
- 3.2 The fenestration proposed at ground-floor level includes a window and patio door facing north-west, 2 windows and a front door facing south-east and 1 window facing south-west. The fenestration proposed at first-floor includes 2 windows facing north-west, 1 window facing north-east and 2 windows facing south-east.
- 3.3 The materials proposed include TBS Aldwick Blend bricks and Grey Concrete Pantile roof tiles.
- 3.4 A new access is proposed off of Wimblington Road to serve the proposed dwelling which will be approximately 5.5 metres wide. 2 parking spaces will be situated to the front of the dwelling.
- 3.5 Private amenity space will be situated to the rear of the dwelling, with the existing hedge and fence retained on the western boundary of the site, with a new 1.8m close boarded fence proposed to enclose the rear of the site.
- 3.6 Full plans and associated documents for this application can be found at:

[F/YR22/0828/F | Erect a dwelling \(2-storey, 3-bed\) | Land South West Of 27A Wimblington Road Doddington Cambridgeshire \(fenland.gov.uk\)](#)

### **4 SITE PLANNING HISTORY**

No pertinent planning history on site.

### **5 CONSULTATIONS**

#### **5.1 Doddington Parish council**

*Members supported this application.*

#### **5.2 FDC Environmental Health**

*I refer to the above planning application and make the following observations.*

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

#### **5.3 CCC Highways**

*Comments:*

*Highways have no objections to this application.*

*Conditions*

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

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

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

*Reason: In the interests of highway safety.*

*3. Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.*

*Reason: In the interests of highway safety.*

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

2 letters of support were received from residents of High Street, Doddington. The reasons for support are as follows:

- Nice sized family home
- Close to school and local amenities
- Good family application to get villagers back to their roots

### **6 STATUTORY DUTY**

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

### **7 POLICY FRAMEWORK**

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

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

Para 11 – A presumption in favour of sustainable development

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

Para 130 – Achieving well-designed places

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

#### **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



LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District

## **7.5 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:

LP1 – Settlement Hierarchy  
LP5 – Health and Wellbeing  
LP7 – Design  
LP8 – Amenity Provision  
LP20 – Accessibility and Transport  
LP22 – Parking Provision  
LP32 – Flood and Water Management

## **8 KEY ISSUES**

- **Principle of Development**
- **Design and Visual Amenity of the Area**
- **Residential Amenity**
- **Highways and Parking**
- **Flood Risk**
- **Other Matters**

## **9 BACKGROUND**

- 9.1 The scheme as originally submitted proposed the new dwelling to be situated approximately 1.19 metres from the neighbouring property at 27A. It was considered that given the 2-storey nature of the scheme proposed, that the scheme would create significant overbearing and overshadowing impacts given the presence of south-west facing ground floor windows at 27A. The overbearing and overshadowing impacts would be contrary to Policy LP16 given the adverse impacts introduced on neighbouring residential amenity.
- 9.2 These issues were put forward to the agent, with the suggestion that the design of the dwelling needs to be amended, with the possibility of the inclusion of single-storey elements closest to the neighbouring dwelling to the east suggested.
- 9.3 An amended plan has been provided with a reduction in the size of the property to increase the distance between the neighbouring and the proposed dwelling, with the amended plans detailing a distance of 1.8 metres between the 2 properties. The front right gable wall has been moved back 0.5 metres to reduce any impacts on the lounge and bedroom windows at 27A.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Policy LP3 of the Fenland Local Plan 2014 designates Doddington as a Growth Village within the settlement hierarchy. Development within the existing urban area or as small village extensions will be appropriate in Growth Villages albeit of a considerably more limited scale than that appropriate to Market Towns. The principle of development is therefore acceptable subject to further policy considerations set out below.

### **Design and Visual Amenity of the Area**

- 10.2 Policy LP16 expects to deliver and protect high quality environments throughout the district, and only allows development which makes a positive contribution to the local distinctiveness and character of the area, and enhances its local setting, responding to and improving the character of the local built environment.
- 10.3 The dwelling proposed is a 2-storey detached dwelling which will be situated within existing garden land associated with 27A Wimblington Road. The dwellings along Wimblington Road are varied in terms of design and character. The dwelling proposed under this scheme will feature a dual-pitched roof and will be finished in a red brick and as such will reflect the character of the neighbouring dwelling at 27A. As such, it is not considered that the development will introduce any adverse impacts upon the visual amenity of the surrounding area.

### **Residential Amenity**

- 10.4 Policy LP2 and Policy LP16 seek to ensure that development does not introduce any adverse impacts upon surrounding residential amenity. Neighbouring properties are situated to the north-east and south-east of the application site. The dwelling proposed will be situated approximately 1.8 metres from the neighbouring property to the north-east and approximately 12 metres from the neighbouring property to the south-west.
- 10.5 Given the location of the neighbouring property to the south-west approximately 12 metres from the proposed dwelling, it is unlikely that the scheme will introduce any significant overbearing impacts, especially as the boundary hedging between the neighbouring property and proposed dwelling is to be retained. In addition to this, no first-floor windows are proposed facing south-west and therefore the scheme will not introduce any adverse overlooking impacts upon this neighbouring property.
- 10.6 As aforementioned, the proposed dwelling will be situated approximately 1.8 metres from the neighbouring property to the north-east. As the dwelling proposed is 2-storey, the dwelling will be highly visible from the windows on the south-west elevation of No. 27A. The west facing elevation of the main dwelling features both ground floor and first floor windows, and the right front gable also features windows at both ground and first floor level. The submitted drawing notes that a window to the neighbouring property is to be bricked in, however the proposed dwelling will still introduce significant overbearing impacts to the remaining west facing windows at No. 27A.
- 10.7 In addition to the above, given the direction of sun travel from east to west, the introduction of a 2-storey dwelling in this location will introduce overshadowing impacts to the west facing windows at 27A which will result in adverse loss of light.
- 10.8 There is potential for both significant overbearing and overshadowing impacts upon the neighbouring property to the north-east which will have detrimental impacts

upon neighbouring amenity. The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to Policy LP2 and LP16.

10.9 Policy LP16(h) states that new developments should provide sufficient private amenity space, suitable to the type and amount of development proposed; for dwellings other than flats, as a guide and depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside as private amenity space.

10.10 From the site plan submitted, the private amenity space to the rear of the proposed dwelling falls short of the required 33%, providing approximately 28% of the plot. This is exacerbated by the fragmented nature of the private amenity space with 'pockets' provided to the side of the dwelling. The scheme is therefore considered to result in an unacceptable level and quality of private amenity space for the proposed dwelling and therefore cannot be supported.

### **Highways and Parking**

10.11 The existing access to No. 27A is to be retained, with a new access proposed to facilitate the proposed dwelling. 2 parking spaces will be situated to the front of the dwelling.

10.12 Upon consultation with CCC Highways, no objections were raised to the proposed access subject to conditions.

10.13 Appendix A of the Fenland Local Plan 2014 states that 2 on-site parking spaces should be provided for dwellings with up to 3 bedrooms. The site plan submitted details 2 parking spaces forward of the proposed dwelling. It is therefore considered that the scheme is compliant with Policy LP15 in this regard.

### **Flood Risk**

10.14 The proposal is located within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations.

### **Other Matters**

10.15 The application site is situated within a Amber Great Crested Newts Protection Zone. Amber zones contain main population centres for Great Crested Newts and comprise important connecting habitat that aids natural dispersal. The site is an existing established garden associated with 27A and therefore it is unlikely that there is a habitat within this location.

