

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 16 NOVEMBER 2022**

**1.00 PM**

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

Committee Officer: Jo Goodrum  
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 30)  
  
To confirm and sign the minutes from the previous meeting of 19 October 2022.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR22/0381/F  
Land South of 88 West Street, Chatteris  
Erect 22 x dwellings (4 x 2-storey 2-bed, 15 x 2-storey 3-bed and 3 x 2-storey 4-bed) with associated parking and landscaping and the formation of attenuation ponds involving the demolition of existing buildings (Pages 31 - 82)  
  
To determine the application.

- 6 F/YR22/0332/F  
Land South of 33 March Road, Wimblington  
Erect 4 x self/custom build dwellings (3 x 2-storey 5 bed and 1 x 2-storey 4-bed) and the formation of an access (Pages 83 - 106)

To determine the application.

- 7 F/YR22/0345/F  
Land West of 27-35 New Street, Doddington  
Erect 3 x dwellings (2 x 2-storey 3-bed and 1 x 2-storey 4/5-bed), a 2.1m high wall, and widen existing access, involving the demolition of outbuildings and front boundary brick piers within a conservation area (Pages 107 - 132)

To determine the application.

- 8 F/YR22/0764/F  
Land North West of Sunnyside, Coxs Lane, Wisbech  
Erect 4 x dwellings (2-storey 5-bed) with double garages (Pages 133 - 146)

To determine the application.

- 9 F/YR22/0078/F  
92 Elm Road, Wisbech  
Formation of 1 additional bedsit (1-bed) including alterations to existing bedsit/flats and installation of 5 no roof lights (Pages 147 - 166)

To determine the application.

- 10 F/YR21/1037/F  
Land South of Millcroft, Mill Lane, Gorefield  
Change of use of land for the use of travellers including siting of 2 x mobile homes, erection of timber shed, stable/tack room and 1.2 post and rail paddock fencing and construction vehicular access and 1.502 (max) metre high earth bund (Pages 167 - 186)

To determine the application.

- 11 F/YR21/1343/O  
Land East Of 137 Upwell Road, March  
Erect up to 9no dwellings (outline application with all matters reserved) (Pages 187 - 200)

To determine the application.

- 12 F/YR21/1439/O  
Land West of 78-88 Station Road, Manea  
Erect up to 4no dwellings (outline application with all matters reserved) (Pages 201 - 218)

To determine the application.

13 F/YR22/0884/PIP

Land North of Hill View, Eastwood End, Wimblington  
Residential development of up to 9 x dwellings involving the formation of an  
accesses (application for Permission in Principle) (Pages 219 - 232)

To determine the application.

14 F/YR22/0939/FDC

Land South of 55 Wood Street, Chatteris  
Erect up to 2no dwellings (outline application with all matters reserved) (Pages 233 -  
240)

To determine the application.

15 Items which the Chairman has under item 3 deemed urgent

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

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

16 Confidential - Previous Minutes (Pages 241 - 242)

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, 19 OCTOBER 2022 - 1.00 PM**

**PRESENT:** 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,

**APOLOGIES:** Councillor D Connor (Chairman),

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

### **P54/22      PREVIOUS MINUTES**

The minutes of the previous meeting of the 21 September 2022 were agreed and signed as an accurate record.

### **P55/22      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**

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

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

Members received a presentation, in accordance with the public participation procedure, from Councillor Ruth Hufton, Chairman of Doddington Parish Council. Councillor Hufton stated that Doddington Parish Council object very strongly to the application and whilst in the current Local Plan Doddington is recognised as a growth village and is tasked with a 15% increase in housing during the period of that plan this was achieved in 2020 and she questioned why Doddington is being asked to accommodate a large development of 47 homes and whether the Local Plan has no bearing on what actually happens. She stated that disruption from construction traffic which will come through the quietest most historic part of the village where the Listed St Marys Church is situated and where currently in the region of £35,000 is being spent on repairs to the church wall.

Councillor Hufton made the point that the route to the development is through winding country lanes and through quiet residential streets which are not wide enough to take two passing vehicles and there are no parking restrictions in the area and one parked car could cause traffic congestion. She made the point that there are three very sharps bends that construction traffic would have to negotiate on the route would cause issues for heavy goods vehicles, especially for the number of large vehicles that would be expected for a development of the proposed size and it would also cause disruption to all three access roads into the village which are already very congested.

Councillor Hufton referred to the issue of lack of affordable housing within the proposal and added that the reason given states that viability will not allow for these to be built, making the point that this happens a great deal and the type of housing that Doddington urgently needs never materialises and she expressed the view that what is the point of policy LP5 of the Local Plan if developers are always going to be allowed to develop without the vital homes when viability raises its head.

Councillor Hufton stated that the Parish Council have lost track of the number of times that affordable housing has been promised on original plans and then to be lost because of lack of viability and with very little if anything in the way of Section 106 contributions being offered in its place. She stated that she is of the understanding that £136,000 will be put towards increasing the facilities at the primary school in lieu of affordable housing but made the point that offering young people the opportunity and ability to buy their own homes should be more important than an extension to a playing field.

Councillor Hufton stated that the school is at capacity now and whilst they are happy to receive the new parcel of land, it will also mean that there will be new responsibilities imposed on them by having to use teachers to police the new access gates at the rear of the school which is something that is not in their job description but something that they do in order to ensure the children's safety. She questioned whether the new head teacher has been spoken to and made the point that she has spoken to him and she knows that he would have a number of questions and concerns if he was actually consulted.

Councillor Hufton stated that having the ability to expand the school by building on the land is great, but questioned whether any consideration has been given to the proposed 355 houses as part of the emerging Local Plan should actually materialize which would mean in the region of 150 extra children would be looking for a primary school place in the next 20 years. She stated that the local doctors surgery is at capacity and a recent statement from the NHS claims that the local surgery would need to employ more GP's and nurses to accommodate the additional amount of people coming into the village from the houses and the East of England Ambulance Service have also stated that the proposed development is likely to have an impact on them servicing nationally set response times for A and E services of which they have stated that they simply do not have the capacity to meet the additional growth resulting from the development.

Councillor Hufton stated that the car park at the doctors surgery is already inadequate and under LP2 of the current Local Plan it 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 increases the number of dwellings in a growth village by more than 15%, the scheme should have demonstrable evidence of clear local community support and the proposal before the committee does not have support, quite the opposite. She stated that since a similar appeal for a development in Manea was lost, the planning authority have again not sought to engage this part of the policy and Doddington Parish Council are very disappointed by this as it means that the opinions of the people who live in the village will not be taken into account and their views lost to make sure that the District Council do not lose another appeal.

Councillor Hufton expressed the view that it is a case of a tick box exercise to keep the Council safe and that within the emerging Local Plan the evidence report gives the development a score of D which means it would be rejected and, in her view, if that is the case then why is it even being considered.

Members asked Councillor Hufton the following questions:

- Councillor Mrs French stated that there was extensive flooding in 2020 and asked whether the field was part of the flooding issues? Councillor Hufton stated that the bottom of Eastall Lane did suffer from flooding.

Members received a written representation, in accordance with the public participation procedure, from Councillor David Connor, District Ward Councillor, read by Member Services. Councillor Connor stated that his reasons for objection is the development is not small scale, with the previous application being refused partly due to the size of development, this although smaller development still has a cumulative effect on Doddington's services and public when taken in conjunction with developments already approved. He referred to the comments in the committee report at 1.6 on construction traffic having a negative impact on nearby residents and made the point that this will likely be a 2-year build which will have a terrible effect for the nearby residents, with constant traffic from tradesman and deliveries down the narrow access all the way from Church Lane through Eastalls onto Bevills, in particular past Numbers 10-18, which is as close as 4m and applications have been refused on this basis in the past and surely is not acceptable for those residents which will be detrimental for their health and wellbeing.

Councillor Connor stated that the vehicle tracking diagram provided by the applicant and as extract provided by handout shows two lorries passing at the entrance next to No. 10, which clearly shows the two lorries overlapping in multiple locations and will, therefore, cause lorries to mount the path to pass, creating continuous damage to pavements all through the existing Eastalls and Bevills estate. He expressed the view that this will be dangerous for pedestrians again for the duration of building work and no doubt be left to the Highways authority to fix.

Councillor Connor questioned that, even if a Construction Management Plan is provided advising that deliveries are staggered, where will waiting lorries be asked to park/wait? Church Lane? Further away in Wimblington? Where will lorries and vans wait if they arrive before working hours allow? Will construction work be located at Church Lane entrance to manage the traffic and turn away unscheduled lorries? How and can this even be enforced? He referred to the constant issues with mud on the road that happens on nearly every large site approved.

Councillor Connor acknowledged that after the development is complete the traffic will obviously reduce, however, there will be ongoing large vehicles using the access, such as removal lorries, delivery vans/lorries, emergency vehicles, refuse lorries, which, in his view, will struggle to pass another oncoming vehicle even if it's a car. He referred to the displaced Parking for 10-18, with there being a rough marked out area on the site plan for displaced parking, but no details of how many spaces or turning would be provided, with a minimum of 6 cars appearing to be required but only 2 are indicated on drawing 53-SL-01, therefore, 4 cars along with any additional visitor cars will be required to park on the road at the entrance where vehicle tracking already is shown not to be achievable.

Councillor Connor referred to the comments of Cambridgeshire Constabulary whereby the officer has queried the buffer zone and its management to ensure this is a safe area, which could be a significant problem for the future for anti-social behaviour for both new and existing nearby residents and left to be someone else's problem because of this poor design. In relation to health and well-being, he feels the existing properties at the new entrance will not only be subject to the construction traffic impact as mentioned but the ongoing vehicle movements in close proximity will not stop there, with lights and noise from vehicles being noted in the committee report as being 20+ vehicles in both directions at peak times, which will again have a significant impact to those existing residents in particular no. 18 where vehicle headlights will be constantly shining in their lounge window.

Councillor Connor referred to the officer's report at 5.16 and 5.17 where it states that there would be an impact on blue light service and doctors, with money proposed to mitigate this; however, this does not solve the issue that the doctors cannot recruit new staff to cope with the current patient numbers, therefore, 151 more patients as noted in the report will add increased pressure on appointments. He expressed the view that the infrastructure within Doddington just is not sufficient for this growth.

Councillor Connor referred to Lionel Walden School and that the headmaster says that no one has spoken to him in an official capacity in relation to the plans, with his initial opinion being that if it keeps the children safe then he is of course in favour of the provision for a back way into the school. He stated that currently the back fence has just been replaced at the school and the current gate opens into the school field, this will require a path if it is to be used and also security needs to be considered, with a member of staff standing at the front gate to welcome the children in, another will be required if a back gate is also to be used.

Councillor Connor referred to consideration if the back gate is locked (ie, late arrivals) the children will then have to walk around to Ingles Lane which has no path, and this will make them even later as well as being dangerous, which is without even considering the fact that some of the children will not even be able to attend even if they live on this proposed new development as the school is heavily oversubscribed and some years are already full!

Councillor Connor expressed the view that the proposal would result in the loss of agricultural land, with the site having been farmed for many years and no evidence is provided to justify the development on such land including exploring lower grade land in the area as required by Local Plan Policy LP12i. He expressed the view that although little weight is currently given to the emerging Local Plan at this stage, he would like the committee to note that this site is not currently included as a suitable site within the consultation document, therefore, if it is not suitable for the new Local Plan why is it now?

Councillor Connor asked members to consider going against officer recommendation and refuse the application on the following policies:

- LP16e – health and well-being of the nearby residents both during and after construction as previously refused on this site and others
- LP2 and LP17d – helping to reduce crime, avoiding adverse impacts, the footpath/buffer zone around the site
- LP12i – agricultural land as no documentary evidence required by the policy has been provided to justify this, therefore, this application is incomplete
- LP15 and Paragraph 111 of the NPPF – highway safety during construction and when complete.

Members asked officers the following questions:

- Councillor Sutton referred to the schedule of house types and plot numbers with differences between drawings and asked for clarity over the detail of the house types, as there only appears to be a proposal of two bungalows within the development, which he feels does not coalesce with the rest of the estate which is a good mix of bungalow and house tenure. He expressed the view that the anomaly in the two schedules is unprofessional. Theresa Nicholl stated that there have been numerous iterations of the drawings and plans and with regards to whether two storey dwellings are acceptable or appropriate in relation to Bevills Close, there are more bungalows on Bevills Close and the surrounding development which is stated within the officer's report, however, that does not mean that there needs to be the same mix of bungalows and dwellings on the application site. She explained that there are two storey dwellings in the surrounding development and the site itself is very well contained by landscaping, making the point that if the proposal had included any three storey houses, then officers may have had a different view but, in her opinion, two storey dwellings are not out of keeping with the surrounding area. Theresa Nicholl added that just because there are less bungalows included as part of the proposal cannot be used as a reason to refuse the application.
- Councillor Cornwell stated that on at least two occasions it has been stated that the current site would not be acceptable under the new Local Plan, and he questioned why the application should go ahead now due to the fact that the time the site is built out the new Local Plan will be in place. He asked whether that point has been considered by officers



and also asked whether there has been any local consultation carried out? Nick Harding stated that with regards to the emerging Local Plan, there is a document published on the Council's website which shows that the site was assessed on a different basis to the application before the committee, with the capacity of the site being 100 dwellings and the proposal before the committee is approximately half the size in terms of numbers of dwellings. He explained that the reason why it was rejected is because it was considered that access was constrained, and it identified that there was the potential for a new access to be provided to the A141 and the Highway Authority are content that the development can be served through the existing highway network with no new connection to the A141 required, with it stating that the connection to the A141 is a barrier to the delivery of the site and is no longer needed and it also states that the deliverability of pedestrian and cycle links to access village services which in the plans show the connections to the existing road network enabling quick access to the local amenities of the village along with the rear access to the school for pedestrians. Nick Harding explained that when it was assessed for the purposes of the emerging Local Plan it was a different proposal against which it was being assessed compared to the one before the committee.