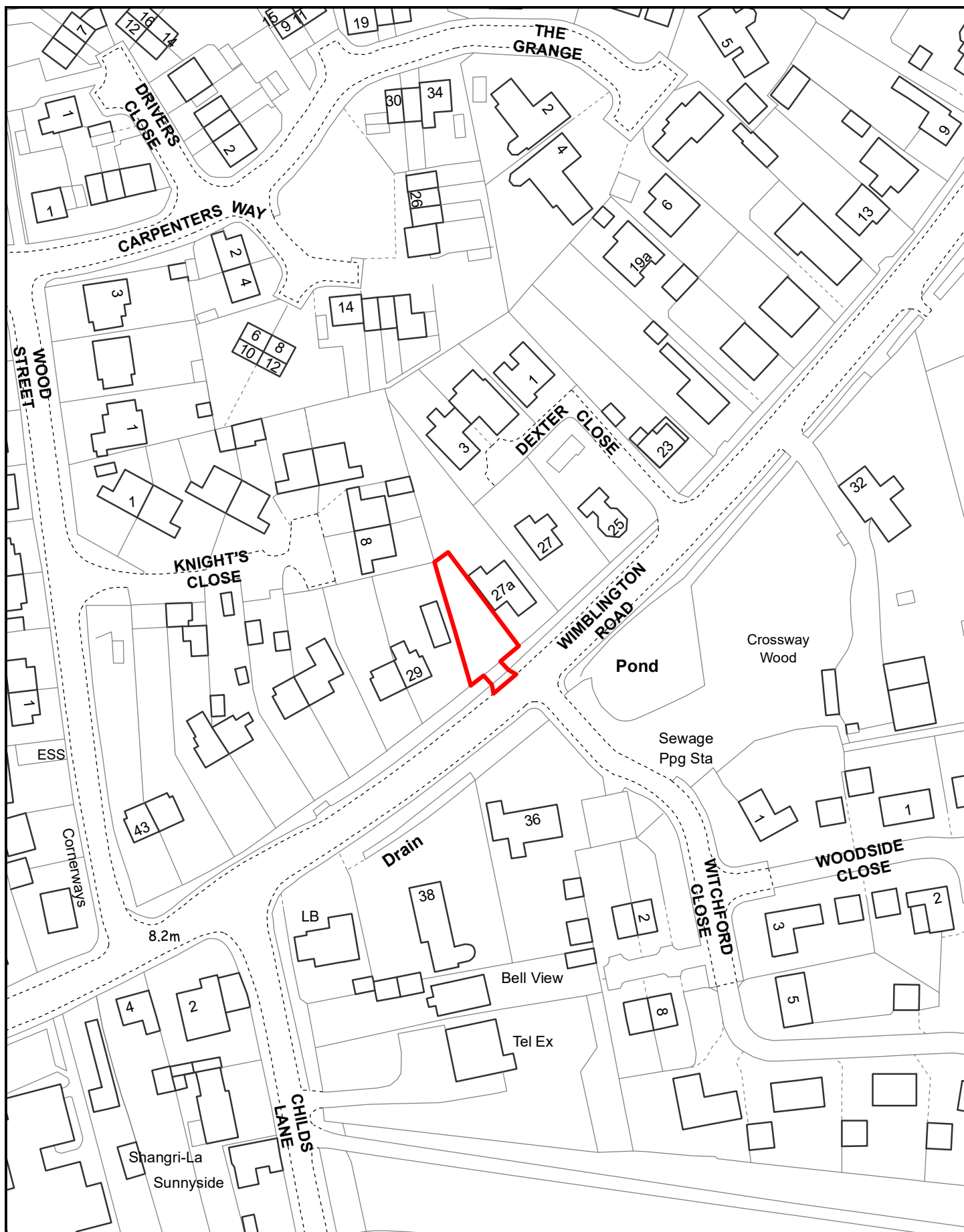
## **11 CONCLUSIONS**

11.1 The proposed 2-storey dwelling will introduce adverse overbearing and overshadowing impacts to the dwelling to the north-east given the proximity of the proposed dwelling to the neighbouring dwelling. The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014.

## **12 RECOMMENDATION**

**Refuse;** for the following reason:

1	Policies LP2 and LP16(e) 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 proposed dwelling to the neighbouring property to the north-east, 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.
2	Policies LP2 and LP16(h) of the Fenland Local Plan seeks to ensure that the development provides sufficient amenity space for future occupiers. The scale and positioning of the proposed development will result in the proposed dwelling retaining insufficient levels of private amenity space owing to the constraints of the site, which will result in harm to future occupiers is therefore contrary to Policy LP16(h).



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**F/YR22/0828/F**

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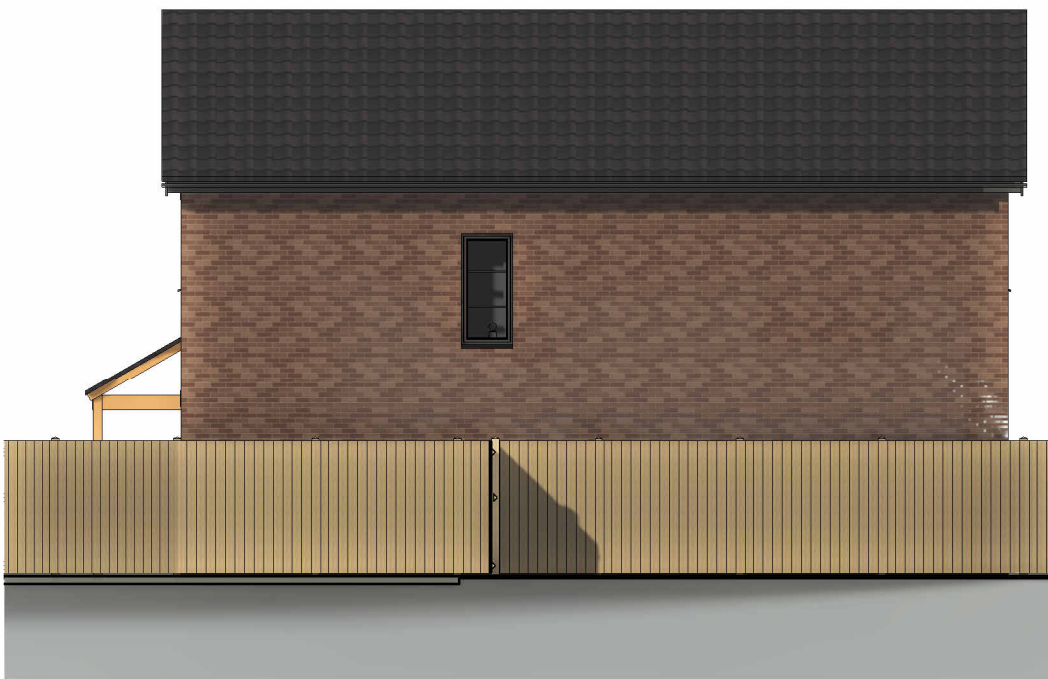