- Councillor Cornwell questioned whether there had been any consultation undertaken as there appears to be little or no support for the application. David Rowen stated that a consultation exercise has been undertaken as part of the planning application which has resulted in 166 letters of representation. He made the point that the issue appears to be the policy of the Local Plan which requires that level of support to be demonstrated for proposals of 15% in growth villages. David Rowen referred to Councillor Hufton mentioning within her presentation that since the appeal decision concerning the site in Manea a few years ago when the Council lost the appeal and had costs awarded against it for use of the policy, it has generally been the approach of the Council not to implement that element of the Local Plan. Councillor Cornwell stated that, in his view, a lot of the comments made appear to be based around access to that particular area and whilst he can see that the Highway Authority have made their comments, the local residents have also made their feelings known and, in his opinion, Doddington has become slightly isolated because of its location compared to the Isle of Ely Way. He added that it would have been easier to understand the access issues if a broad concept approach had been applied to that part of the village as over the years there is going to be pressure there regardless of what the existing or emerging Local Plan says. He added that had a broad concept plan been in place, it would deal with aspects like access to the Isle of Ely Way, but that was not considered both from the earlier large application that had been referred to and now the application before the committee.
- Councillor Skoulding stated that 47 houses is an increase in 4.5% and asked officers whether they agree that is too much of an increase for Doddington. He added that with regards to the Conservation Area near the church, the committee have been advised that £35,000 has been spent on the repair of the wall and if there are lorries using that area then the situation is going to get worse along with the two Listed Buildings that are also in the vicinity who may also suffer. Councillor Skoulding stated that on the site inspections, the coach that members travelled on met an ambulance travelling in the opposite direction and the coach had to get onto the pavement to let the ambulance through, however, had a lorry been there the ambulance would have had significant difficulty in being able to pass. He asked officers to explain why they think that the proposal is acceptable? Theresa Nicholl stated that the questions that he has posed have been answered in the committee report and she appreciates that people may not agree with her opinion, but consideration has been given as to whether 47 houses are too much for the village of Doddington, but it is a growth village and there are several sites proposed in the emerging Local Plan and, in her opinion, 47 dwellings looking at the application on its own merits is not too many for Doddington and she would struggle to see how the application could change from what is classed as being acceptable into being too many, especially when the whole of the site is looked at in relation to the whole village. She stated that in terms of the Conservation Area and listed buildings, construction traffic would need to pass through them to get to the site,

but that would be true of many developments in this area and elsewhere where construction traffic has to go past Listed Buildings to get to a site. Theresa Nicholl added that, in her view, it would be very difficult to find evidence to support that damage is going to be caused by construction traffic to the Listed Buildings on the way to the site and whilst she appreciates that it is only right that there would be concerns regarding it, if the application is refused and goes to an appeal then there will be the requirement to provide evidence. Theresa Nicholl pointed out that in terms of the traffic concerns there have been extensive consultations with the Highway Authority who do not object to the application and she has gone back to them on several occasions questioning them about construction traffic because their original responses had not alluded to that at all which is not unusual as their view is that it is acceptable as all development have construction traffic but due to the local circumstances she has asked them about it and they have not raised any objections and have stated that the proposed condition for the construction management plan is acceptable. She explained that the proposed width of the new roads is the same width as Bevills Close and the other local roads and it meets the highway standards for that type of development. Theresa Nicholl made the point that she cannot see any reason to be able to object to the views of the local Highway Authority and say that the proposed road width is not acceptable as it does meet their standards.

- Councillor Mrs French referred to the Section 106 contributions where there are no affordable homes proposed for the village and all villages are in need of affordable homes, which is seen very frequently where the developers get approval and then do not include any affordable homes within their development. She stated that to see not evidence of any affordable homes out of a proposal of 47 dwellings is disgraceful. Councillor Mrs French questioned whether Doddington has its own Neighbourhood Plan and Councillor Mrs Davis responded that there is an emerging Neighbourhood Plan. Councillor Mrs French stated that she is appalled that there is no capacity within the education system for any children who will reside in the new homes asking where are these children supposed to go to school, and she asked officers whether they have had serious conversations with the education department at County Council concerning this issue as they have a statutory duty for children to be educated. She made the point that she is aware that the Council does not have a statutory duty to supply the Section 106 money as that is down to the County Council but, in her opinion, she does not feel that there have been enough discussions with them on this matter. Councillor Mrs French expressed the view that the proposed road layout is not acceptable and will prove to be extremely problematic for those local residents making the point that the Highways Authority have not considered the proposal properly and she will be taking this type of issue up with the County Council. She stated that the education department appear to be content to accept a small piece of land for a play area, but that will not solve problems in the future.
- Nick Harding stated that in terms of the Section 106 position all members will be aware of the piece of work that was undertaken in connection with the emerging Local Plan which is the Strategic Viability Assessment, which had indicated in the north of the district no Section 106 contributions could be secured and there would be no contributions towards affordable homes either and in the south of the district there would be scope for some affordable homes and Section 106 contribution of approximately £2000 per property. He stated that where a developer comes forward and they submit a viability claim then they have to submit information that demonstrates that their build costs are above normal and above the benchmark figures that have been assumed within the Council's own commissioned Strategic Viability Assessment and that is exactly what has been done and the information has been scrutinized by the Council's own Section 106 Officer and also by the County Council as they normally ask to see the viability information as well as they are the education authority. Nick Harding stated that officers are satisfied that it has been demonstrated that the development costs for this site are above that of which you would normally expect and, therefore, a reduction in the Section 106 contribution compared to usual is acceptable. He made reference to the comments with regards to education provision and explained that the information has not been indicated to officers in the

response that has been received from the County Council and added that he would not expect that type of information to be provided but he is mindful that if that is a concern of members then under the emerging Local Plan the Council is proposing to allocate more sites for residential development in the settlement.

- Councillor Marks asked what size of lorry the Highway Authority base their assessment on as he has driven an articulated lorry in Church Lane and when you get to the top you cannot turn a low loader around as the turning area is too tight. He added that he has heard through the discussion that at one point the road is four metres wide, but two vehicles can pass, however, he questioned how two 2.5-metre-wide lorries would be able to pass? David Rowen stated that one of the plans submitted as part of the application indicated an 11.5 metre lorry body as the template for the tracking and, therefore, the Highway Authority have based their consideration on that detail. Councillor Marks stated that would then mean that an articulated lorry with a 13.6 or 14 metre trailer is already over what has been provided and most bricks blocks, wood and roof tiles would arrive on a lorry bigger than what has been worked out based on their projections and asked officers if they would agree? David Rowen stated that he is not a Highways Officer and is unable to comment.
- Councillor Mrs Mayor stated that officers have made the point that access will be constrained and access for construction traffic will be difficult, and, in her opinion, she feels that is an understatement. She asked whether the Highways Officers undertook a visit to the site or whether their report was a desk stop study? Theresa Nicholl stated that the application has been reviewed by more than one Highway Officer and she is aware that an on-site visit did take place. She cannot determine how the Highways Officers have made their assessment of the application and can only advise of the communications that she has had with them which has included her questioning them on the points concerning construction and traffic management. Theresa Nicholl explained that the update report provides the latest response from the County Council which she had sent to three separate Highways Officers to outline the proposed highway conditions she was going to include as part of her recommendation. Councillor Mrs Mayor stated that she would have liked a Highway Officer to be present at the meeting to provide an explanation.
- Councillor Sutton stated that on the house type schedule it states that there are four number Warwick style homes but on the plot schedule it states that just number 41 and 47 are Warwick type homes and there are also other anomalies which really do need to be looked at as you could be approving a house type which is not where you think it is. He added that it does say in the officer's report that a Highways Officer visited the site.
- Councillor Mrs Mayor expressed the point that if more than one Highways Officer has been involved in the application then she questioned whether they have all been on site.
- Councillor Mrs Davis stated that the Highway Authority normally state that the limit is 100 vehicles in and out of a junction and with 47 dwellings being built there is going to be more than a hundred vehicles. Nick Harding stated that he is not aware of that limit being imposed by the County Council's Highway Authority. Theresa Nicholl stated that she believes that there is a misunderstanding concerning a hundred vehicles being the maximum, which stems from the Highways Authority having concerns that there was only one vehicular access serving the development and if there had been an emergency on site, with their proposal for resolving that was to provide the emergency access point. She stated that they are not saying that there has to be two standard vehicular access points to serve the site and that was the advice that they had provided. Councillor Mrs Davis stated that there are bollards at the emergency exit so if an emergency vehicle needed to use that exit point, their egress is time critical, and it could therefore put lives at risk.

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

- Councillor Skoulding expressed the view that the proposal is for too many houses and the lack of security at the new entrance of the school is also a concern to him. He stated that there have also been instances of flooding in Church Street, with the extra development only increasing the problems and he will not be supporting the officer's recommendation.
- Councillor Sutton stated that he grew up in Doddington and knows the area well and feels

that members cannot go against the opinion of Highways Officers, and have to respect their opinion and accept what they say although members may not agree with it. He added that the key issue appears to be surrounding the number of proposed dwellings and he expressed the view that in the context of the village of Doddington, it is a large development and given that Doddington already has 127 dwellings as their threshold, they appear to be way over their 15% as they now have 196 according to the threshold position statement which is 23.5% above what was agreed in the Local Plan and the plan was found to be accurate and sound by the Planning Inspectorate. Councillor Sutton expressed the view that it is not correct to keep adding to villages and stated that the emerging Local Plan proposes another 355 dwellings which he finds very difficult to understand how the Planning Policy Officers can be seriously considering this. He stated that in the 2014 Local Plan, the village of Doddington was classed as a growth village but it was never to grow as big as the town of March. Councillor Sutton stated that the application is not a small development, and he cannot support the proposal.

- Councillor Cornwell expressed the view that knowing that Doddington has now already achieved its housing target, and the fact that the proposal does not have the support of the village, in his view, he cannot support the application if the local people do not want it.
- Councillor Mrs French stated that there appears to be too many issues with the proposal and she has spent a significant amount of time in her role at County Council with the Local Lead Flood Authority, reviewing the flooding issues that have taken place including the dykes and drains across the whole of Fenland and she questioned who would be responsible for the drain, if it is filled in and not piped properly and causes flooding. She expressed the opinion that whilst the County has experienced Highway Officers the highways assessment of the site is wrong, and the County Council has a responsibility to supply school places and she cannot support the application in its present form. Councillor Mrs French stated that consideration could be given to defer the application so that the Local Lead Flood Authority, Highways Officers and somebody from the Education team comes and provides an explanation to the committee, but she cannot support it in its current form.
- Councillor Purser stated that he has considered the points raised by other members and is unable to support the application, but added that the construction traffic noise and vibrations may also cause damage to the existing dwellings and affect their insurance policies.
- Nick Harding stated that in terms of the scale of the development, there has been a history of refusals which have cited the scale of development proposed being over and above something that was deemed suitable for the settlement and the application before the committee is a far smaller scheme than there has been in the past. He added that with regards to the village threshold the Council has lost an appeal and since that time it has been presented to committee and accepted by the committee that going through the community support route is something that officers would disapply and therefore it is not something that applicants are asked to do anymore, and it is not a material consideration in the determination of planning applications. Nick Harding stated that there is no need to reintroduce that in this particular instance and in terms of comments from the public it is all about giving weight to the content of those representations and not just the number of representations made because applications need to be determined on those aspects which are material considerations. He made reference to the points raised concerning the scale of the development and whilst he accepts that the emerging Local Plan is only something that can be given exceptionally limited weight to, consideration needs to be given that the fact that a significant scale of development has been identified by the Council's draft policy for development in the Doddington area does put forward significant growth and, therefore, if the application is refused on the grounds of excessive scale of development then it would prove contentious when comparing the 300 plus dwellings that the Council as an authority is currently putting forward in its emerging Local Plan. Nick Harding stated that the existing road network leading up to the application site has a width and alignment associated with it and that width and alignment is standard and is of a style and dimension that is rolled out on new developments and, therefore, members need to determine why it is not appropriate for

that road network to be used in this instance as opposed to any other that the committee has previously approved. He added that there will be inconvenience and disruption during the construction phase but that is inevitable when new development takes place and officers along with the committee have approved a significant number of planning applications which have utilized existing road networks to construct new dwellings and the council has itself got a planning application submitted in the Chatteris area which is proposing to use existing road networks through a residential development in order to gain access to its proposed development site. Nick Harding stated that he does understand the inconvenience that the construction will cause to existing residents and with regard to the vibrations caused to properties, if the committee tried to refuse the application on the grounds of vibration from passing construction vehicles, he questioned where it would leave the Council in relation to all the other applications that come before the committee for determination. He stated that with regards to the onsite drainage features, they will be under the control of a management company for the site and in his experience sometimes they are successful and sometimes they are not but given that adoption cannot be forced on Anglian Water (AW) and the Environment Agency (EA) the Council is either forced to refuse every application that does not propose to have it adopted by AW or the EA or allows the management companies to be responsible. Nick Harding stated that the Council has no legal powers when granting planning permission to require adoption by the EA or AW and whilst sometimes there are issues which occur to do with the highway or the drainage features on residential estates there is very little that the Council can do about it.

- Councillor Mrs Davis stated that it is her understanding that no more development should take place in Doddington or Wimblington until the issue of drainage and sewerage is resolved and although AW have stated that they are working on the issue there will not be a satisfactory resolution for about 5 years, with AW appearing to think the situation can be resolved at the moment by shipping out the waste on open top lorries at night. She stated that Nick Harding had pointed out that the width of the roads on new estates are the same width as the current ones but that cannot be right as vehicles cannot pass. Nick Harding explained that is the current mode of designing highway networks and they are relatively narrow so when there is a parked vehicles within the highway, drivers need to take a little bit more care when passing another vehicle. Theresa Nicholl pointed out that the proposed road width is the same or very similar to the width of Bevills Close leading into it and that members maybe referring to the older roads leading up to the Bevills Close development but when the Bevills Close estate was built the construction lorries would have had to access Church Lane to access the site. Councillor Marks stated that the size of lorries were different during that construction time.
- Councillor Sutton stated that if an articulated lorry cannot access the site, then other types of vehicles will be used. He feels the bigger worry is the contorted roadway and access into the site by numbers 16 – 18, which is extremely poor.
- Councillor Mrs French stated that she agrees with the points made by Councillor Mrs Davis with regards to Anglian Water shipping out their waste.

**Proposed by Councillor Skoulding, seconded by Councillor Sutton and agreed that the application should be REFUSED against the officer's recommendation.**

Members did not support the officer's recommendation for approval as they feel that the proposal would be contrary to Local Plan Policy LP2, Facilitating Health and Well-Being of Fenland Residents, Local Plan Policy LP3, Spatial Strategy, the Settlement Hierarchy and the Countryside, and Local Plan Policy LP12, Rural Areas Development Policy, as there will be a detrimental impact on the amenity of the existing residents, with the proposed vehicular access and lack of alternative parking for residents of 12 – 18 Bevills Close and the impact of noise and access to 12 – 18 Bevills Close and 15 Eastall Close, and the development of 47 dwellings is not in the opinion of the committee small scale and will have a cumulative detrimental impact on the neighbouring housing estates with vehicle movements into the village.

*(Councillor Benney declared that the application may cause a conflict with his Portfolio Holder responsibilities for Assets and Projects, and took no part in the discussion or voting thereon)*

*(Councillor Mrs Davis declared, under Paragraph 14 of the Code of Conduct on Planning matters that she is the District Councillor for Doddington and Wimblington and attends Doddington Parish Council meetings, but takes no part in planning matters)*

*(Councillor Murphy declared that the ransom strip of land associated with this application was discussed when he was a member of Cabinet in 2009 and took no part in the discussion or voting thereon)*

**P56/22**      **F/YR22/0604/F**  
**LAND NORTH OF 60 STONALD ROAD, WHITTLESEY**  
**ERECT 1 X DWELLING (2-STOREY 2-BED)**

Theresa Nicholl presented the report the members.

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

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the Agent. Mr Hall stated that there is an extensive site history which is listed in the officer's report, which is prior to his involvement. He explained that the development site did have planning permission for a dwelling and the current owner then purchased the plot.