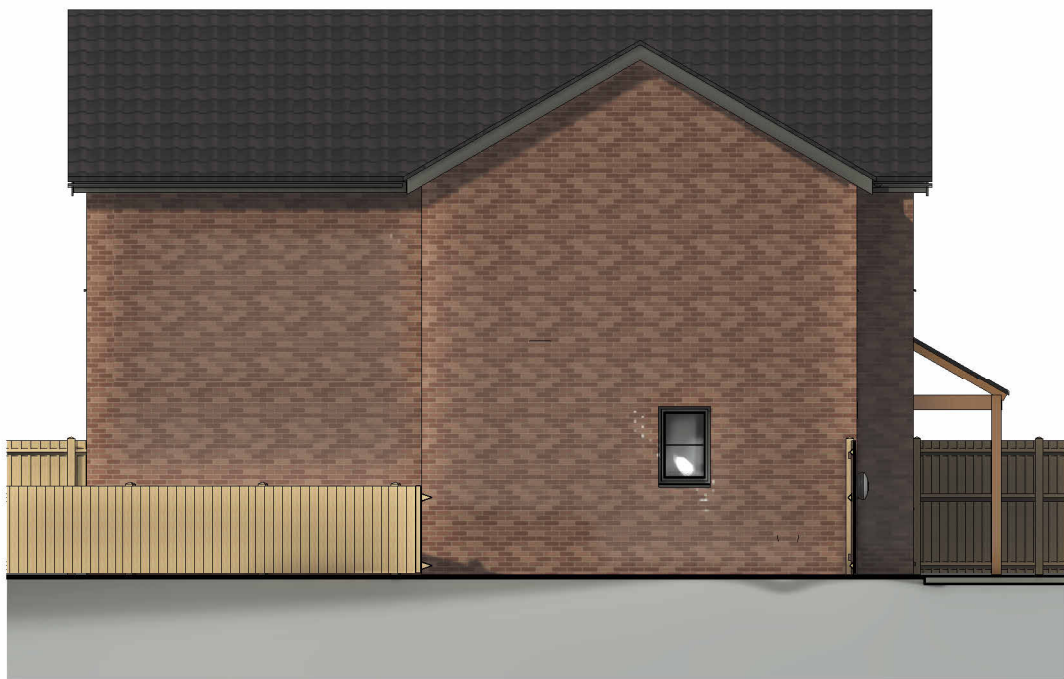
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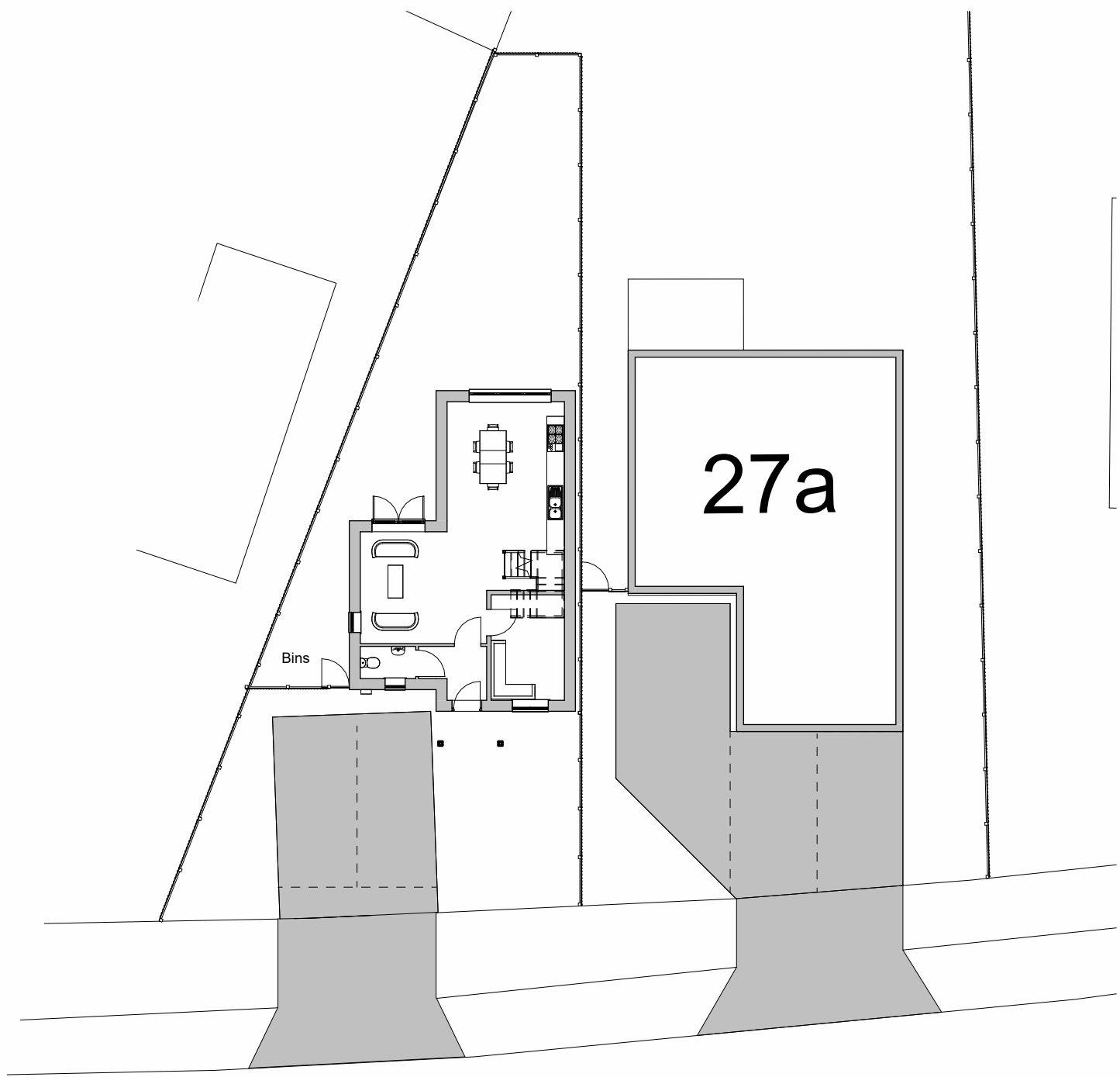
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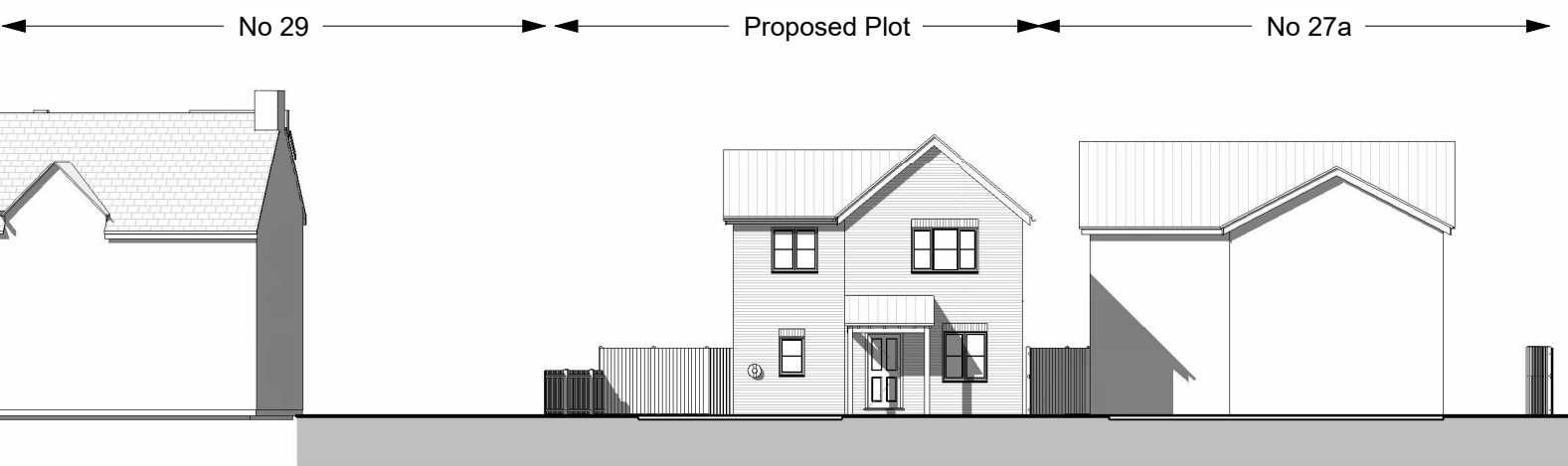
Planning Proposed Side (north east)  
Scale 1 : 100