Mr Hall quoted the Planning Inspectors comments following an appeal where the Inspector had stated that 'I consider the site large enough to accommodate a dwelling' and went on to say that they did not consider the end of the cul de sac is particularly spacious in character or affords any significant views of the surrounding land that would be lost as a result of this development and the site has not changed in size or adjacent buildings changed since this time to our knowledge. He stated that the previous appeals for the site were for two dwellings, semi-detached dwellings, a full 2 storey three bedroomed house and the last application was for a bungalow, all of which were refused, with the current proposal being for a scaled back 1.5 storey dwelling with two bedrooms.

Mr Hall expressed the view that the officer's report appears to be positive and one third of the plot area is in line with the requirements of the Local Plan and there are no objections from the Highways Authority. He stated that the site is in Flood Zone 1 and has two car parking spaces and the proposal does not result in significant loss of light, overshadowing or overbearing, with proposal not being considered to result in a significant detrimental impact on the amenity of neighbours and added that the policy is recommended for refusal under policies LP16 and 7 of the Whittlesey Neighbourhood Plan, however, he has noted from the report under 10.12 that it states that the policy is acceptable under both of these policies.

Mr Hall expressed the view that the proposal is an ideal straight forward two bedroomed starter home with adequate parking and located within Whittlesey and there are no technical objections to the proposal, and it is compliant with the Local Plan. He added that it has a third garden area, and the officer has confirmed that there are no concerns with overlooking, overshadowing or loss of light and the building material used would match in with the other properties.

Members asked Mr Hall the following questions:

- Councillor Mrs French asked Mr Hall if he could advise when the site first received planning permission? Mr Hall stated that the planning permission was approved on 1 February 2007 when an appeal was allowed by the Planning Inspectorate. Councillor Mrs French asked why the development has never taken place? Mr Hall expressed the view that he cannot understand why the planning permission was allowed to lapse.

- Councillor Sutton asked Mr Hall if he could provide an explanation with regards to a query on the plans he had provided as he had highlighted the distance from the upper window to the first window on number 62, however, there appears to be no distance shown to number 60 which, in his opinion, is 2 metres closer. Mr Hall stated that when this level of detail has been requested previously, officers normally ask for the distances between first floor windows with a dimension of 19 to 20 metres and some of the previous reports show that concerns were raised with regards to distances from those properties first floor windows to the proposed property and that is the reason it has been included.

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

- Councillor Sutton stated that there have been refusals previously at the site which have been subsequently supported by the Planning Inspector at appeal. He expressed the view that the current proposal is worse than the previous proposal and whilst he appreciates distances from first floor windows, it does alleviate the overlooking he can foresee from looking out of the window into the back garden of number 60 and he agrees with the officer's recommendation.
- Councillor Mrs French stated that the Town Council recommend refusal and there have been 31 letters of objection as opposed to 26 letters in support, with, in her view, the Town Council making the right recommendation. She stated that when reviewing the history of the site, it is unfortunate that the new owner has now inherited the site which had planning permission approved years ago but the owner at the time let that permission lapse. Councillor Mrs French stated that she will support the officer's recommendation.
- Councillor Mrs Mayor asked officers to clarify the procedure when they are notified of fraudulent submission letters, with the Town Council raising this issue due to the fact that letters were received from two people who have not lived in that area for ten years and they did not submit any letters of support. She stated that she would like to know what the procedure is if officers are notified that letters are fraudulent and how that is determined and confirmed. Officers agreed to respond to this point at the appropriate time in the debate.
- Councillor Murphy expressed the view that officers have made the correct recommendation as well as the Town Council, adding that 31 objectors are all from persons living in the vicinity of the proposal site as opposed to the 28 supporters who are from the whole area of Whittlesey. He stated that there have been appeals for development on the site since 2007 and the size of the plot is not big enough. Councillor Murphy expressed the opinion that the proposal for the site is out of character with the rest of the street scene and it would be a blot on the landscape, and he will support the officer's recommendation.
- David Rowen responded to the point made by Councillor Mrs Mayor, and stated that if the legitimate person contacts the Council to state that they have not made any representation it would be removed from the record. He stated that if nothing is received from the person and it is just a claim from a third party that an individual does not reside at a stated address anymore then their letter cannot be removed as the Council needs to be seen as being fair to both sides.

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

**P57/22**

**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)**

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

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

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens the agent. Mr Bevens stated that some members may recall a similar proposal for this site back in August 2021 and following refusal last time, it was suggested to them that reducing the overall numbers of occupants in the scheme would be supported in an amended application.

He stated that the proposal is a 40% reduction in numbers of persons than the previously refused scheme and a 64% reduction from where the scheme started back in mid-2020.

Mr Bevens explained that the previous owner of the Classic restaurant had accommodation for up to 9 guests in the main building and this excluded rooms, which the current proposal looks to convert into additional accommodation and then latterly they used their private annex as B&B accommodation sleeping up to 4 adults and this coupled with the restaurant business at its peak would have seen numerous vehicles coming and going throughout the day. He made the point that there are no objections from statutory consultees and refuse collection will be undertaken privately.

Mr Bevens made reference to the reasons for refusal, referring to LP15 stating that it is widely acknowledged and accepted by the Council that in previous similar applications that there are no adopted parking standards for HMO's, and it is reasonable to conclude that car ownership would be lower amongst the residents of such properties than for more conventional means of residential occupation. He stated that the proximity of the site to the centre of Manea, cycle provision and the proximity of the railway station which would be a 20-minute walk would also contribute toward encouraging lower car ownership amongst its occupants.

Mr Bevens referred to recently approved decisions namely F/YR20/1047/F which was approval of a 6-bed house to a HMO for 9 persons and F/YR20/1131/F which was approval of a 7-bed hostel to a HMO for 7 persons both of which were approved by the Council with less parking than required namely 4 spaces and 2 spaces, respectively. He explained that he has identified an area of cycle storage and with the local bus service and the train station, in his view, it is reasonable to expect occupants to use sustainable transport methods wherever possible.

Mr Bevens stated that when looking at Policy LP2 and LP16, this requires amongst other things that development proposals provide high levels of residential amenity and Policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring uses with the guideline for non-flat development being one third of the plot area. He explained that the existing building was in use as a restaurant and B&B for over 50 years and whilst not a conventional residential use had the potential to accommodate up to 9 guests in the main building and with the removal of the existing shed and tidying up of the site and improved onsite parking and cycle provision, the amenity of the site is improved.

Mr Bevens pointed out that the retained out-building has enclosed space on the ground floor which could be used as an amenity value to the HMO and there is there is approximately 102 m<sup>2</sup> of outdoor amenity space excluding the outbuilding and retained garden to the 2-bed house. He stated that the overall footprint of Classic's restaurant is 220 m<sup>2</sup> and the parking, bin store and access equates to 170 m<sup>2</sup> so the proposal is just below the guideline of a third of the plot if the potential amenity of the out-building on the ground floor is not included.

Mr Bevens expressed the view that he does not see this proposal as overdevelopment and there has been a reduction in the occupancy by 40%. He feels that the other approved schemes in the district have acknowledged that parking will be lower in HMO's and highways have raised no objections to the scheme, with there being sufficient room to enter and exit the site in forward gear and spaces can be enlarged without impact on cycle storage or amenity.



Mr Bevens pointed out that concerns regarding anti-social behaviour are noted, however, whilst these cannot all be substantiated as coming from the property, they are not fundamentally a planning matter and any such impacts that arise are a result of individuals rather than the nature of the accommodation provided, with there being other controls in place to monitor and act against unacceptable behaviour of this nature. He advised that the applicant installed last year a camera system throughout the building which covers the courtyard and access and has it monitored 24/7.

Mr Bevens expressed the view that the scheme is a sustainable proposal for the building and trying to provide HMO's in out of town/village locations is unsustainable and would not meet other Local Plan and National Planning Policies. He expressed the view that the proposal will support local shops, businesses and facilities and the benefits outweigh the harm.

Mr Bevens stated that he would ask members to consider the efforts that the applicant has gone to in reducing the overall numbers, improvements to be made to longevity of the building and the rear amenity of the site and approve the application for much needed temporary accommodation in the district which Fenland lacks.

Members asked Mr Bevens the following questions:

- Councillor Mrs French asked Mr Bevens whether the bus service was still operating that he had referred to? Mr Bevens stated that the last time he had checked there were four trips a day operating through the village. Councillor Mrs French asked whether there are any occupants residing in the property currently and Lee Bevens responded that it is being used currently as a bed and breakfast business.
- Councillor Marks stated that there are three parking spaces allocated in the proposal, however, he has received numerous complaints over the last few years concerning parking issues and the fact that the proposal is for a HMO, which could mean that there could be up to 11 vehicles requiring car parking facilities and he asked Mr Bevens where he proposes those extra vehicles will be able to park? Mr Bevens stated that it is a pertinent point which has been raised throughout the application and he expressed the view that the only place he can see the vehicles being able to park would be on Station Road. He referred to the presentation screen which showed Station Road and pointed out that there is plenty of on street parking which is not allocated to specific properties and the very nature of HMO's is that that there is less parking provided and although he cannot confirm it he believes that persons who reside in a HMO undertake a great deal of car sharing as the occupants tend to work in the same locations.
- Councillor Marks asked whether it is the intention of the shed at the rear of the premises to remain as a shed or is it the intention to submit a further application to change that into further accommodation? Mr Bevens stated that it is his understanding that since he started working with officers on an application in 2020 there was the intention to convert the shed into residential use and that it why the numbers were 30 overall, however, that element has now been dismissed and there is no intention to convert that into additional residential accommodation.
- Councillor Marks asked whether Mr Bevens could confirm how many persons are occupying the premises at the current time and Mr Bevens responded that he was not aware.
- Councillor Murphy stated that Mr Bevens had explained that there is to be a reduction of 40% from what had previously been proposed, however, he asked what the reduction was in terms of people residing there currently as he can see no difference and he questioned why you would submit an application for a HMO when it is already in place? Mr Bevens stated that the applicant is trying to apply using the correct channels and to change the use from what it is at the moment as the ground floor of the building is actually classed as a restaurant and it is the first floor which is actually bed and breakfast accommodation. He made the point that the application is for a change of use so that the ground floor can be changed to accommodate seasonal and temporary workers. Councillor Murphy questioned whether at the current time there are any persons who are sleeping on the ground floor? Mr Bevens stated that he cannot confirm that fact and that they are seasonal workers, they

come and go, adding that he has had it confirmed that at the current time there is nobody residing there.

- Councillor Benney stated that he recalls the application previously and at that time it was for agricultural use and the committee were told at the time that it should be a HMO, which is why he presumes the application has been submitted in its current form. He expressed the opinion that there are people living there who are agricultural workers and this type of accommodation is needed for seasonal and agricultural workers and the local agricultural industry needs to be supported. He added that HMO properties can be monitored and regulated by the Council to ensure that everything is in order and to ensure the safety and wellbeing of those residents living there. Councillor Benney asked Mr Bevens to clarify that if the application is approved, will his clients operate the HMO as a reputable business in line with legislation and policy? Mr Bevens stated that it is the intention of the applicant to invest a significant amount of time upgrading the parts of the building and making it fit for purpose. He added that the applicants are more than happy to work with the Council and they have already met with the Fire Officer who has stated that the premises are able to accommodate 30 persons with the fire system that is in there as a means of escape, however, the proposal is only for 11.
- Councillor Cornwell referred to the officer's report at point 3.1 where it states that intensive residential occupation of the building has already taken place which resulted in the Council's Private Sector Housing Team and the Fire Service visiting the site hence the retrospective nature of the application; with the precise situation currently being unclear and unauthorised. He asked Mr Bevens whether he had anything further he could add to that information? Mr Bevens stated that he can confirm that the premises has permission in its current format to be operated as a bed and breakfast accommodation, but he cannot say how many persons are able to use it as bed and breakfast accommodation overall only on the previous history when there were nine rooms in the accommodation.
- Councillor Marks asked whether it was known how many times the Police have been called to the property following reports of anti-social behaviour over the last three years? Mr Bevens stated that to his knowledge there has only been one incident.
- Councillor Purser stated that he understands that the premises is properly regulated and the comments of Councillor Benney that the Council does need to support agriculture, but what is to stop people allowing others to sleep in the premises? Mr Bevens responded that there is nothing to stop this, but this would be no different to a residential dwelling, and he cannot see how this can be regulated. Councillor Purser stated the point he was making is that there is a maximum number for Fire and Police regulations, but how can it be regulated to stop residents having their friends stopping there? Mr Bevens reiterated that the Fire Officer has stated with the fire system that is in place under its current use it can accommodate up to 30 people but the applicant is not looking to house this amount of people and CCTV will be placed within the building.
- Councillor Sutton referred to the point Mr Bevens made with regards to parking requirements of HMO properties. He added that he would agree that within the towns there is not such a requirement for parking, however, in the villages there most certainly is the need for access to a car in order to travel to a workplace and he asked Mr Bevens whether he would agree that the statement he made was slightly misleading? Mr Bevens stated that he would agree that town locations have more services available whereas villages have less, but the site is close to the centre and there are local shops nearby along with the railway. He added that a lot of the persons that stay at the bed and breakfast do car share as they are employed at similar locations. Councillor Sutton stated that in the evening that location appears to be very heavily parked.

Members asked officers the following questions:

- Councillor Marks asked officers if they can confirm how many persons were on site when the premises were visited by the Council's Enforcement Team? David Rowen stated that the premises have been visited both by Planning Enforcement Officers as well as Housing Officers, but he could not provide the detail of number of occupants living on site.

- Councillor Cornwell referred to 3.1 of the officer's report and asked for clarity where it states that the precise situation is unclear and unauthorised? David Rowen stated that the number of occupants of the premises is not quite clear to the best of his knowledge and in terms of the unauthorised element at the current time there is no planning permission in place for intensive occupation adding that he would disagree with the point made by Mr Bevens with regards to the previous lawful use of the premises as a restaurant with ancillary Bed and Breakfast facilities, with it being his understanding that at the moment the business is not being used as a normal bed and breakfast establishment and appears to be functioning more as a hostel. Councillor Cornwell made the point that the statement then relates in effect to the assumption that this already a possible HMO, which is why the Council visited the site and as a result of those visits, the application has come back as there is a certain element of regulation required if the premises is to become a HMO which ensures that is better regulated and on that basis, in his view, he think he could support the application. David Rowen stated that there is a licensing regime for HMO properties, and advised members of the committee that they do need to be mindful that they are determining the application on the land use planning considerations of the application and not on the licensing regime. He added that whilst there is an overlap between the two there are also differences as well and if the committee are minded to grant planning permission they need to be satisfied as to whether it would be acceptable as a land use for the number of occupants that are proposed, rather than somehow adequately managed through the licensing regime. Councillor Cornwell stated that, in his view, the two elements go together and should not be separated, and he will consider both things together. David Rowen stated that the committee are determining the application under the Town and Country Planning Act rather than the Licensing of HMO under the Housing Act.
- Councillor Skoulding made the point that, in his opinion, officers have made the correct recommendation as he feels that it is over development, and it is causing parking issues.