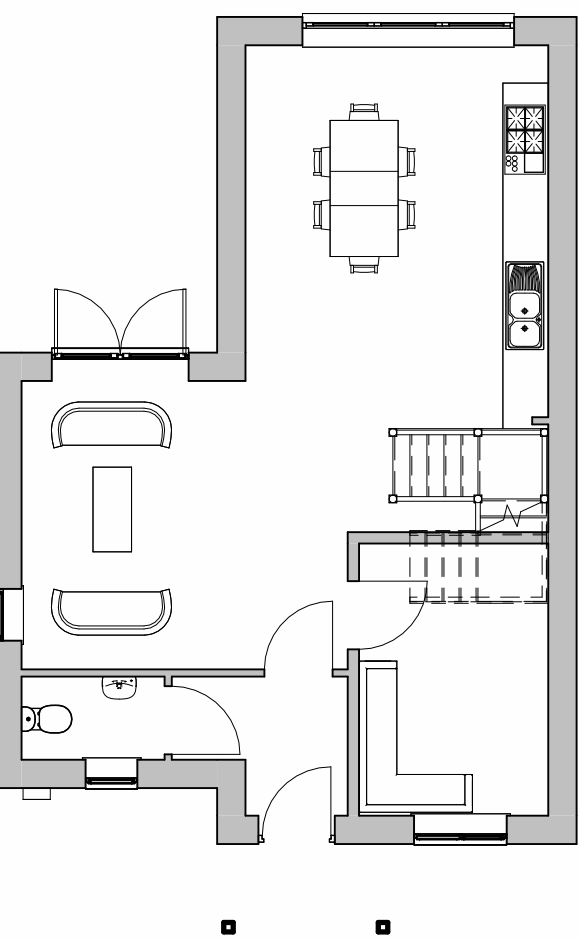
Planning Proposed Side (south west)  
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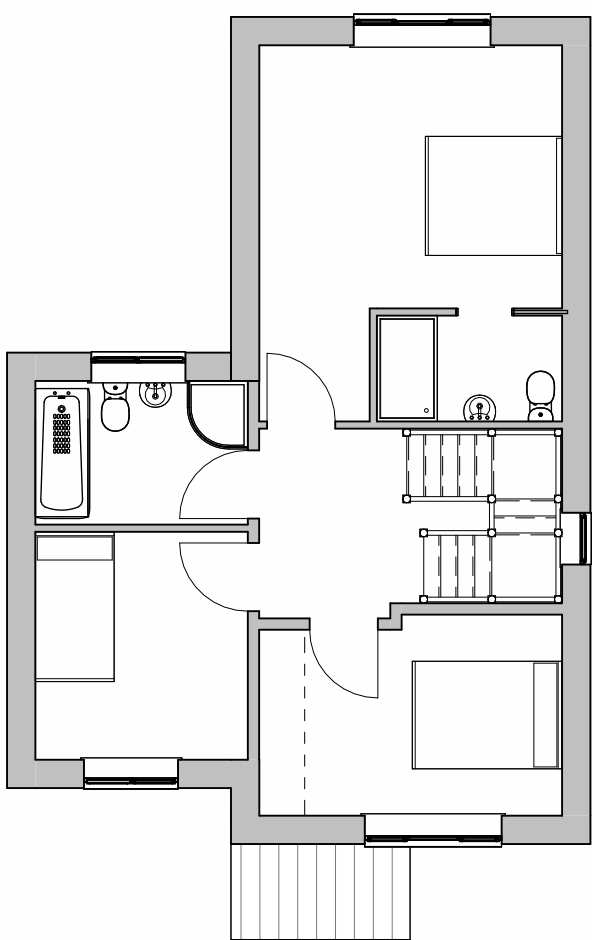
Proposed Block Plan Plan  
Scale 1 : 200



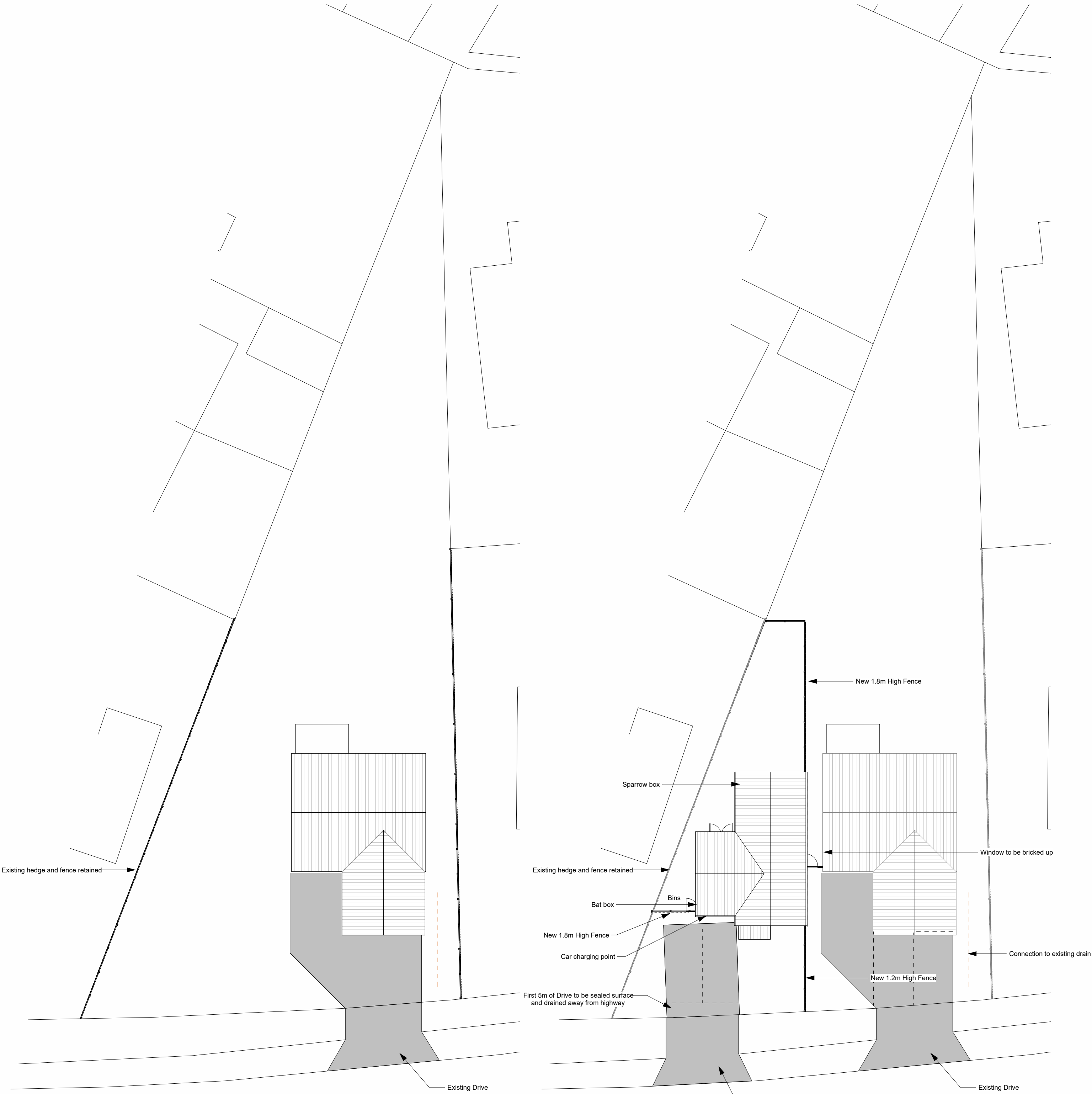
Proposed Street Scene  
Scale 1 : 200



Proposed Ground Floor  
Scale 1 : 100



Proposed First Floor  
Scale 1 : 100

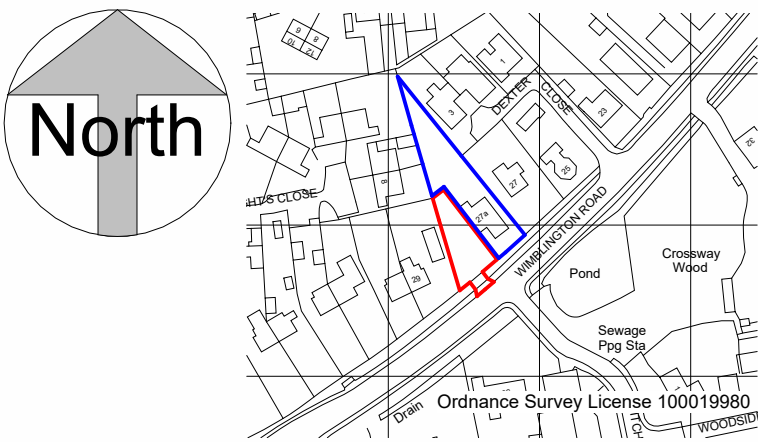


Existing Site Plan  
Scale 1 : 200

Proposed Site Plan  
Scale 1 : 200

Any discrepancies to be brought to the attention of the author as soon as possible.  
All dimensions shown in 'mm' unless otherwise stated.  
Unless otherwise stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good Health and Safety practice that would be covered by the contractor in there Construction phase health and safety plan.