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

- Councillor Marks stated that as Ward Councillor he has considered the application with an open mind, with the Parish Council being against the proposal at the present time and whilst he appreciates that something needs to happen to the building rather than leave it to go derelict. He stated that, in his opinion, there are too many occupants and no guarantees with car parking which is causing issues currently. Councillor Marks added that maybe a HMO could be considered in the future which would be better rather than transient occupiers but he has concerns with the back development and added that it has been three years since the property was purchased and during that time a number of improvements could have been made. He stated that whilst he appreciates that various agencies have been involved to date with the property it is still a bone of contention for the village, and he will be supporting the officer's recommendation.
- Councillor Sutton stated that he agrees with the points raised by Councillor Marks and whilst he appreciates the comments that Councillor Benney has made with regards to shortages of agricultural workers, that fact cannot take away the impact that the proposal would have on the village, He added that the previous application has gone to appeal and will be heard in January, however, he will be supporting the officer's recommendation.
- Councillor Mrs French stated that she agrees, and she will be interested to see what happens with the appeal.
- Nikki Carter stated that a provisional date has been set for the appeal hearing, but nothing is yet confirmed.

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

*(Councillor Marks declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Manea Parish Council, but takes no part in planning matters)*

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

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

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

- Councillor Mrs French stated that she has noted from the officer's report that there is a restriction on operating hours and she does not think at this time it would be appropriate to place a restriction on its hours of use as there is no indication currently what the building will be used for and who is going to operate it if it actually goes ahead. She stated that it has been several years since the proposal had been considered and does not know whether the grant funding of £10,000 from the Council is still available. Councillor Mrs French feels that the application should be supported but not to include any time restrictions.
- Councillor Sutton stated that he will support the application, but he expressed the opinion that the design is totally out of character with the locality. He added that, in his view, Wisbech Town Council should be responsible for the development rather than the whole of Fenland.
- Councillor Mrs French stated that the proposal is part of the County Council's Communities in Partnership £5,000,000 scheme that was introduced in 2019-2020. She added that she agrees that the design could be far better, and it remains to be seen whether it will ever be built.
- Councillor Cornwell stated that the Council has brought forward an application for a building for which the use of is unknown and questioned who will be responsible for operating it.
- David Rowen stated that the hours of opening that are referred to in the conditions have arisen as the result of the hours that were included within the application. He stated that it has been noted that in the longer term the building does need to be more flexible in terms of when it can be open, and explained that there is currently a consultation exercise open on that issue, however, to date there has not been any feedback and if it was proposed by members to grant the application with the removal of that condition then there is the potential for members of the public to state that they have not had the opportunity to comment. David Rowan made the point that if members were minded to grant planning permission with an unrestricted use on the building then it is possible that it could be subject to delegation to officers to pick up any issues arising from the current public consultation and impose appropriate conditions. Councillor Mrs French stated that she was happy with that proposal.
- Councillor Sutton asked David Rowen to clarify that the decision notice would not be issued until 14 days after the consultation period and David Rowen confirmed that is correct.

**Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be APPROVED as per the officer's recommendation with authority delegated to officers to apply suitable conditions in relation to hours of operation.**

*(Councillor Benney declared that whilst a Cabinet decision was made in relation to this application, he is not pre-determined on this application)*

*(Councillor Mrs French declared that as a member of Cabinet match funding was agreed for this project for Wisbech Town Council to approach the Combined Authority, with a further report to be brought back to Cabinet which did not happen and, therefore, she is not pre-determined on this application)*

*(Councillor Murphy declared that the application may cause a conflict with his Portfolio Holder responsibilities, which include Parks and Open Spaces, and took no part in the discussion or voting thereon)*

**P59/22**

**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**

David Rowen presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the Agent. Mr Hall stated that the application has been subject to numerous discussions and amendments in order to achieve an acceptable scheme, with the existing building on the site having not been used for in excess of 15 years and being in very poor condition with sections of it even lost. He explained that the bricks from the demolished building will be used in the proposal in accordance with the planning condition and advised the committee that an independent tree report was commissioned with regards to the tree onsite which advises that the development can be built out without any damage to the tree.

Mr Hall made the point that there are no technical objections to the proposal and the site is in a town centre location which allows the existing building to be demolished and the site to be regenerated for residential usage. He explained that there have been a number of different planning officers considering the site under two planning applications and officers have provided some excellent advice and have worked with him to bring the proposal before the committee today with a recommendation of approval.

Members asked Mr Hall the following questions:

- Councillor Mrs Mayor stated that Mr Hall had referred to the re-use of materials from the demolished building and asked whether this is something that can be achieved? Mr Hall stated that the bricks would definitely be used as it is a 215 wall and they can be turned around, but there is likely to be a shortage of bricks and there may need to be some bricks made up. He added that the roof tiles, the timbers and floor would definitely not be reused.
- Councillor Murphy stated that the Town Council has recommended refusal and have stated that there are concerns in the area regarding the illegal use of the roadway during the designated times. He added that it is a pedestrianised area, and he would have thought that the applicant should be aware of the restrictions. Mr Hall stated that on the three occasions he has been to the site there has been a car parked at the access point on one occasion and on the two other occasions there has been nothing there. He added that it is a pedestrian zone, and the applicant understands that which is why the scheme includes no parking.
- Councillor Mrs Mayor stated that she is the Ward Councillor and the loading and unloading allowance is before 10am and after 4pm and asked Mr Hall how he intended to facilitate any deliveries to the site as there is no back access to the site? Mr Hall explained that the applicant is also the developer who is likely to build the site out and he understands the restrictions concerning delivery times and would be happy to accept a construction management plan to be agreed with officers.

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

- Councillor Mrs Mayor stated that the restrictions on delivery times have also been mentioned and unfortunately a lot of people take no notice of the signage at the top of High Causeway and blatantly break the law accessing the road outside of those stated times. She added that she is concerned as is her fellow Ward Councillor, about deliveries and the two cars which are parked do belong to a local shopkeeper and resident who has always parked in that location. Councillor Mrs Mayor stated that it is a difficult entrance, and it is right next door to the gate of the funeral directors, and expressed the view that should the proposal be approved then the occupiers of the flat will be able to look over a wall into the facilities belonging to the funeral directors and she can foresee that at some point there will be complaints received. She expressed great concern about the access into the site which is only the width of a double gateway.
- Councillor Sutton stated that he can understand the concerns raised by Councillor Mrs Mayor, but if the developer manages his site well then there should not be any problems with the access.
- Councillor Sutton stated that he is pleased to see agents working with officers to bring applications forward which can be approved, and congratulated officers.
- Councillor Murphy expressed the opinion that he cannot see anything wrong with the proposal as it will smarten the area up which is right in the centre of Whittlesey. He added that it will be a purpose built home and as long as the occupiers take note of the restrictions for High Causeway, he cannot see anything untoward with the proposal.
- Councillor Skoulding stated that he would hope that something can be achieved with regards to the overlooking into the funeral directors' facilities.
- Councillor Murphy stated that the occupier of the flat will need to consider that and it is not something for the committee to consider.
- Councillor Mrs Mayor stated that she will support the recommendation of Whittlesey Town Council. She referred to the Ash Tree, which she explained is one of the only trees in the Conservation Area and it is covered by a Tree Preservation Order, and she would like to see it left as it is and be looked after.
- David Rowen confirmed that the ash tree that Councillor Mrs Mayor referred to is covered by a Tree Preservation Order and, therefore, if any unauthorised works are undertaken on it that would be dealt with as a criminal offence. He added that the assurances have been given development can be undertaken without any adverse impact on the tree.

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

*(Councillor Mrs Mayor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council but takes no part in planning matters)*

**P60/22**

**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)**

David Rowen presented the report to members and drew members attention to the update report that had been circulated.

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

Members received a presentation, in accordance with the public participation procedure, from Mr Andrew Hodgson, the agent. Mr Hodgson explained that he was asked to review the application following a technical issue concerning one of the flood risk conditions regarding contamination which had not been addressed previously and, in his opinion, the site should be built out by now

but when it was reviewed by officers, they determined that the contamination issue had not been resolved. He stated that the detail of the application has not changed at all, and the layout is the same as previously submitted.

Mr Hodgson explained that the only changes are technical changes which have become necessary due to changes in planning policy. He explained to the committee that there is some on site diversity net gain which was not on the scheme previously and the site now shows the digester and the attenuation basin which deals with the drainage scheme and was not shown on the plans previously.

Mr Hodgson stated that the site still provides an efficient use of land, and it is only a technical issue dealing with contamination that has caused the delay with the build.

Members asked Mr Hodgson the following questions:

- Councillor Sutton made reference to the digester and stated that in the conditions there are details concerning a management company looking after the roads and other elements of the development but there is no reference made with regards to the digester plant and he asked whether that is maintenance free? Mr Hodgson explained that the way the digester works means that it may have to be an annual maintenance requirement which would be undertaken by the management company. Councillor Sutton stated that the detail surrounding that maintenance needs to be considered by officers when adding conditions.
- Councillor Mrs French stated that she has seen a comment in the officer's report concerning the March West and White Fen Internal Drainage Board, of which she is a member, with the report stating that a 5-metre-wide maintenance access strip has been provided for landowners beside the watercourse and she asked Mr Hodgson whether he was aware that the Middle Level Commissioners will not allow anything less than nine metres for maintenance? Mr Hodgson stated that is something that will need to be addressed, however, the Middle Level Commissioners have not made any comment on the proposal to date.
- Councillor Mrs Davis asked whether there was going to be a contamination report and Mr Hodgson stated that the reports have all been undertaken. He added that there is a condition which states that there is a requirement to report any contamination should any be found once development commences.

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

- Councillor Sutton stated that the nine metres for the access maintenance strip does need to be resolved and this is required for the large equipment that is used. He added that the management plan must also include the digester bio equipment as that will not be maintenance free in the long term.
- David Rowen stated that the issue of the maintenance strip is a separate matter outside of the consideration of the planning application. He added that if the application is granted then it will be the responsibility of the applicant to obtain a resolution with the Internal Drainage Board for a narrower maintenance strip or to resubmit an amended plan.
- Councillor Mrs French stated that at a recent meeting she attended with the Middle Level Commissioners they have insisted on a nine-metre access strip. She explained that the dykes and drains were dug out hundreds of years ago and they have to be maintained and it is down to the applicant to have further discussions with Middle Level.

**Proposed by Councillor Skoulding, seconded by Councillor Mrs French and agreed that the application be APPROVED as per the officer's recommendation with authority delegated to officers to formulate suitable conditions in consultation with the proposer and seconder.**

*(Councillor Mrs Mayor declared that she is a personal friend of one of the applicants, Councillor Mrs Laws, and she took no part in the discussion or voting thereon on this item)*

*(All remaining members of the committee present declared that they know the applicant, Councillor Mrs Laws, in a professional capacity only, which did not impact on their decision making on this application)*

**P61/22**      **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)**

David Rowen presented the report to members and drew members attention to the update report that had been circulated.

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

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the application submitted is for up to eight dwellings and has been submitted in outline format with only matters of access committed for consideration at this stage, with the application being recommended for refusal for reasons of principal flood risk and highways. She explained that there are limited opportunities within the existing built up footprint in the village to achieve new development and no new housing allocations which have not already commenced have been proposed in Tydd St Giles in the emerging Local Plan which she stated has given cause for concern from the Parish Council who have recently posted on social media that the plan for their area is too restrictive and without any further development within the next 18 years the village will be non-existent, with them also expressing the view that they need to see the provision for some housing to go ahead.

Mrs Jackson expressed the view that although they have raised concerns the proposal does represent an opportunity to meet the aspirations of the Parish Council, with the proposal providing eight dwellings which will adjoin the existing built form and would reflect the former nature of the development which can be seen on the other side of the village at Kirkgate. She stated that the plots are large enough to accommodate family sized dwellings which would help to support the local services and facilities including the local primary school which will enable the village to continue to be a nice place to live and that the principle of development, in her view, can be supported on the grounds of the benefit which will be brought to the settlement.

Mrs Jackson referred to flood risk, with it being a known fact that a great deal of the land within Fenland is at high risk of flooding and due to this fact, many applications that come before the committee will be in Flood Zone 3. She explained that a sequential test has been undertaken which has proven that there is no sequentially preferable land available within the village and the reason for refusal states that the search area for the land for development should be the whole of the district given the location of the site, however, she disputes that point, given that the dwellings in questions would serve the local amenities and facilities in the village, the area for search should be Tydd St Giles itself.

Mrs Jackson stated that given the characteristics of the area any new development in or around Tydd St Giles is likely to be on land at high risk of flooding and if new development is to be accepted in the village, there must be the acceptance that it will be on Flood Zone 3 land. She made the point that she has provided a Flood Risk Assessment which shows that the dwellings will be technically safe from flooding which has also been accepted by the Environment Agency.

Mrs Jackson explained that with regards to the concerns over Highways the clarification required by the local Highway Authority can be provided and, in her opinion, the proposal will bring significant benefits in terms of providing housing which will support the ongoing vitality of the



village, there will be no harm caused by the development, which has been cited in the reasons for refusal and the benefits will outweigh any perceived harm.

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

- Councillor Sutton stated that he has considered the points raised by the Agent with regards to the views of the Parish Council who are concerned about the emerging Local Plan and the lack of extra development proposed for the village, however, they have also pointed out that they are not in favour of the application in this proposed location. In his opinion, the application is in an elsewhere location and he does not think that it is the right place to build. Councillor Sutton expressed the view that there are far better locations to build on which are closer to the village and he will support the officer's recommendation.
- Councillor Mrs French stated that she also agrees with the points made by Councillor Sutton, and she will also support the officer's recommendation.

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

**P62/22      F/YR22/0828/F  
LAND SOUTH WEST OF 27A WIMBLINGTON ROAD, DODDINGTON  
ERECT A DWELLING (2-STOREY, 3-BED)**

This application was withdrawn.

**P63/22      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)**

David Rowen presented the report to members and drew members attention to the update report that had been circulated.

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

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

- Councillor Sutton provided members with some background information on the history of the Dun Cow Public House due to his local knowledge and that new occupiers have moved into the area. He explained that at a recent meeting of the Parish Council, it had stated that the occupation of the upper floor for living was ancillary to the living accommodation, and although he is aware that it is disputed by officers, Councillor Sutton stated that he was asked for his opinion at that meeting and he had stated that he thought that planning permission would not be needed as it would be classed as ancillary. He stated that he agrees that the caravans will and do have a temporary look, but, in his opinion, a new business should be given as much help as possible and he will be voting against the officer's recommendation, however, he would like to see the permission being for a temporary period of three years which will give the business enough time to be operational and for the tenants to be able to work with the brewery to consider an extension to be built on the back of the Public House for those persons with disabilities.
- Councillor Cornwell made the point that there are many rural public houses which are no longer trading and a public house in a rural location has to succeed and make money in order to survive, with new tenants in the premises trying to add value to the business. He referred to the officer's report where it states at 10.14 that 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 and that the report also states that the extra accommodation is not essential to the success of the business but, in his opinion, that is a judgement, and the new landlords should be given assistance in order for them to move forward. Councillor Cornwell questioned whether it would be possible to include a condition for the caravans to see how successful the business is and then let the tenants prove that part of the success, or otherwise, of the business because they have or they have not got a caravan to bring some more people into the business. He made the point that it is a very difficult time for the pub trade at the moment and even the pubs in town locations are suffering and, in his opinion, the applicants should be given the opportunity even if it means imposing a time limit.