Notes

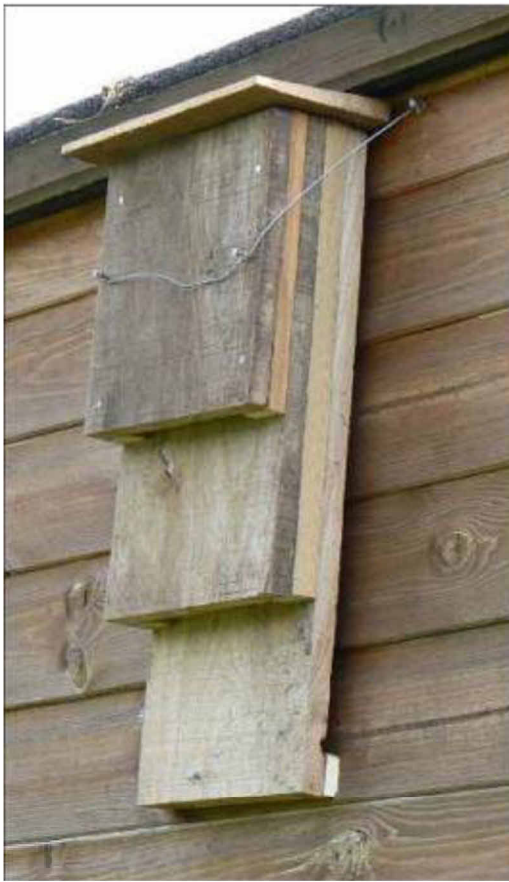


Location Plan  
Scale 1 : 2500

MATERIALS  
Bricks - TBS Aldwick Blend  
Roof - Grey Pantile  
Windows, Doors and Fascia - Grey uPVC



Sparrow Nest Box



Bat Box

Rev	Description	Date
A	Dwelling size and position amended	02-09-22

**Primrose Energy and Architectural Services Ltd**  
Grove House, 22 Primrose Hill, Doddington Cambs PE15 0SU  
tel: 07733 266198 email: [ian@peasitd.co.uk](mailto:ian@peasitd.co.uk)

Job Description  
Proposed Dwelling South West of 27a  
Wimlington Road, Doddington for Mr and Mrs Clinton

Drawing Title  
Planning

date	scale	drawing no.	rev
23/05/22	As indicated	PEAS024 - P01	A



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**F/YR22/0900/F**

**Applicant: Mr Robert Williams**

**Agent :**

**Dun Cow, Green Lane, Christchurch, Wisbech PE14 9PG**

**The formation of hard-standing to site 2 x caravans (1 x residential use and 1 x storage) at the rear of property (part-retrospective)**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 This application seeks the formation of an area of hard-standing and the siting of 2 caravans (1 residential and 1 storage) to the rear of The Dun Cow Public House.
- 1.2 The application site is situated within Christchurch and is therefore classed as a Small Village under Policy LP3. In such locations, new residential development such as this are considered on their merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. The proposal is for the installation of an unjustified new hardstanding and placement of 2 caravans, 1 for residential use and 1 for storage in a backland location with no explanation as to why 5 members of staff are required to live on site.
- 1.3 The siting of the caravans on site would introduce structures which appear temporary in nature and design and as such would appear incongruous to the prevailing built form along Green Lane and as such would fail to make a positive contribution to the local distinctiveness and character of the surrounding area.
- 1.4 The application is therefore considered to be contrary to Policy LP3, LP12 Part A(d) and LP16 of the Fenland Local Plan 2014 and is therefore recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated on the north-eastern side of Green Lane within the settlement of Christchurch. The Dun Cow public house is situated to the front of the site, with garden area to the sides and rear of the building. Residential properties surround the application site, with agricultural land to the east.
- 2.2 A number of TPO trees are situated to the north-west of the application site, covered by TPO 2/1996.
- 2.3 The application site is situated within Flood Zone 1.

## **3 PROPOSAL**

- 3.1 This application seeks the formation of hard-standing to site 2 caravans to the rear of the Dun Cow, 1 for residential use and 1 for storage use. The application form states that there is inadequate storage within the property.
- 3.2 The caravans will be situated to the north-east of the application site. The caravans will have a footprint of 12.2 x 4 metres approx.
- 3.3 The area of hardstanding will have a footprint of 4 x 30 metres.
- 3.4 The submitted application form notes that the residential accommodation is for 2 members of disabled staff who struggle to use the stairs, however no justification has been provided as to why it is necessary for members of staff to live on site.
- 3.5 Full plans and associated documents for this application can be found at:

[F/YR22/0900/F | The formation of hard-standing to site of 2 x caravans \(1 x residential use and 1 x storage\) at the rear of property | Dun Cow Green Lane Christchurch Wisbech PE14 9PG \(fenland.gov.uk\)](#)

#### **4 SITE PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
F/99/0277/F	Erection of a single-storey front extension to existing public house	Granted 14/10/1999
F/0013/88/F	Erection of front porch	Application Permitted 26/02/1988

#### **5 CONSULTATIONS**

##### **5.1 Christchurch Parish Council**

*The members of the Parish Council considered this application at their recent meeting. They questioned whether this application requires planning permission, as it relates to accommodation ancillary to the adjoining property.*

*Members resolved to offer no objection.*

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

No comments received.

#### **6 STATUTORY DUTY**

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

#### **7 POLICY FRAMEWORK**

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

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

Para 11 – A presumption in favour of sustainable development

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

Para 130 – Achieving well-designed places

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

## **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

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

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

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

## **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:

LP1 – Settlement Hierarchy

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP18 – Development in the Countryside

## **8 KEY ISSUES**

- **Principle of Development**
- **Design Considerations and Visual Amenity of the Area**
- **Residential Amenity**
- **Flood Risk**
- **Other Matters**

## **9 BACKGROUND**

9.1 Pre-application advice was sought in April 2022 regarding the installation of a concrete area and siting of 2 caravans at The Dun Cow.

9.2 The applicant was advised that the proposal was unlikely to receive support from officers as the scheme would be contrary to Policy LP3, LP12 (Part E) and LP16.

- 9.3 The applicant was advised that without a justification as to why it is essential to the effective operation of the Dun Cow that staff reside at the premises, then the scheme was unlikely to receive a favourable recommendation from officers. No such information has been provided as part of this planning application.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 This application seeks the installation of an area of hardstanding to site 2 caravans; 1 for residential use and 1 for storage use to the rear of The Dun Cow public house within the settlement of Christchurch.
- 10.2 Policy LP3 designates Christchurch as a Small Village. In such locations, new residential development such as this are considered on their merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. The application notes that the residential caravan will be utilised by 2 members of staff with disabilities, who struggle to use the stairs within the main building. The application also notes that 3 other members of staff live on site in the main building. However, no justification has been provided as to why it is essential to the effective operation of The Dun Cow that 5 members of staff need to reside at the premises.
- 10.3 Policy LP12 sets out the rural areas development policy. Part E notes that applications for mobile homes will be considered in the same way that permanent dwellings are considered and as aforementioned above, in Small Village locations, new residential developments are limited in scale to residential infilling or small business opportunities.
- 10.4 The scheme put forward would constitute backland development, with no justification as to why the development is essential to the effective operation of The Dun Cow and as such would be contrary to Policy LP3.

### **Design Considerations and Visual Amenity of the Area**

- 10.5 Policy LP12 Part A(d) states that the proposal should be 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.
- 10.6 Policy LP16 is concerned with ensuring that development is acceptable in design terms, does not adversely impact on the amenity of existing residents and protects the character and appearance of the area.
- 10.7 Green Lane (with the exception of the Dun Cow public house) is a primarily residential area which incorporates properties of various scales and design. Notwithstanding this, one key characteristic is that all residential properties are permanent, brick-built dwellinghouses in a linear, frontage pattern.
- 10.8 The proposed development would introduce structures which would appear incongruous to the prevailing built form. The development would also constitute backland development and would not be in keeping with the core shape and form of the settlement.
- 10.9 The site is partially enclosed by a close-boarded fence which partially obscures the view of the site and the caravans from the street scene. Notwithstanding this, the

caravans will introduce a form of development which appears temporary in nature and design which would conflict to the prevailing built form of permanent, brick-built dwellings, and as such would appear incongruous with the surrounding area.

- 10.10 The development is therefore considered to conflict directly with the design criteria set out within Policy LP12 Part A(d) and Policy LP16 as the development would fail to make a positive contribution to the local distinctiveness and character of the surrounding area, instead introducing a form of development which appears temporary in nature and design. As such, the scheme is considered to be contrary to Policy LP12 Part A(d) and Policy LP16 in this regard.

### **Residential Amenity**

- 10.11 Neighbouring properties are situated directly to the north-west and south-east of the application site. The area to the rear of The Dun Cow is bounded by a close-boarded fence and therefore it is unlikely that the scheme would introduce any adverse overbearing, overlooking or overshadowing impacts upon neighbouring properties.