- Councillor Mrs Davis made the point that if you are a business which is still in its infancy, she is not sure why you would need accommodation for five members of staff unless those members of staff are also family members but that has not been made clear in the report.
- Councillor Cornwell stated that he understands that view and maybe further questions can be asked to obtain some proper answers and support for the applicant.
- Councillor Mrs French stated that in the officer's report at 3.4 it states that that the residential accommodation is for 2 members of disabled staff who struggle to use the stairs. She added that temporary approval has been given for caravans in the past although it has not happened for some time.
- Councillor Mrs French asked how long the caravans have been on site and Councillor Mrs Davis stated that there is only one on site currently and in the officer's update report it suggests that the caravan is for the applicant's wife, but it does not mention a second disabled person. Councillor Mrs French expressed the opinion that if there are five members of staff, she would anticipate that is probably a family who want to live there. She added that the last few years have proved to be challenging for many businesses and Christchurch is not a very big village and if the applicant is prepared to rejuvenate the Dun Cow, then the Council should be here to give people the opportunity to try to prove themselves. She stated that she would support a three-year temporary permission.
- Councillor Marks referred to the Golden Lion in Stonea where the same situation occurred and there was temporary accommodation in place for the staff. He added that during Covid that business failed, and he made the point that the applicant should be given a chance to grow their business.
- Councillor Skoulding stated that he agrees that a temporary permission should be granted, and, in his opinion, the temporary permission should be for five years to give the business a good chance.
- Nick Harding stated that when considering a temporary consent for three years, towards the end of that three-year period, there would be nothing to stop the applicant from reapplying to retain one or both static caravans on the site and as 50% of the development is already on site there is a fairly substantial financial commitment in place as it stands.
- Councillor Purser stated that is his understanding that the second caravan is for personal possessions. Councillor Mrs Davis stated that it maybe that the second caravan is going to be used for storage if the first one will not accommodate all of the personal belongings.
- Councillor Sutton stated that to the best of his knowledge the persons have moved into the pub and as far as he is aware it is their first venture into the hospitality trade and the second caravan will be used to store equipment for the work that they undertake with young people.
- Councillor Topgood stated that over the years accommodation has been allowed where it is tied to a business where it is necessary and the fact that the staff could be made up of family members is irrelevant. He stated that he has recently taken over the running of a public house and the current financial climate is very difficult and if the applicant is employing members of their family that is the way to keep the costs down. Councillor Topgood stated that he will support the proposal for the caravans to enable them to build their trade and business up.
- Councillor Murphy expressed the opinion that members were "having the wool pulled over their eyes".
- Councillor Mrs French made the point that members can only make a determination on an

application with the information that has been provided to them and she added that Councillor Sutton has explained that there is a disabled person to be considered as part of the proposal and, therefore, that does need to be taken into account. She added that the last few years have proved to be exceptionally difficult and the Council should be seen to be helping and assisting people to move forward and progress in a new business.

- Councillor Purser stated that the applicants are being incredibly brave in taking on a new venture in difficult times and hopefully will be supported in their new business.
- Councillor Sutton stated that at the white goods recycling centre they also had a temporary permission for an onsite caravan that was there for a number of years and was renewed three or four times and that is now a permanent structure for which permission has been granted.
- Councillor Cornwell stated that if the pub business proves to be unviable our planning regulations will try to keep the pub going. He added that the applicant is making every effort to start up a public house business which is part of the community, and he made the point that there is a large redundant public house in March which is now in a bad state of disrepair and due to the state of the economy, there does not appear to be anybody who wishes to take the business on. Councillor Cornwell stated that, in his opinion, there are lessons to be learnt from that and if there is an opportunity for the Council to help people to re-establish businesses then every effort should be made to help them and this is an ideal way for officers and the committee to help the applicant find a way of at least giving the applicants a temporary permission to have that accommodation and if the business does not work then at the Council has attempted to help the applicant. He expressed the opinion that the Council owe it to the community.
- Councillor Mrs Davis expressed the view that having listened to the debate her view on the application has somewhat changed and she stated that if a temporary time limit can be added to the permission, she could support the proposal.
- Councillor Sutton stated that the permission should be given on a temporary basis for three years or until the current tenants leave whichever is the sooner. He expressed the opinion that the tenant can reapply after the three years, and made the point that he feels that this is the right decision to make.
- Nick Harding stated that he would ask the committee to give delegated authority to officers in order that the relevant and appropriate conditions can be considered and applied to the permission. He added that there are a number of points to be considered such as the time period of three years and when tying it to the business, if the business should fail within the three years what would be the course of action, with consideration also needing to be given with regards to the two caravans and a condition being added to dictate that one caravan can be used for accommodation and one for storage. Nick Harding explained that when considering who occupies the caravan that is going to be used for residential occupation, in his view, the condition could state that the caravan can be occupied whilst the business is a going concern by an employee, landlord or immediate family, however, in the event that the business ceases to trade it can then only be occupied by immediate family.
- Councillor Sutton made the point that if the business ceases trading then the persons would leave anyway.
- Nick Harding stated that he believes that the pub is a tenancy rather than a freehold.
- Councillor Mrs Davis questioned that the applicants should be aware then that if the business failed, they would have to move on and that if the business failed just inside of the three years, they would have to find a new place to live. Nick Harding stated that in the current times of economic uncertainty, it is not known whether the brewery would take a different view and say to the tenant that they can stay and pay a rent as a residential property until a new landlord is found.
- Councillor Cornwell stated that he would like Councillor Mrs Davis and officers to agree the conditions.

**Proposed by Councillor Sutton, seconded by Councillor Skoulding and agreed that the application be APPROVED against the officer's recommendation, with authority delegated to officers to agree the conditions in conjunction with the Vice-Chairman.**

Members do not support the officer's recommendation of refusal as they feel that the proposal is not contrary to Policy LP3 of the Local Plan as it is in a small village location, where they feel the proposal is justified, under LP12 of the Local Plan, the proposal does not harm the local distinctiveness, visual impact and character of the surrounding area and under LP2 of the Local Plan, the proposal will assist with health and wellbeing of local residents as the applicant is disabled.

**P64/22      F/YR22/0919/O  
LAND SOUTH OF 733 WHITTLESEY ROAD, MARCH  
ERECT UP TO 2NO. DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

David Rowen presented the report to members and drew members attention to the update report that had been circulated.

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

Members received a presentation, in accordance with the public participation procedure, from Mrs Shanna Jackson, the agent. Mrs Jackson explained that the proposal is an application for two dwellings and is submitted in an outline form with all matters reserved. She stated that the proposal has been recommended for refusal under reasons of principle and flood risk and made the point that Turves is classed as a small village within the Local Plan and in small villages infill development is supported.

Mrs Jackson stated that the application site is located between two built up frontages of Whittlesey Road and March Road and it is a gap within an otherwise built-up frontage and would meet the definition of infill development and it would also round off the existing built form in a logical way and, therefore, the principle of development in respect of Policy LP3 is supported. She stated that with regards to flood risk, the reason for refusal states that the search area for land for development should be the whole of the district given the location of the site but she disputes this, given that the dwellings in question would serve local amenities and facilities within the village and are positioned within the existing footprint of the village she feels the search area should be Turves itself and not the whole district.

Mrs Jackson made the point that the sequential test has proved that there are no alternative plots available to serve the development and the submitted Flood Risk Assessment demonstrates that the dwellings will be technically safe from flooding, which the Environment Agency have accepted and, therefore, there is no harm caused in respect of flood risk. She pointed out that it can be seen that the scheme itself is very similar to the scheme at Red Barn which was approved and received officer's support, with the application being supported by March Town Council and local residents, and, in her view, resulting in no conflict with planning policy which has been assessed in the reasons for refusal.

Members asked officers the following questions:

- Councillor Mrs French stated that she recalls visiting this site in the past and referred to the planning site history which she believes maybe incorrect as she can see no reference to the application which caused her to visit the site. She added that she would also like to make the point that the application site is in March and is not in Turves as the site is in her ward. David Rowen responded that there was an application a few months ago which was further along March Road which was an agricultural building which was to be demolished to make

way for a dwelling which the committee had resolved to approve but, to the best of his knowledge, he is not aware of anything on the proposed application site.

- Councillor Cornwell asked officers to explain what the difference is between the application and the built form of number 733, with number 733 being away from the carriageway and was still able to be built. David Rowen stated that 733, 731 and 729 to the north of it were granted on an outline planning permission in 2007 and at which time they were within the development area boundary which was set out in the Local Plan because it was a farm building grouping. He added that the characteristics were very different to the site that is now before the committee, which is the corner of an agricultural field, not fronting the road and not following the prevailing pattern of development. Councillor Cornwell stated that 733 is built off road anyway and, in his opinion, even in the current form he cannot see how there is any real difference. He added that the building line also fits the proposal in his view. David Rowen stated that he is not sure how it could be said that the proposal respects the building line when the southern most dwelling site is behind the line of the properties fronting March Road. Councillor Cornwell stated that, in his view, 733 is not on March Road and it is on the private road.
- Councillor Murphy asked for clarity over access, and for officers to confirm that in order for access to be given to the proposal site, it will require permission to be granted by the owner of the private road? David Rowen stated that issues have been raised by the County Council's Rights of Way team who have set out that because this is a public right of way then there would need to be a legal right of access proven across the public right of way to actually access any dwellings that are erected. He added that if the legal right does not exist then regardless of whether the application is approved, there will still be a question mark concerning the actual delivery of the development.
- Councillor Mrs French referred to 5.4 of the officer's report where it states that Public Footpath 29 must remain open and unobstructed at all times as it is an important footpath.

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

- Councillor Benney stated that he can see similarities between this application and the earlier application at Red Barn that members had considered. He added that it does not protrude out into the open countryside any more than the garden of number 464 and, in his opinion, it finishes that area off. Councillor Benney stated that if the right of way issue does not get resolved then no development will be able to take place. He made the point that the barn that is being demolished and has received planning permission, which Councillor Mrs French had referred to, is even further out into the open countryside and the current proposal will square off the junction and bring a further two houses to the areas which also means further Council Tax income.
- Councillor Murphy stated that he will also support the application and added that the point he was making earlier was with regard to permission being sought before development can commence. He made the point that on the site inspections from the development site you can view the back garden of 464 Whittlesey Road and, therefore, you are not encroaching further into the open countryside.
- Councillor Mrs Davis stated that she had considered supporting the officer's recommendation, however, due to the fact that the garden extends, and the two houses are not going any further than that, she has now changed her mind and will support the proposal.
- Councillor Sutton stated that he also agrees with the comments made by Councillors Murphy and Benney. He added that he likens the proposal to that of a previous application in Eastwood End which was refused, and it went to appeal, and the appeal was lost. Councillor Sutton made the point that it is adjacent to the built form, and it is not infill development.
- David Rowen pointed out that members have addressed the first reason for refusal during the debate with regards to the built form and the hierarchy issues, however, the second reason for refusal is with regard to the sequential test and if members interpretation is that the site is within Turves, rather than a site in the countryside, then sequentially they may

feel that the test only needs to deal with the settlement of Turves. He stated that planning permission was granted for five dwellings in Turves previously which would count as being sequentially more preferable than the current location which members need to consider.

- Councillor Mrs French reiterated her view that the site is not in Turves, it is in the ward of March West.
- Councillor Sutton stated that he agrees with Councillor Mrs French about the site being in her ward, however, in his view, it is the relationship element that needs to be considered and there is no relationship to March when considering the planning site as it relates more to the settlement of Turves and anybody living there would class themselves as living in Turves. He made the point that the sequential test has been carried out in Turves and there is nowhere else with the lesser risk of flooding to build.
- David Rowen stated that there are five dwellings that have been approved this afternoon in Turves which are sequentially preferable. He added that in terms of applying the sequential test in the SPD, it is currently accepted that if there are alternative sites which already have the benefit of planning permission then they are sequentially preferable.

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

Members do not support the officer's recommendation of refusal as they feel that the proposal is not in an elsewhere location and is adjacent to the built form, and they feel that as the proposal is related to Turves a sequential test has been carried out in Turves that is satisfactory.

**P65/22      3 ORANGE GROVE, WISBECH - CONFIDENTIAL**

David Rowen presented the confidential report to members.

Members asked questions, made comments and received responses.

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

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

5.35 pm

Chairman

F/YR22/0381/F

**Applicant: Urban Developments  
Peterborough Ltd**

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

**Land South Of 88, West Street, Chatteris, Cambridgeshire**

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

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations and Town Council comments contrary to officer recommendation, refer to Appendix A**

## 1. EXECUTIVE SUMMARY

- 1.1 This application has previously been referred to the Planning Committee for determination on 24 August 2022 where it was agreed that the determination of the applications be deferred, only to seek clarification that the revised highway improvements are acceptable and achievable.
- 1.2 Since this time, revised and additional information has been submitted to accompany the applications, namely works to West Street have been amended (including relocation of footpath, removal of traffic calming and width reduced to 5m) relevant plans and the drainage strategy amended as a result and tree and ecology statements submitted in relation to this. The design and siting of plot 1 has been amended and a construction management plan submitted.
- 1.3 The additional information submitted does not alter or overcome the previously asserted failure to comply with the relevant policies and as such the conclusions and recommendations in Appendix A remain unchanged
- 1.4..Consequently, the recommendation is to refuse the application.

## 2. UPDATE

- 2.1 This application has previously been referred to the Planning Committee for determination on 24 August 2022 where it was agreed that the determination of the applications be deferred, only to seek clarification that the revised highway improvements are acceptable and achievable. Members did not support officer's recommendation of refusal for reasons 1 and 2 as they considered that the proposal would not adversely impact the area, with the issue of unallocated land being subjective and the proposal being no different to other developments that have been approved and mitigation measures can be implemented which will lessen the impact on 88 West Street. The original committee report is provided at Appendix A below for reference and should be read in conjunction with this report.