### **Flood Risk**

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

### **Other Matters**

- 10.13 The comments received from Christchurch Parish Council offer no objection to the proposed scheme as *'they questioned whether this application requires planning permission, as it relates to accommodation ancillary to the adjoining property'*.
- 10.14 The caravans proposed are to be used in conjunction with the Dun Cow Public House. There is existing living accommodation within the Dun Cow and therefore it is not considered that the caravans proposed could be considered ancillary to the use of the Dun Cow given the existing presence of living accommodation on site. As such, the scheme does require planning permission.

## **11 CONCLUSIONS**

- 11.1 The application for hardstanding and 2 caravans to the rear of The Dun Cow is considered to be contrary to Policy LP3 and Policy LP12 given that it constitutes backland development within the countryside which is not demonstrably essential to the effective operation of The Dun Cow Public House. In addition to this, the scheme is also considered to be contrary to Policy LP16 given that it would introduce structures which are temporary in nature and design, which would appear incongruous to the prevailing built form.

## **12 RECOMMENDATION**

**Refuse;** for the following reasons:

1	Policy LP3 of the adopted Fenland Local Plan 2014 sets out the settlement hierarchy within the District, setting out the scale of development considered appropriate to each level of the hierarchy. The application site is situated within a Small Village location. In such locations, new residential development such as this are considered on their merits but will normally be
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	of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. The proposal is for the installation of an unjustified new hardstanding and placement of 2 caravans, 1 for residential use and 1 for storage in a backland location and the proposal would therefore be contrary to Policies LP3 of the Fenland Local Plan 2014.
2	Policy LP12 Part A(d) and Policy LP16(d) of the Fenland Local Plan 2014 and Paragraph 130 of the National Planning Policy Framework 2019 seek to ensure that proposals make a positive contribution to the local distinctiveness and character of the area and that the character of the local built environment informs the layout and features of proposed development. The siting of the caravans on site would introduce structures which appear temporary in nature and design and as such would appear incongruous to the prevailing built form along Green Lane and as such would fail to make a positive contribution to the local distinctiveness and character of the surrounding area. The proposal would therefore be contrary to the requirements of Policy LP12 Part A(d) and Policy LP16 (d) of the Fenland Local Plan 2014.



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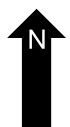
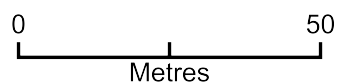
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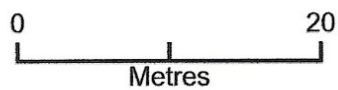
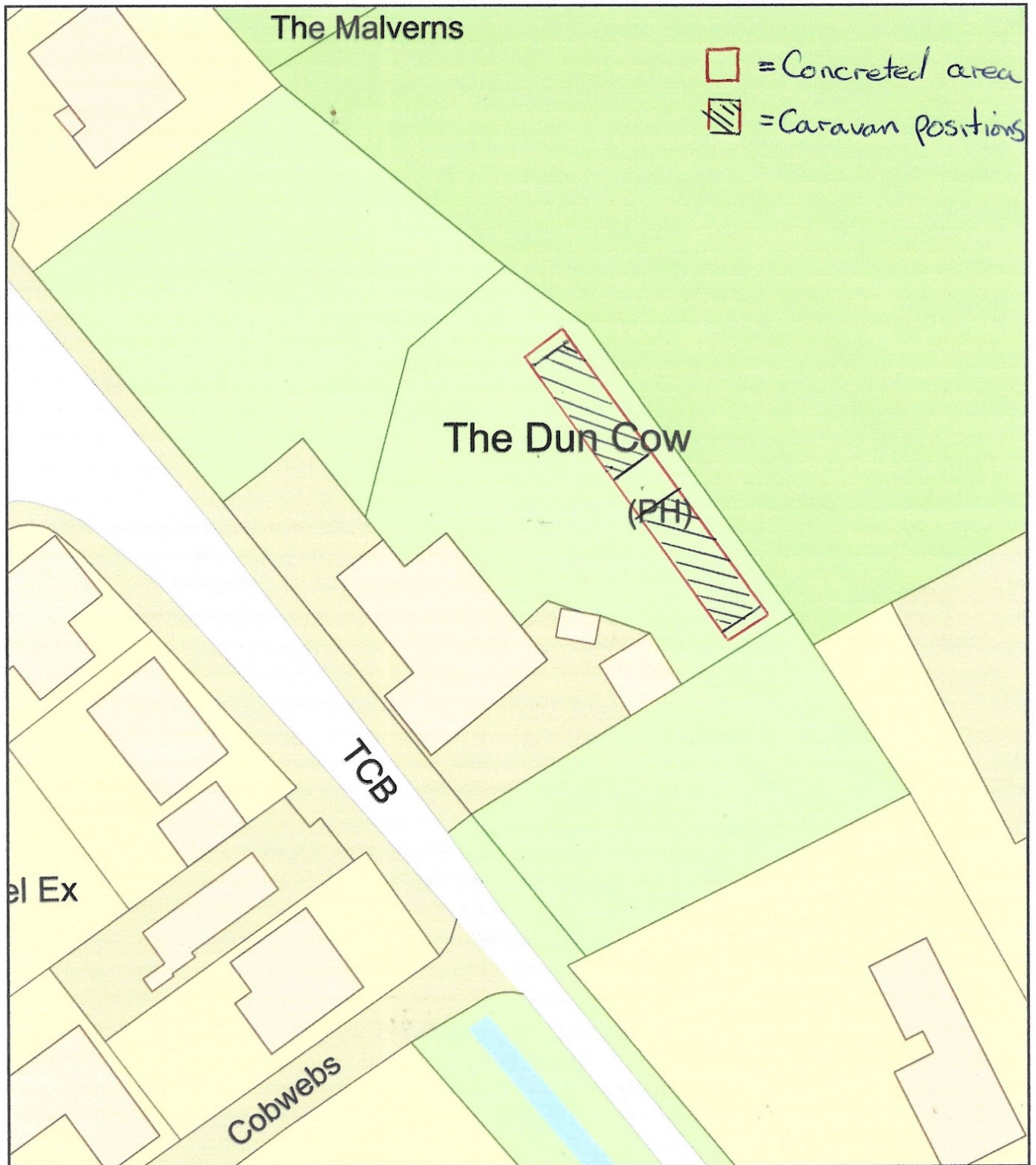


## The Dun Cow Location Plan



Plan Produced for: Robert Williams  
Date Produced: 29 Jul 2022  
Plan Reference Number: TQRQM22210152349237  
Scale: 1:1250 @ A4

# Caravan Positions



Plan Produced for: Robert Williams  
Date Produced: 26 Jul 2022  
Plan Reference Number: TQRQM22207131648997  
Scale: 1:500 @ A4

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F/YR22/0919/O

**Applicant:** Mr J White

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

**Land South Of 733, Whittlesey Road, March, Cambridgeshire**

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

**Officer recommendation: Refuse**

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

## 1 EXECUTIVE SUMMARY

- 1.1. This application seeks outline planning permission for the erection of up to 2no. dwellings on land south of No.733 Whittlesey Road, located in a rural area on the edge of Turves. The application is made with all matters reserved for later approval, and consequently the only issue for consideration at this time is whether or not the principle of development is acceptable in this location.
- 1.2. The village of Turves is classed as a 'Small Village' within Policy LP3, where development will be considered on its merits but normally limited in scale to residential infilling. The site cannot be considered as infill development as it extends into undeveloped land beyond the built form of the settlement. As such, the scheme is considered contrary to Policy LP3.
- 1.3. The development proposed would see up to two detached dwellings positioned on undeveloped agricultural land that currently forms a distinct and natural demarcation between the developed built form of Turves and the countryside beyond. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the countryside, eroding the existing rural character to the south of March Road/Whittlesey Road, contrary to the requirements of policy LP12 and Policy LP16 (d).
- 1.4. The site is located in Flood Zone 3, the area at highest risk of flooding. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management. The application is accompanied by a Flood Risk Assessment that does not include consideration of the Sequential and Exception Tests. As such, the proposal fails to accord with the necessary requirements of Policy LP14.
- 1.5. Thus, given the following consideration of these planning policies, the proposal is considered unacceptable in principle and is recommended for refusal.