2.2 Since this time, revised and additional information has been submitted to accompany the applications, namely works to West Street have been amended (including relocation of footpath, removal of traffic calming and width reduced to 5m) relevant plans and the drainage strategy amended as a result and tree and ecology statements submitted in relation to this. The design and siting of plot 1 has been amended and a construction management plan submitted; further consultations have been undertaken as a result and comments received are as follows:

### 3. CONSULTATIONS

#### 3.1 NHS

*Thank you for consulting Cambridgeshire and Peterborough Integrated Care System (CAPICS) on the above planning application. I refer to the above planning application and advise that, further to a review of the applicants' submission, the following comments are with regard to the primary healthcare provision on behalf of CAPICS.*

*The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application site George Clare Surgery. This practice has a registered patient list weighted list size of 12,114 and this development of 22 dwellings would see an increase patient pressure of 53 new residents which would require additional GP/Nurse / (Admin support) workforce\* to support increase in appointments : GP = 0.03 / Nurse = 0.02 and Admin = 0.05 with a resulting increase on estate demand of 3.62sqm net internal area.*

*\*Model evidence from Cambridge Analytics data*

*A developer contribution will be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £13,222.33. Payment should be made before the development commences. CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.*

*In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, CAPICS would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.*

*The terms set out above are those that CAPICS deem appropriate having regard to the formulated needs arising from the development. CAPICS are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.*

#### 3.2 Cambridgeshire County Council Highways

Advice was sought in relation to local resident comments:



*I can confirm the highway encroachment along the frontage of no. 81. The first 3.5m (approximately) back from the carriageway edge is highway, meaning the public have a right to pass and repass over the land. It is not possible to claim adverse possession of the highway so to put it bluntly, once a highway, always a highway unless formally stopped up.*

*The property boundary will therefore need to be moved to facilitate the highway works, should they be permitted. Encroachment is a matter for the County's enforcement team, but they are extremely busy and must deal with matters in order of urgency. In reality, the encroachment will be addressed as part of any S278 process.*

*Regarding the turning area outside no. 84. This would be replaced by turning heads within the development. The neighbour concern regarding loss of turning could be dealt with by a condition stating that turning provision (as per approved plans) must be constructed and made available for use, prior to first occupation of the site. If this isn't acceptable to the applicant, space is available for a turning head midway along the access road.*

### **3.3 Cambridgeshire County Council Highways**

*The access proposals along West Street, as shown on the drawing 21159-100 Revision P3, are acceptable in principle. The applicant has re-positioned the proposed footway to the east side of the carriageway where it can be constructed within near level highway verge, thus avoiding the constraint of existing property accesses on the west side and associated level differences.*

*The applicant has also indicated that the new carriageway and footway construction will be drained via gullies which connect into an AWS system. This is acceptable to the LHA, subject to Anglian Water acceptance. Should a new length of highway drain be required, it will need to be constructed within the carriageway and not offline as shown. However, this is a detail which can be addressed in agreements post planning.*

*Since previous correspondence, the applicant has contacted the Authority to enquire about the possibility of adopting unregistered land via Section 228 of the Highways Act 1980. The unregistered land is required to form the access beyond no. 88 West Street, and also part of the proposed residential parcels. However, as this land is already a highway (Byway), Section 228 cannot be utilised.*

*The Authority can only grant consent for works within the Highway but as the Byway (Chatteris no. 22) has no legally defined width, a Definitive Map Modification Order is first needed. A DMMO will provide an extent of the Byway, but the applicant has been advised that if CCC were to undertake a DMMO, based on current waiting lists this would reasonably take 2-3 years minimum and then the outcomes cannot be guaranteed. The applicant is in dialogue with CCC's Rights of Way team to progress the DMMO.*

*Until such time as the DMMO is complete, it is unclear if the access can be constructed within the extents of public highway or if third party (likely unregistered land) is also needed. The potential interaction between the S278 and S228 may be complex, and I cannot comment on its acceptability or viability until the DMMO is first complete. It is therefore possible that if the application were permitted, it would not be possible to implement the works or at least probable that they could not be carried out within a standard three-year time limit.*

*My recommendation is that determination of the application is deferred for the time being until more information is available.*

*The Construction Management Plan provided does not provide sufficient comfort that the highway will be safeguarded during construction. A copy of CCC's standard recommended construction traffic management plan will be provided separately for the applicant's consideration.*

*Otherwise, the layout is acceptable.*

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

*Please read the above in consultation with the response from the County's Definitive Map Officer.*

### **3.4 Cambridgeshire County Council Definitive Map Team**

*I am writing in response to the revised proposals on the above application to erect 22 x dwellings (4 x 2-storey 2-bed, 15 x 2-storey 3-bed & 3 x 2-storey 4-bed) with associated parking and landscaping, and the formation of attenuation ponds, involving the demolition of existing buildings | Land South Of 88 West Street Chatteris Cambridgeshire.*

*This definitive Map Team previously responded to this application before revisions, on the 15<sup>th</sup> of July, 2022.*

*The proposed site contains Public Byway No. 22, Chatteris running through the west-side which is proposed to provide vehicular access. Also Public Footpath 4, Chatteris, runs along the southern boundary of the site. To view the location of the footpath please view our interactive map online, which can be found at [My Cambridgeshire](#).*

*The proposed site also contains the incentive to construct a new public footpath to the west of the site, starting north from Public Footpath 4, Chatteris, and running to the access road to plots 1-11. Cambridge County Council does not seek to take this on as a public footpath, as it does not benefit the public sufficiently to pass the threshold of Cambridgeshire County Council's Non-motorised User adoption criteria. The path does not add to any missing link to a wider network, and whilst it does create a circular path, it would be of service to only a small number of residents, which does not make it viable to be maintained at CCC's expense.*

- West Street Chatteris is a Byway (Chatteris no. 22) and as such we cannot enter into a Section 228 for something which is already highway.*
- Usually, once planning permission is granted, you would enter into a Section 278 Agreement to make any alterations to the highway. However, because Byway 22 does not have a legally defined or recorded width, in absence of a defined extent, such an Agreement cannot proceed.*
- Therefore, you will need to apply for a Definitive Map Modification Order (DMMO). Due to the backlog of applications, this is forecast to take a minimum of 2-3 years from the date that an application is received.*

- *Once the DMMO is complete and a boundary established, it could be possible to enter into a S278 Agreement for the works within the boundary only. If the boundary is not the full available width, we cannot permit works outside the Byway.*
- *Any such works outside the Byway extent would be at your own risk, which may lead to further discussion about the of S228 with Highways Development.*
- *The developer will need to obtain consent from the owner of the subsoil underneath the byway to satisfy CCC that they have appropriate legal authority to undertake works below the existing depth of the highway.*

*Boundary Treatment Plan 6343/PL08F shows proposed fencing along the southern border of the site running adjacent to Public Footpath 4, Chatteris. Where fencing is proposed adjacent to a Public Right of Way, we consider this by reference to the County Council's guidance which can be found in 'Public Rights of Way' – Guidance for Planners and Developers' at [www.cambridgeshire.gov.uk/definitivemap](http://www.cambridgeshire.gov.uk/definitivemap). Where a fence is proposed adjacent to a Prow, the Highway Authority would require an offset distance of 0.5 metres. This requirement is to ensure the Highway Authority can access the public footpath with appropriate machinery and to ensure that any future hedge or natural vegetation growth does not encroach on the public's ability to use the public footpath.*

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

- *Public Byway 22, and public footpath 4, Chatteris must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- *No alteration to the surface of the Public Byway or Public Footpath 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).*
- *Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- *The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*
- *Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them*
- *The applicant will be required to meet the costs of any new or amended signage that may be required as a result of any legal changes to the Public Rights of Way network.*
- *The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with*

*private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.*

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

### **3.6 Anglian Water**

*We have reviewed the submitted documents and we can confirm we have no additional comments to add to our previous response PLN-0145004.*

### **3.7 Cambridgeshire Fire and Rescue**

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

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

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

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

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

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

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

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

### **3.8 Wildlife Officer (FDC)**

*Recommendations:*

*No further recommendations in addition to those given on the 9<sup>th</sup> of May 2022*

*Assessment/Comment:*

*After considering the modifications to the proposal and the additional Ecological Impact Statement I do not have any additional conditions to add to those given on the 9<sup>th</sup> of May.*

*I do note however that compensations and mitigations made within the Preliminary Ecological Appraisal and the EcIS have not been included within the landscaping documentation and that no updated landscaping documentation has been submitted with this revision.*

*The Landscaping documentation will need to be updated to account for the new hedging and reptile hibernacula recommended within the EcIS.*

### **3.9 Arboricultural Officer (FDC)**

*I have reviewed the arboricultural report submitted in support of the changes to the location of the footpath and agree with the assessment and conclusions.*

*The use of a no-dig construction, as shown in Appendix 1 of the report and use of a porous wearing surface would have minimal impact on the root systems of the trees.*

*The verge will need to be protected from compaction damage by the use of fencing and/or ground protection.*

*The preparation and construction of the no-dig footpath will require arboricultural supervision to ensure the methodology is adhered to.*

### **3.10 Designing Out Crime Team**

*Gate - Plot 21 – Please confirm if there will be a gate at the entrance to the side footpath. This gate will need to be lockable from both sides and be positioned as close to the front building line as possible.*

*Cycle Storage – will any of the plots without a garage be provided with cycle storage, such as a shed in the rear garden.*

### **3.11 Environmental Health (FDC)**

*I note the submission of the Eddisons Construction Management Plan (CMP) which states the following associated with noise:*

*“No construction work or deliveries to take place outside the hours 0730 to 1900 Monday to Fridays and 0800 to 1300 on Saturdays and at no times on Sundays or Bank Holidays without prior agreement of Local Planning Authority”*

*This deviates from the following comments provided by this service on 9<sup>th</sup> May 2022;*

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

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

*Reason – To protect the amenity of nearby residents*

*Given the scale of the development and reasoning mentioned, I believe an 08:00hrs start and 18:00hrs finish Monday to Friday is suitable and sufficient and do not accept the timings proposed in the CMP, which increase the risk of adversely impacting on the amenity of the nearest residential properties. I therefore welcome a resubmission that is in line with the times previously recommended by this service.*

*I would also recommend that a form of water suppression is available for prolonged dry conditions to reduce dust emissions (e.g. mobile bowsers or fixed sprayers as appropriate). A water suppression contingency plan should be included detailing water supply to site and what equipment will be kept available (e.g. number and size of bowsers, sprinklers, mist canons etc.)*

### **3.12 Town Council**

*Chatteris Town Council continues to support the application.*

### **3.13 Environment Agency**

*Thank you for your consultation dated 06 October 2022. We have reviewed the newly submitted documents and have no objection. The comments in our previous letter dated 13 May 2022 and referenced AC/2022/131047/01-L01 remain valid.*

### **3.14 Cambridgeshire County Council Lead Local Flood Authority**

By way of background, at the time when the Committee considered the application originally the submitted surface water proposal was acceptable to the LLFA. As a consequence of revisions to the scheme since the committee meeting the surface water proposal also changed. At this moment in time there is an LLFA objection as follows (but the LLFA are currently reviewing a further revision to the surface water proposal and an update will be given at the meeting):

#### *1. Basin Details*

*Within the most recent drainage layout for the site, it appears that the adoptable basin has been altered in size and appearance. These changes may negatively impact the capacity of the basin, and therefore the performance of the drainage system. This altered capacity may increase the flood risk within the development. Due to this potential increase in flood risk, the LLFA requires that up-to-date details of the basin are supplied. Hydraulic calculations are also required that reflect the design of the drainage system with this updated basin size.*

*Hydraulic calculations should demonstrate the performance of the drainage system with regards to discharge rates, attenuation volumes, and peak discharge volumes for rainfall events up to and including the 1% AEP event +40% climate change. There should be no surcharging in the 100% AEP storm and no water outside the system within the 3.3% AEP storm event. If there is any exceedance within the 1% AEP storm + 40% allowance for climate change, this must be managed within the red line boundary without increasing the risk of flooding to any surrounding land or property. Finished floor levels of any properties near exceedance routes should be raised to 300mm above surrounding ground levels to protect them from internal flooding.*

#### *Informatives*

##### *Shared Access*

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

##### *IDB Consent*

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

##### *Pollution Control*

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

A verbal update will be given at the committee meeting.

### **3.15 Local Residents/Interested Parties**

3 objections have been received (all from Fairview Avenue, Chatteris), in relation to the following:

- Chatteris currently has inadequate infrastructure (doctors etc)
- Surrounding streets are narrow and blocked by parked cars
- Local people would not be able to afford dwellings
- Site is home to wildlife and should be protected

- The existing company on site do not wish to move, will only do so if the application is approved and do not currently have another premises
- The site falls within Middle Level Commissioners catchment, however no comments have been received.
- There is a passing area on West Street outside No.s 84 and 86 and the tarmac area is over 7m, the proposal is for a 5m wide road and 1.8m high footpath, the latest solution continues to be impractical and potentially dangerous.
- Neither the current or emerging local plan identify the area for housing development
- The revised plan still shows a query over potential highway encroachment at the boundary of 81 West Street
- The requested landscaping document remains outstanding

#### **4. POLICY FRAMEWORK**

##### **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local 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
- LP8 – Amenity Provision
- LP11 – Community Safety
- LP12 – Meeting Housing Needs
- LP18 – Development in the Countryside
- LP20 – Accessibility and Transport
- LP22 – Parking Provision
- LP24 – Natural Environment
- LP27 – Trees and Planting
- LP28 – Landscape
- LP31 – Open Space and Recreational Facilities
- LP32 – Flood and Water Management
- LP33 – Development on land affected by contamination
- LP46 – Residential site allocations in Chatteris

#### **5. ASSESSMENT AND CONCLUSIONS**

##### **Principle of Development**

- 5.1 Since the application was last referred to Planning Committee the Draft Fenland Local Plan (2022) was published for consultation. Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies Chatteris as a Market Town; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement. LP46 defines residential site allocations in Chatteris, this site does not have such an



allocation. As such, the principle of development is not supported by the emerging local plan.

### **Employment**

- 5.2 Information submitted with the application in relation to the relocation of the existing business has been queried by local residents. In response, further details have been provided which state that the buildings are in a poor, unsafe condition, contain asbestos and now unsuitable for further use. It is also advised that D & M Engineering would benefit from the sale of the site with new, safer premises. It remains that on balance, the redevelopment of this area of the site for housing may be appropriate.

### **Plots 1-3**

- 5.3 The design and siting of plot 1 has been amended to reduce the overall height from 8.6m to 7.9m with windows set in the roof, and to reduce the height of the garage from 6.75m to 3.75m by amending the design to mono-pitched.
- 5.4 The dwelling on plot 1 has also been set back further within the site in line with the rear of 88 West Street and plots 2 and 3 have also been set back as a result.
- 5.5 Whilst it is acknowledged that the amendments to this plot does provide some transition between the existing single-storey dwelling at 88 West Street and the full 2-storey dwelling proposed on plot 2, this is not considered to mitigate the significant detrimental impact on the visual amenity and character of the area of introducing development at odds with the scale and density of the edge of settlement location.
- 5.6 The re-design of plot 1 is considered to reduce the impact on the conservatory serving 88 West Street, it is still acknowledged that the dwelling will experience additional overshadowing, loss of light and outlook. No additional information has been submitted in relation to alterations to land levels and as such insufficient information has been submitted to enable an assessment of the impact on No.88 from alterations to land levels and therefore the potential for overlooking and suitability of boundary treatments.
- 5.7 The revised siting has resulted in a slightly worsened relationship between plots 1-3 and 4-7 and necessitated a revision to the boundary treatments with plot 1/No.88, full details of which could be dealt with by way of a notwithstanding condition as was previously proposed.