## 2 SITE DESCRIPTION



- 2.1. The application site relates to an area of land immediately south of No.733 Whittlesey Road. Whilst the application address is stated as March, the site is located in a rural area on the edge of Turves, approximately 3.5 miles west of the urban area of March.
- 2.2. The site is currently open agricultural land, accessed by a gravel track, part of Public Footpath No.29, which forms its western boundary running in a north/south direction from a bend in at the convergence of March Road (east/west) and Whittlesey Road (north/south). The site is bounded on its south and east sides by a further gravel track that provides access to Dodd's Farm to the northeast. To the north is timber fencing demarcating the land from the dwelling at No.733. Opposite the site and access track to the west, is frontage residential development, the nearest being No.464 March Road.
- 2.3. Beyond the site to the east and south is agricultural land.

### 3 PROPOSAL

- 3.1. This application is an outline application proposing the erection of up to 2 dwellings on the site, with all matters reserved. The indicative site plan suggests two L-shaped properties handed to one another, with individual accesses leading to frontage driveway/parking areas, and amenity spaces to the rear. An indicative street scene elevation is provided indicating that the proposed dwellings may be of a similar design, scale and relationship to that of Nos. 731 and 733 adjacent.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

F/YR18/0052/O	Erection of up to 2no. dwellings (outline application with all matters reserved) Land South Of 464 March Road Turves	Refused 04.05.2018
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### 5 CONSULTATIONS

- 5.1. **March Town Council** – *Recommendation: Approval*
- 5.2. **Environment & Health Services (FDC)** – *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.*
- 5.3. **Environment Agency** – *Thank you for your consultation dated 15 August 2022. We have reviewed the documents as submitted and we have no objection to the proposed development on flood risk grounds.*
- 5.4. **Definitive Map Team** – *Whilst the Definitive Map Team has no objection to this proposal, the Footpath must remain open and unobstructed at all times.*

#### *Informatives*

*Should you be minded to grant planning permission we would be grateful that the following informatives are included:*

- *Public Footpath 29 must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- *The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public footpath without lawful authority).*
- *Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- *No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).*
- *The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*
- *The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard respectively. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.*

5.5. **CCC Highways** – *Highways have no objections to the above application.*

*However, the road off March Road leading to the development is private and the proposed loose stone will not be adopted.*

*As a standard accesses off the highway to residential developments, should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from the existing highway. The vehicular access would be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided.*

*This application should provide car parking and turning arrangements that meets FDC parking standards.*

5.6. **Local Residents/Interested Parties** – *Nine letters of support for the application have been received from seven addresses within Turves. The reasons for support can be summarised as:*

- *The scheme will blend with the surrounding development;*
- *The scheme will not cause undue incursion into the open countryside;*
- *There will be limited impacts to neighbours as a result of the scheme;*
- *In keeping with the existing street scene and local character;*
- *The land on which the scheme is proposed is unable to be farmed;*
- *There is an appropriate road layout to service the plots;*
- *The scheme will enhance the local area; and*
- *The proposal is a natural extension to the area.*

*Two letters of support cited no reasons, just that the scheme was supported.*

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

Para 2 – Applications be determined in accordance with development plan;  
Para 11 – Presumption in favour of sustainable development;  
Para 48 – Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);  
Para 80 – Development within the countryside;  
Para 110 – 112 – Promoting sustainable transport;  
Para 130 – Creation of high quality buildings;  
Section 14 – Meeting the challenge of climate change, flooding and coastal change

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

### **7.3. National Design Guide 2021**

Context  
Built Form

### **7.4. Fenland Local Plan 2014**

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

### **7.5. March Neighbourhood Plan 2017**

H2 – Windfall Development

### **7.6. 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:

LP1 – Settlement Hierarchy  
LP2 – Spatial Strategy for the Location of Residential Development  
LP7 – Design  
LP8 – Amenity Provision  
LP18 – Development in the Countryside  
LP20 – Accessibility and Transport  
LP21 – Public Rights of Way  
LP22 – Parking Provision  
LP32 – Flood and Water Management

7.7. **Delivering and Protecting High Quality Environments Supplementary Planning Document**

7.8. **Cambridgeshire Flood And Water Supplementary Planning Document**

**8 KEY ISSUES**

- **Principle of Development**
- **Character and Amenity**
- **Flood Risk**
- **Access and Parking**

**9 BACKGROUND**

- 9.1. The submitted Design and Access statement in respect of this application includes considerable discrepancies and errors with regard to the scheme, with references to 'Sand Bank', the proposal for a 'maximum of a single dwelling,' references to IDB drains forming the southern boundary, reference to 'The Poplars' and the apparent subdivision of its curtilage, and the siting of the development in a 'Growth Village'. The below assessment, therefore, considers the proposal in the context of the submitted application form and drawings, with little regard to the details within the Design and Access statement.

**10 ASSESSMENT**

**Principle of Development**

- 10.1. The village of Turves is classified as a 'Small Village' within Policy LP3 of the Local Plan, where development will be considered on its merits but normally limited in scale to residential infilling. The site cannot be considered as infill development as it extends into undeveloped land beyond the built form of the settlement. As such, the scheme is considered contrary to Policy LP3.
- 10.2. Policy LP12 of the Local Plan supports development that does not harm the wide open character of the countryside and provides further guidance as to the restriction of such development to ensure that it has an acceptable impact on the settlement and its character. The Policy requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village, it must not result in coalescence with any neighbouring village, and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland.
- 10.3. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces, etc. Finally, the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 10.4. Adjacent dwellings to the site, Nos.731 and 733 Whittlesey Road to the north and No.464 March Road to the west are frontage residential development, with land to the east and south clearly agricultural in nature. The existing site is positioned on the edge of the settlement and as such relates more to the agricultural land as opposed to the frontage development, particularly in respect of the access to the site off of Public Footpath No.29 as opposed to the main highway network of Whittlesey/March Road. Thus, the proposed development would be discordant with the existing core shape and built form of the development along both Whittlesey Road and March Road. Development encroaching into this land

would be to the detriment of the character and appearance of the area and would arguably create a precedent for further piecemeal development in an unsustainable rural location. Therefore, the proposal is considered contrary to Policy LP12.

- 10.5 With regard to the consultation draft to of the emerging Local Plan, which carries limited weight as this time, given that consultation has only recently commenced, the site is outside of the defined settlement boundary and is therefore classed as open countryside where development will only be permitted in the circumstances set out within the NPPF.
- 10.6 Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the development would not accord given the nature of the site, the scale of development and the flood classification of the site.
- 10.7 Consequently, the proposed development is in clear conflict with the policies of the adopted Local Plan, the NPPF and also would not comply with the emerging Plan.

#### **Character and Amenity**

- 10.8. Details of appearance, layout and scale are to be submitted at Reserved Matters stage, however the submitted indicative street scene drawing suggests that the dwellings will be similar in style and scale to Nos. 731 and 733 Whittlesey Road. As such, it is acknowledged that the proposal may form a congruous style with adjacent development.
- 10.9. Notwithstanding, Policy LP16 (d) considers the impact of development has on local distinctiveness and character of the areas. Moreover, in rural areas, a development proposal needs also to satisfy the criteria set out in Policy LP12. As this application is Outline only with no matters committed, the main issue for consideration is whether the *principle* of development in this location would accord with the necessary criteria of Policy LP16(d) and LP12.
- 10.10. The development proposed would see up to two detached dwellings positioned on undeveloped agricultural land that currently forms a distinct and natural demarcation between the developed built form of Turves and the countryside beyond. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the countryside, eroding the existing rural character to the south of March Road/Whittlesey Road, contrary to the requirements of policy LP12 and Policy LP16(d).

#### **Flood Risk**

- 10.11. The site is located in Flood Zone 3, the area at highest risk of flooding. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.

- 10.12. The application is accompanied by a Flood Risk Assessment that does not include consideration of the Sequential and Exception Tests, incorrectly asserting that as the site is within a defended area it should be classified as Flood Zone 1. The Flood and Water SPD is explicit in setting out that the existence of defences should be disregarded in undertaking the sequential test.
- 10.13. Noting the adopted and indeed consistent stance of the LPA when applying the sequential test on sites which do not comply with the settlement hierarchy it is asserted that the scheme has no potential to satisfy the sequential test, as this would require the application of the Sequential test on a district wide scale. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made safe for its lifetime the sequential test still needs to be satisfied, i.e. flood risk safety measures do not overcome locational issues.
- 10.14. As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

### **Access and Parking**

- 10.15. With respect to parking, the indicative site plans submitted suggest that there would likely be ample car parking and turning availability within the frontage of the proposed dwellings.
- 10.16. Notwithstanding, in seeking Outline permission it is necessary to demonstrate that an acceptable access to the site would be achievable. The red line for this application links to the public highway network at the corner of March Road and Whittlesey Road via the public footpath No.29 with individual accesses for the development off the public footpath. Whilst the Rights of Way officer did not object to the development they did specify:

*The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public footpath without lawful authority).*

No demonstration of a right of access for vehicular purposes has been provided by the applicant. However, the matter of right of access would be dealt with under S34 of the Road Traffic Act 1988 and as such does not form part of material planning consideration.