### **Construction Management Plan (CMP)**

- 5.8 Environmental Health do not accept the timings proposed in the CMP and also recommend a form of water suppression is incorporated.
- 5.9 The LHA has advised that the CMP does not provide sufficient comfort that the highway will be safeguarded during construction.
- 5.10 The applicant's agent has been made aware of these comments and has requested that the CMP is made the subject of a condition.

### **Developer Contributions**

- 5.11 The applicant's agent has in her email of 23/9/2022 advised that they would anticipate that the contribution requested by the NHS would be incorporated into the Section 106 and on this basis, it is understood this is accepted.

### **Flood Risk and Drainage**

- 5.12 The surface water drainage scheme was amended in relation to the adoptable basin which impacted on its capacity and therefore the performance of the drainage system, which may increase the flood risk of the site and resulted in the Lead Local Flood Authority (LLFA) raising an objection on this basis.
- 5.13 Revised details have since been submitted and re-consulted upon; it is understood that in principle the LLFA can remove their objection, however, to date a full consultation response has not been received. Updated LLFA comments will be made available by way of an update to the Committee.

### **Highways**

- 5.14 Cambridgeshire County Council Definitive Map Team have confirmed that their records show the Byway to be used for the upgraded access to the site does not have a legally defined width, and that this stance would remain until such time that a Definitive Map Modification Order (DMMO) investigation for the route is completed (which may take 2-3 years due to current waiting lists).
- 5.15 The LHA advise that the access proposals along West Street are acceptable in principle. However, state that until a DMMO is complete it is unclear if the access can be constructed within the extents of public highway, or if third party land is also needed and that the legislative requirements are complex, and as such they cannot comment on acceptability until a DMMO has been completed.
- 5.16 Hence, at this stage, and whilst acknowledging that land ownership issues are not ordinarily planning considerations, it has not been demonstrated that an acceptable access to the site can be secured. It is also not considered reasonable to impose a condition in this regard, given that the timescales may not be achievable during the life of a permission. Such a condition would need to be pre-commencement, to ensure that development is not undertaken without an adequate access being secured.
- 5.17 Other highways issues that have been raised are in respect of the extent of the highway alongside 81 West Street and the loss of the turning area opposite 86 West Street. The LHA have confirmed that the highway does extend in front of No.81 and as such there are no issues regarding a footpath in this location. They have also advised that the turning area would be replaced by the turning within the development, and that this, and the timescale for its implementation could be secured by way of a condition. It is acknowledged that there may be disruption for a limited period during construction however interim measures could be secured by condition should the application be successful.

### **Trees and Ecology**

- 5.18 The application has been accompanied by an Ecological Impact Statement in relation to the revised works to West Street and impact thereon. The Wildlife Officer has reviewed the information submitted and has no additional recommendations, as whilst it is acknowledged that the compensations and mitigations indicated have not been incorporated within the submitted details, these would be achieved by the conditions previously recommended.
- 5.19 The Council's Arboricultural Officer has reviewed the arboricultural report submitted in relation to the changes to the location of the footpath and agrees

with the assessment and conclusions. Recommendations made can be secured by way of condition.

### Conclusion

- 5.20 The additional information submitted does not alter or overcome the previously asserted failure to comply with the relevant policies and as such the conclusions and recommendations in Appendix A remain unchanged and, notwithstanding the view expressed by Members previously, the Officer recommendation for refusal on these grounds remains.

## 6. RECOMMENDATION

**Whilst noting that Planning Committee did not accept refusal reasons 1, and 2 Officers have included them (in slightly amended form) in order to be consistent with our previous recommendation.**

**Refuse for the following reasons:**

1.	<p>Policy LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments SPD 2014 and paras 124(d) and 130 of the NPPF 2021 seek to ensure that developments make a positive contribution to the local distinctiveness and character of the area, responding to the local built environment and do not adversely impact on the streetscene, settlement pattern or landscape character of the surrounding area.</p> <p>The site is considered to have a rural character which relates more to the surrounding countryside than the built-up form of development. The dense, estate type development as proposed is not considered to respect the form and character of the area and would result in an in-depth encroachment into the open countryside. Furthermore, the scale of the dwellings proposed and juxtaposition with the existing single-storey dwellings is considered to have a significant detrimental impact on the visual amenity and character of the area and insufficient information has been submitted to assess the height of the development in relation to Fairview Avenue. As such, the proposal is contrary to the aforementioned policies.</p>
2	<p>Policy LP2 and LP16 of the Fenland Local Plan 2014 and para 130 of the NPPF 2021 seek to promote high levels of residential amenity and ensure developments do not have an adverse impact on neighbouring users.</p> <p>Insufficient information has been submitted to enable the impact of the proposed development, in relation to alterations to land levels, on the residential amenity of 88 West Street to be assessed. As such it has not been demonstrated that there would not be a significant detrimental impact, contrary to the aforementioned policies.</p>
3	<p>Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 which seek to achieve a safe, suitable and sustainable access for all users.</p> <p>The legal width of the Byway is unknown and as such there is no</p>

	guarantee that it could be improved as indicated. As such, it has not been demonstrated that a well-designed, safe and sustainable access can be achieved, contrary to the aforementioned policies.
4	A surface water drainage reason for refusal will be presented verbally at committee if the LLFA confirms its continued objection to the scheme.

F/YR22/0381/F

**Applicant: Urban Developments  
Peterborough Ltd**

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

**Land South Of 88, West Street, Chatteris, Cambridgeshire**

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

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

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

1.6 The applicant's agent has informally agreed developer contributions, however it should be noted that these are far in excess of that which the Local Plan Viability Assessment sets out can be achieved in this area, as such there is potential for this to be reduced at a later date, on the grounds of viability. Therefore, without sufficient evidence, the acceptability of the development should not rely upon the provision of the planning gain put forward.

## **2 SITE DESCRIPTION**

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

## **3 PROPOSAL**

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

WC at ground floor level and 2 bedrooms and bathroom at first floor level for each unit.

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

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

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

#### **4 SITE PLANNING HISTORY AND BACKGROUND**

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

#### **5 CONSULTATIONS**

##### **5.1 Arboricultural Officer (FDC)**

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

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

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

*The protection measures can be conditioned.*

##### **5.2 NHS Primary Care Team**

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

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

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

*In addition:*

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

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

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

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

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

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

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

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

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



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

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

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

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

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

*Conditions*

*Binder Course: Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on 6343/PL01/F*

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

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

*Wheel Wash Facilities: Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that*

vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.

*Off-Site Highway Works:* No development shall take place until details of works to West Street access (including a carriageway of at least 5m, a 1.8m footway on the east side of the carriageway and a drainage strategy) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.

#### *Informatives*

##### *Works in the Public Highway*

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

## **5.6 Environment Agency**

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

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

#### *Review of the FRA*

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

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

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

*Given the location of the proposed development over 6km from the nearest designated main river, we have no objection to the proposed development on flood risk grounds. However we strongly recommend that the Middle Level Commissioners should be consulted with regard to flood risk associated with their*

*watercourses and surface water drainage proposals. As this application is for a major development, the Lead Local Flood Authority should also be consulted with regard to surface water drainage issues.*

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

#### *Advice for the Applicant*

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

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

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

*Please forward a copy of this letter to the applicant.*

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

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

*Having looked at the DAS there doesn't appear to be a crime prevention or security section in the (DAS). Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

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

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

*Lighting – It would be good to see a full External lighting plan (adoptable and private) including calculations and lux levels when available. For the safety of people and their property our recommendation is that all adopted and un-adopted roads, private, shared drives and parking areas should be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn bulkhead LED lights.*

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

*Footpaths – Whilst I understand the Health and Wellbeing agenda is designed to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. There is a fine balance between this and vulnerability for crime, I am mindful that the public footpath to the rear of the plots mentioned above on this small development, that could provide easy egress for potential criminals. Footpaths should be straight with clear visibility, the landscaping along these paths should be maintained, trees the crowns should be raised to 2m. The footpath should be lit by columns to BS5489-1:2020 and care should be taken not to place columns within 5m of trees to reduce conflict and damage. A solution could be defensible planting to the rear fence line and the relocation of the public footpath to the far side of the suds.*

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

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

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

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

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

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

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

*Lighting – The lighting plan appears to be acceptable.*

*Please can you confirm the following.*

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

#### **5.8 Town Council**

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

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

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

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

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

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

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

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

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

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

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

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

The LLFA object to the application.

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

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

*Thank you for your re-consultation which we received on 4th July 2022.*

*We have reviewed the following documents:*

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

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

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

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

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

*Although hydraulic calculations predict that that flooding will occur in the 1% AEP (Annual Exceedance Probability) rainfall event +40% climate change. However it is shown that the flood volume is less than 5m<sup>3</sup> and therefore the LLFA does not object to this application.*

*We request the following conditions are imposed:*

### *Condition 1*

*No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.*

*The scheme shall be based upon the principles within the agreed documents listed below:*

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

*and shall also include:*

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

#### *Reason*

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

#### *Condition 2*

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

#### *Reason*

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



## *Informatives*

### *Shared Access*

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

### *IDB Consent*

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

*<https://middlelevel.gov.uk/>*

### *Pollution Control*

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

## **5.12 Anglian Water (12/4/2022)**

### *Section 1 - Assets Affected*

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

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

## **WASTEWATER SERVICES**

### *Section 2 - Wastewater Treatment*

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

### *Section 3 - Used Water Network*

*This response has been based on the following submitted documents: Drainage Strategy Plan. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.*

*1.INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. 2.INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. 3.INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. 4.INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. 5.INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.*

### *Section 4 - Surface Water Disposal*

*The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system*

*meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.*

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

#### **5.13 Anglian Water (10/6/2022)**

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

#### **5.14 Cambridgeshire Fire and Rescue**

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

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

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

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

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

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

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

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

#### **5.15 Housing Strategy (FDC)**

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

## Fenland Local Plan Policy LP5 Requirements

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

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

*Since this planning application proposes the provision of 22 number of dwellings, our policy seeks to secure a contribution of 6 affordable dwellings in this instance. I note in the documentation supplied with this application that these number of affordable homes are proposed.*

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

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

*I support the above mix.*

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

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

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

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

*Accordingly, Fenland's revised approach is to agree that sites that yield less than*

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

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

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

#### **5.16 Wildlife Officer (FDC) (9/5/2022)**

*Recommendation:*

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

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

*Pre-commencement Condition(s) -*

- *The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Preliminary Ecological Appraisal and Reptile Survey (Greenlight Environmental Consultancy, 2021) which details the methods for maintaining the conservation status various protected species, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.*

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

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

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

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

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

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

*-Boundary treatments.*

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

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

*Compliance Condition(s) -*

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

*Assessment/Comment:*

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

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

*Planning Policies/Legislation:*

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

- *the Wildlife and Countryside Act 1981 (as amended)*
- *the Hedgerows Regulations 1997*

- *the Conservation of Habitats & Species Regulations 2017 (The Habitats Regulations)*
- *the Protection of Badgers Act 1992 and*
- *Wild Mammals (Protection) Act 1996*

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

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

*Government Circular ODPM 06/2005 Biodiversity & Geological Conservation:*

*The advice given above takes into account the following guidance:*

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

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

*The biodiversity policies relevant to the proposal are:*

*LP19 – The Natural Environment:*

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

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

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

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

*Recommendations:*

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

*Assessment/Comment:*

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

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

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

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

- The applicant has demonstrated that all appropriate compensation can be achieved regarding breeding birds including the recommended Skylark plots.*
- I have reviewed the lighting plan, while it appears acceptable this conclusion is only reached through extrapolation as the lighting plan only shows how the lights will illuminate the road and not the wider landscape. It is important that drain in particular is not lit, if required I would support requesting a new lighting plan that demonstrates that the light spill will not reach the drain and as much ecological habitat is not lit as possible. The lighting specification should also demonstrate alignment with the Bats and artificial lighting guidance note (2018).*
- In relation to the neighbour responses, I believe that the PEA has investigated all ecological constraints to the site to the necessary level of detail. Of note however is the reports of Great Crested Newts within the vicinity of the development. I am comfortable that Greenlight Environmental Consultancy Ltd. assessed the*



*surrounding landscape for ponds to a suitable level of due diligence and surveyed those ponds correctly using a Habitat Suitability Index methodology, which can be completed at any time of year. However information that has been provided that a pond with a known population of Great Crested Newts within it cannot be ignored. Thankfully a Garden pond is unlikely to contain a large population of Great Crested Newts and the mitigation in place already for reptiles is similar to the mitigation that would have been put in place regarding the Great Crested Newts. The habitat being removed is only a small area of grassland with low suitability to be used by Great Crested Newts. The wider environment contains suitable alternative habitat until the compensation habitat is established.*

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

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

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

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

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

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

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

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

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

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

*The presence of asbestos is acknowledged and this must therefore be addressed and removed by an appropriately licensed contractor. An Asbestos Removal Work Plan should be submitted to and approved by Fenland District Council, before any work commences in the event that planning permission is granted.*

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

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

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

*Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites may also be relevant, as would details of any piling construction methods / options, as appropriate.*

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

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

*Reason – To protect the amenity of nearby residents*

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

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

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

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

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

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

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

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

#### **Limitation of illumination on surrounding premises**

Light intrusion / nuisance

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

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

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

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

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

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

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

### 5.23 Local Residents/Interested Parties

#### Objectors

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

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

## **Supporters**

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

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

## **Representations**

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

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

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

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

### **National Design Guide 2021**

Context - C1

Identity – I1, I2

Built Form – B2

Movement – M3

Nature – N1, N2, N3

Public Spaces – P2

Homes and Buildings – H2, H3

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP6 – Employment, Tourism, Community Facilities and Retail

LP10 – Chatteris

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

### **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM2 – Natural Features and Landscaping Schemes

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

DM4 – Waste and Recycling Facilities

### **Developer Contributions SPD 2015**

### **Fenland Infrastructure Delivery Plan 2016**

### **Cambridgeshire Flood and Water SPD 2016**

## **8 KEY ISSUES**

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

## **9 ASSESSMENT**

### **Principle of Development**

9.1 Chatteris is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 of the Fenland Local Plan 2014 as the focus for housing growth. The proposal is for 22 dwellings, which for the purposes of Policy LP4 is a small scale (less than 250 dwellings) housing proposal. Therefore, in the broad terms set out in these policies, the proposal would be acceptable. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways, flood risk or ecology.

9.2 The Council's Cabinet agreed to approve the emerging Draft Local Plan for consultation at their meeting on 13<sup>th</sup> June 2022, however to date this consultation has not commenced.