- 10.17. The existing access is a loose stone track that would require significant upgrade to its surfacing to improve the proposed access to an acceptable standard to support the proposed dwellings. In addition to the right for vehicular access being proven, any improvement to surfacing of the track for vehicular use would require agreement from the Rights of Way team. There would be no certainty that this would be agreed, given the public footpath designation and previous planning history in respect of proposed accesses utilising this track (F/YR18/0052/O). Comments from the LHA raise no objection to the proposed access in principle, although it was noted that the access would unlikely be adopted by the LHA and the above matters would need to be resolved with the Rights of Way team to ensure suitable access to the site.
- 10.18. This application is Outline in nature with no matters committed, and as such detailed matters pertaining to the access and its suitability would be retained for



Reserved Matters stage, however it is noted that substantive works will be required, with the necessary consents obtained, to ensure that the access would be acceptable with respect to Policy LP15.

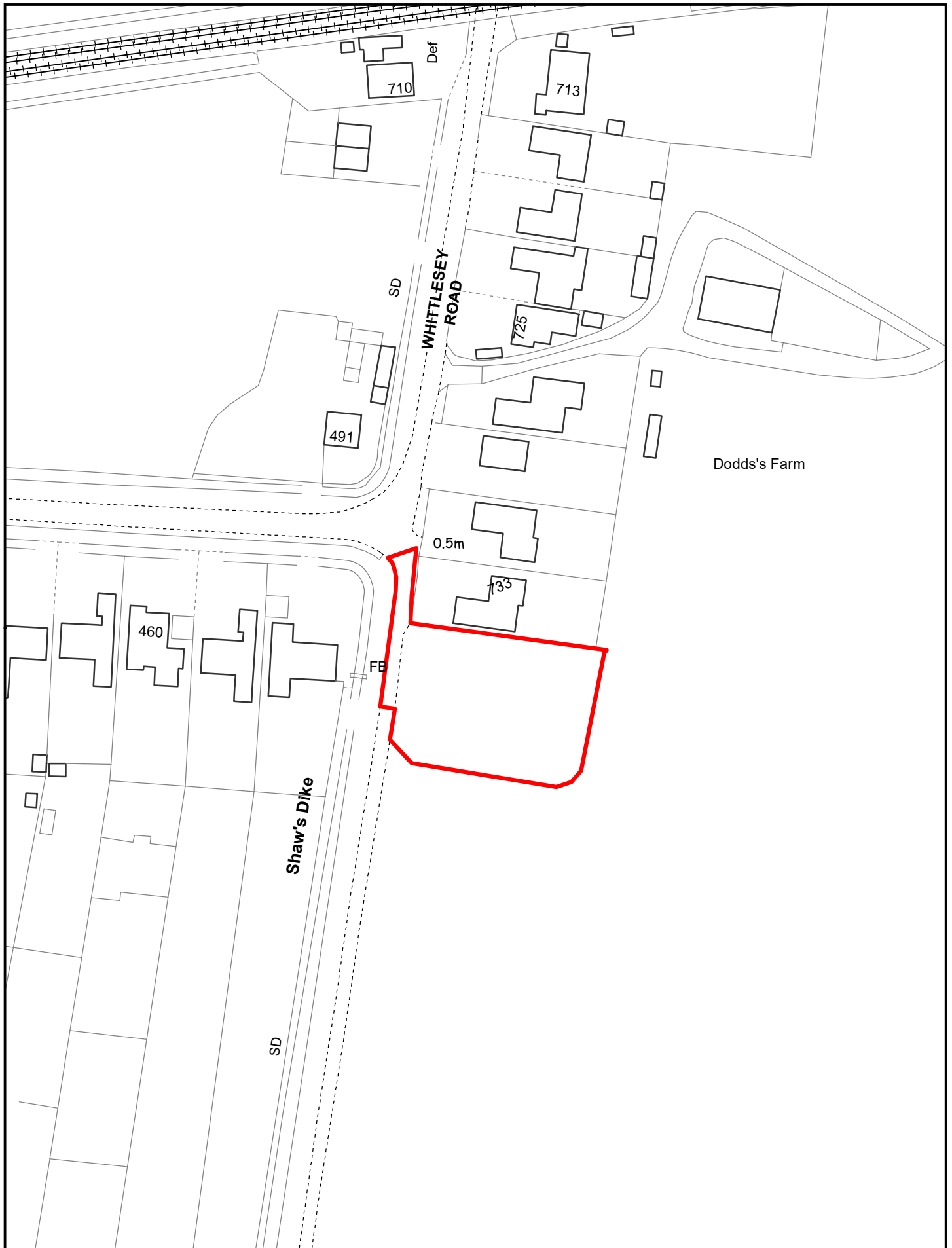
## 11 CONCLUSIONS

It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that it is located outside the built framework of Turves. Furthermore, development at this site would be and will encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d). In addition, the application included no details in respect of the Sequential or Exception tests and is therefore contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF. As such, the recommendation must be one of refusal.

## 12 RECOMMENDATION

**Refuse**, for the following reasons;

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and defines Turves as a 'small village' where development may be permitted on its merits but normally limited in scale to residential infilling. Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The site does not represent residential infilling as it extends into undeveloped land beyond the built form of the settlement. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the open countryside that would erode the surrounding rural character. As such, the proposal would be contrary to the requirements of Policies LP3, LP12, LP16(d) and DM3 (2014).
2	Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management. The application does not include evidence in respect of the sequential or exception tests and therefore fails to provide demonstrable evidence that the scheme would be acceptable in respect of flood risk. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).



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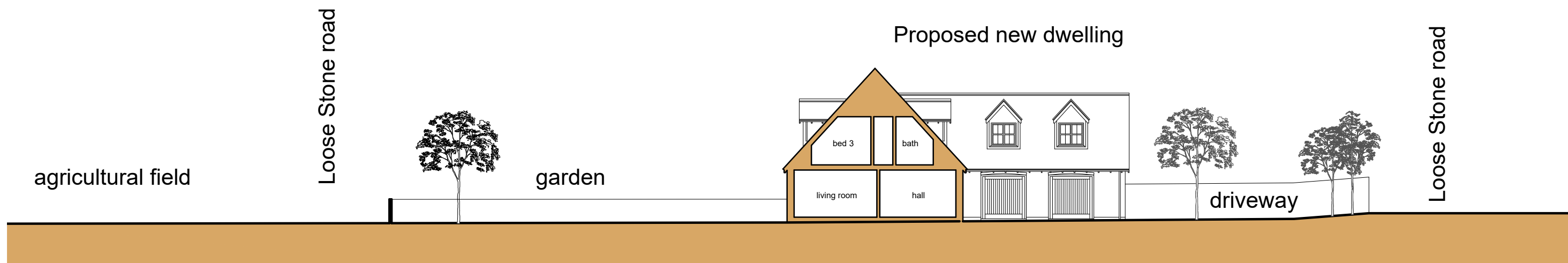
**F/YR22/0919/O**

Scale = 1:1,250





Indicative Street Scene  
Scale: 1:200



Indicative Site Section (A-A)  
Scale: 1:200



Indicative Site Plan  
Scale: 1:500



Location Plan  
Scale: 1:1250

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

**CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015**

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

#### SITE PLAN KEY

- Un-surveyed buildings taken from OS map
- Un-surveyed vegetation
- Indicates 1.2m high post and rail fence
- Indicates proposed dwellings
- Indicates proposed trees

Status

**FOR COMMENT**

**SWANN EDWARDS**  
ARCHITECTURE

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Job Title Proposed 2No. Dwellings Land South of 733 Whittlesey Road, March For: Mr and Mrs White	Date September 2021	Drawn by GS Checked by GE
Drawing Title Planning Permission	Job No. SE-1704	Sheet Size A1
	Dwg No. PP1000	Revision A

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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