9.3 Para 48 of the NPPF 2021 states the following:

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

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

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

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

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

### **Employment**

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

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

- 9.7 This area of West Street features a linear development of 5 detached, single-storey dwellings on good sized plots with views of the open countryside beyond afforded between dwellings. The properties on Fairview Avenue to the east are a mix of 2-storey and single-storey dwellings, with single-storey dwellings south and gardens with ancillary buildings to the west separating the main built form from the open countryside. There are then 2 large detached properties on substantial plots to the south of the Fairview estate off the Blackmill Road Byway, hence there is a looser knit, more spacious form of development as the settlement is exited marking the transition between the town and the countryside.
- 9.8 The West Street properties are served by an adopted highway up until the southern boundary of No.88 and this then becomes a byway of tarmac construction which is in poor repair and then becomes a narrower gravelled track with grass verge linking to a public footpath which leads to Little Acre Fen Pocket Park and there is also a Bridleway to the west of the site, hence the area is prominently visible by users of the rights of way around the site.
- 9.9 Policy LP16 concerns the delivery and protection of high-quality environments across the district. Proposals for all new development shall meet the criteria set out in this policy. Criteria (d) states:

*makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.*

- 9.10 This is supported by Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014. Criteria (d) of which states:

*the character of the landscape, local built environment and settlement pattern inform the layout, density, proportions, scale, orientation, materials and features (including boundary treatment) of the proposed development, which should aim to improve and reinforce positive features of local identity;*

- 9.11 The site is considered to have a rural character which relates more to the surrounding countryside than the built-up form of development, the level of the site steps down to the countryside beyond and forms a buffer between this and the built form of the settlement. As such a dense, estate type development as proposed is not considered to respect the form and character of the area and would result in an in-depth encroachment into the open countryside, contrary to the aforementioned policies.
- 9.12 The application proposes 2-storey development at between 8.6m and 9m in height, compared with the single-storey dwelling of 88 West Street (as can be seen on the submitted street scene) and the 2-storey dwellings on Fairview Avenue at around 7.2m in height (measurement taken from application F/YR21/1508/F) which it would be seen against. Insufficient information has been submitted to fully assess the height differential in relation to Fairview Crescent, as it is acknowledged that there may be a difference in land level. However without full details in relation to this the impact on visual amenity cannot be ascertained. It is acknowledged that a lower garage element is proposed closest to No.88, however this is still approximately 6.7m high and is not considered to mitigate the significant detrimental impact on the visual amenity and character of the area of introducing development at odds with the scale and density of the edge of settlement location.
- 9.13 The proposed dwellings are of a design of a similar vein to the 2-storey dwellings on Fairview Avenue though of a more modern appearance and the materials proposed are as follows:

Plots 1-11

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

Plots 12-22

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

- 9.14 The properties on Fairview Avenue are mix of buff, gold and red brick with grey pantile roofs. The properties along West Street closest to the site are constructed in red brick with grey tile roofs. Given the variety of materials in the area those proposed are considered to be acceptable.



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

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

- 9.17 The proposed dwellings have approximately 1/3 of the plot (or in excess of) for private amenity space in accordance with Policy LP16 (h) and the relationships between dwellings is considered acceptable, albeit it is noted that the distance between the dwellings on plots 9-10 and garden to plot 12 as less than ideal.
- 9.18 A condition will be required to ensure windows which have the potential for direct overlooking remain obscure glazed (these serve en-suites) and fixed shut to a height of 1.7m above floor level. Permitted development rights will be removed given the constrained nature of the plots and height of the roofs providing potential for additional accommodation and therefore additional overlooking.
- 9.19 The properties on Fairview Avenue will experience a change in outlook and some loss of privacy as a result of the development, however the distances are such that this would not be considered significantly detrimental to their residential amenity.
- 9.20 Of concern however is the impact of the proposal on 88 West Street to the north, the garage to plot 1 is approximately 6.5m from the conservatory serving No.88 and as a result will experience additional overshadowing, loss of light and outlook. It is acknowledged that the existing buildings would create some impact, however these are set further west away from the dwelling. Furthermore, insufficient information has been submitted to enable an assessment of the impact from alterations to land levels and therefore the potential for overlooking and suitability of boundary treatments. The site currently appears to be the same level as that of No.88 any increase in levels provides potential for additional impact in relation to privacy and outlook, and it is currently unclear whether the land would be graded down to the existing land level at No.88. As such there is potential for significant detrimental impacts on the residential amenity of this dwelling.
- 9.21 Para 92 of the NPPF and Policy LP2 of the Fenland Local Plan seek to ensure that developments aim to achieve healthy, inclusive and safe places. The application is accompanied by a Health Impact Assessment which sets out how the development seeks to achieve this.
- 9.22 The affordable housing is integrated within the development and of a consistent design, promoting social cohesion. An area of open space is provided within the site, which also incorporates drainage attenuation features and a footpath is provided though the site linking with the Little Acre Fen Drove public footpath which formalises the existing arrangement.

- 9.23 The Designing Out Crime Team consider that the layout provides a reasonable level of natural surveillance and that pedestrian and vehicle routes are aligned together and well overlooked. Concerns were raised regarding the position of the footpath link and this has since be redesigned to provide an acceptable solution. An external lighting scheme has been provided, incorporating column lighting which is acceptable to the Designing Out Crime Team in relation to community safety and the Environmental Health team in respect of residential amenity. Comments were also made in respect of the external access through the terraced building to the rear garden of Plot 21 and a condition can be imposed to ensure that a suitable security solution in this regarding can be achieved. Concerns have been raised by local residents that the proposal will result in additional anti-social behaviour, there is no evidence this would be the case and concerns have not been raised by the Designing Out Crime Team in this regard.
- 9.24 Information submitted with the application evidences that a refuse vehicle can enter and turn within the site for collection and a suitable bin collection area is detailed near the turning head to serve Plots 4-6 as these are accessed via a private drive.
- 9.25 The Fire Authority have requested adequate provision be made for fire hydrants and the applicant will be made aware of this requirement by way of an informative.
- 9.26 The application is accompanied by a Phase I Desk Study Report which advises that a Phase 2 intrusive ground investigation is necessary and Environmental Health have recommended a condition in this regard to ensure any necessary remediation is undertaken.
- 9.27 It has been noted that there is asbestos on site and a condition has been recommended to secure a scheme for its safe removal. This process would need to be undertaken by a licensed contractor under current Health and Safety Executive (HSE) requirements. In this regard, this aspect would be controlled through a regulatory regime outside of the planning system. Notwithstanding this, it would be prudent to insert an informative on any grant of planning permission for this scheme alerting the developer to the need to observe HSE requirements.
- 9.28 In order to protect the amenity of surrounding dwellings during construction a construction management plan can be secured by way of a condition.

### **Parking and Highways**

- 9.29 Information submitted with the application advises that the estate roads would be adoptable, and Highways are content that the internal layout is acceptable. Two parking spaces are provided for each property in accordance with the provision required by Policy LP15 and appendix A. Garages to plot 1-3 measure 3m x 7m internally and are therefore adequate to be considered the third parking space required for these larger dwellings.
- 9.30 The scheme does not incorporate any cycle parking, however each property is afforded a private garden with external access, hence there is opportunity for secure external storage should future residents require it.
- 9.31 The proposal seeks to upgrade West Street and Public Byway No.22 to an adoptable standard, widened to 5.5m, the provision of a footpath on the western side and installation of traffic calming measures.

- 9.32 Comments have been made by the Definitive Map Team at County Council regarding the ownership of the subsoil and the legal width of the Byway, advising that as the dimensions are unknown there is no guarantee that the Byway could be improved as indicated.
- 9.33 Furthermore, the LHA have advised that the footpath on the western side of the adopted section of West Street would not be feasible due to land levels and the traffic calming measures would be subject to consultation and therefore may not be achievable.
- 9.34 Concerns have also been raised regarding the drainage of the widened access as this is not incorporated within the drainage strategy; the existing highway drains into the adjacent soft verge, by including a footpath with a kerb removes this option and widening the road increases the impermeable area, as such no suitable drainage scheme for the upgrade of the adopted section of highway has been put forward.
- 9.35 The LHA have advised that a footway on the eastern side of West Street could be accommodated and dealt with by way of a condition and it is recommended that the traffic calming measures are removed, however the submitted plan would need to be updated to avoid any ambiguity.
- 9.36 The applicant's agent has been made aware of these issues, however, wishes to continue to determination with a condition in respect of these details. Planning Practice Guidance: Paragraph: 012 Reference ID: 21a-012-20140306 advises that *it may be possible for the LPA to impose a condition making a minor (officer underlining) modification to the development permitted. It would not be appropriate to modify the development in a way that makes it substantially different from that set out in the application.* Para 56 of the NPPF 2021 sets out the 6 tests that are required to be satisfied in order to impose a condition, the final one of which is reasonableness.
- 9.37 The delivery of a suitable access is integral to the acceptability of this development given the nature of this section of West Street and the Byway as existing. To condition an alternative scheme is not considered minor in the context of the development, and would be unreasonable given that it departs from the submitted details and would seek amendments which may not be acceptable, achievable or deliverable.
- 9.38 Furthermore, there are also concerns regarding drainage and that due to the vegetation and trees on the eastern side of West Street, there could be arboricultural and ecological implications, and potentially other knock on implications that have not been considered. To impose a condition in this regard would also not enable local residents to be made aware of or consulted upon the revised scheme as this is not a requirement when discharging conditions.
- 9.39 As such, it has not been demonstrated that a well-designed, safe and sustainable access can be achieved for all users, contrary to Policy LP2 and LP15 of the Fenland Local Plan 2014.

#### **Developer Contributions**

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

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

9.42 Cambridgeshire County Council Developer Contributions are as follows:

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

9.43 The applicant's agent has informally agreed to the above contributions, however this would be subject to a S106 legal agreement should the application be successful.

9.44 In addition to the above the Developer Contributions SPD 2015 sets out that 22% of a development site area should make provision for open space. In this case due to the size of the site this would usually be an off-site contribution, however due to the constraints of the site an area of open space is provided on site, this is in excess of 22% though its usability is reduced due to the presence of drainage attenuation features, however it does provide some benefit/provision and due to the level of contributions put forward Officers are not seeking anything further in this regard.

9.45 Local Plan & CIL Viability Assessment sets out that for this area 20% affordable housing provision and £2000 per plot for S106 contributions can be achieved, in this case in excess of this is being put forward and there is no viability evidence submitted that these contributions would be achievable, as such there is potential for this to be reduced at a later date, on the grounds of viability. Therefore, the

acceptability of the development should not rely upon the provision of the planning gain put forward.

- 9.46 The Town Council have requested that the access to Little Acre Fen Pocket Park is made up to an agreed standard. The enhancement of Little Acre Fen is also referred to within the Fenland Infrastructure Delivery Plan 2016 (Ref: CHATS.2). No costings have been provided for the aforementioned enhancement. The application site currently appears to be being used as an informal access to Little Acre Fen Drove (though it is acknowledged this is private land) and the proposal seeks to provide a footpath link through the site, thereby formalising this arrangement and providing some benefit as a result, as such it is not considered reasonable to request further contributions in this regard, particularly as it is proposed to provide in excess of the required provision.

### **Flood Risk and Drainage**

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

### **Ecology**

- 9.51 The Wildlife Officer considers that the surveys submitted outline that the development can avoid negative impacts on material ecological concerns while maintaining the biodiversity value of the site so long as the recommended mitigation and compensation set out are adhered to. The majority of which can be achieved by way of imposing the recommended conditions, however as the Skylark plots would be located on nearby land, which is not owned by the applicant, these would need to be secured by way of a S106 legal agreement.
- 9.52 An external lighting strategy has been submitted, and whilst this appears acceptable in relation to ecology, this has not been demonstrated, hence further details are required to be secured by condition to ensure external lighting does not have an adverse impact on ecology.

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

- *that the PEA has investigated all ecological constraints to the site to the necessary level of detail. Of note however is the reports of Great Crested Newts within the vicinity of the development. I am comfortable that Greenlight Environmental Consultancy Ltd. assessed the surrounding landscape for ponds to a suitable level of due diligence and surveyed those ponds correctly using a Habitat Suitability Index methodology, which can be completed at any time of year. However information that has been provided that a pond with a known population of Great Crested Newts within it cannot be ignored. Thankfully a Garden pond is unlikely to contain a large population of Great Crested Newts and the mitigation in place already for reptiles is similar to the mitigation that would have been put in place regarding the Great Crested Newts. The habitat being removed is only a small area of grassland with low suitability to be used by Great Crested Newts. The wider environment contains suitable alternative habitat until the compensation habitat is established.*
- *Considering the point above, I believe a precautionary approach with the vegetation removal should be taken and an Ecological Clerk of Works attend the site during the vegetation removal. If any protected species are found, then all works should stop, and advice sought from the site ecologist. A review with the site ecologist of the landscaping should be performed taking into account the potential for a Newt populating and changed to maximise the potential available post works habitat available.*

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

## **10 CONCLUSIONS**

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

10.2 However, the dense, estate type development proposed is not considered to respect the rural form and character of the area and would result in an in-depth encroachment into the open countryside. Furthermore, the scale of the dwellings, in particular in relation to 88 West Street is considered to have a significant detrimental impact on the visual amenity and character of the area

10.3 There are no significant issues in relation to the residential amenity of future residents or the existing dwellings on Fairview Avenue. However, insufficient information has been submitted to enable the impact of the proposed development on the residential amenity of 88 West Street to be fully assessed. As such it has not been demonstrated that there would not be a significant detrimental impact.

10.4 Highways are content that the internal layout is acceptable, and the required parking provision is provided for each property. However, the scheme put forward in respect of the West Street upgrade cannot be feasibly delivered, and as such it has not been demonstrated that a well-designed, safe and sustainable access can be achieved.

10.5 The applicant's agent has informally agreed developer contributions, however it should be noted that these are far in excess of that which the Local Plan Viability Assessment sets out can be achieved in this area, as such there is potential for this to be reduced at a later date, on the grounds of viability. Therefore, without sufficient evidence, the acceptability of the development should not rely upon the provision of the planning gain put forward.

## 11 RECOMMENDATION

### Refuse, for the following reasons:

1.	<p>Policy LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments SPD 2014 and paras 124(d) and 130 of the NPPF 2021 seek to ensure that developments make a positive contribution to the local distinctiveness and character of the area, responding to the local built environment and do not adversely impact on the streetscene, settlement pattern or landscape character of the surrounding area.</p> <p>The site is considered to have a rural character which relates more to the surrounding countryside than the built-up form of development. The dense, estate type development as proposed is not considered to respect the form and character of the area and would result in an in-depth encroachment into the open countryside. Furthermore, the scale of the dwellings proposed and juxtaposition with the existing single-storey dwellings is considered to have a significant detrimental impact on the visual amenity and character of the area and insufficient information has been submitted to assess the height of the development in relation to Fairview Avenue. As such, the proposal is contrary to the aforementioned policies.</p>
2	<p>Policy LP2 and LP16 of the Fenland Local Plan 2014 and para 130 of the NPPF 2021 seek to promote high levels of residential amenity and ensure developments do not have an adverse impact on neighbouring users.</p> <p>Insufficient information has been submitted to enable the impact of the proposed development, in relation to alterations to land levels, on the residential amenity of 88 West Street to be assessed. As such it has not been demonstrated that there would not be a significant detrimental impact, contrary to the aforementioned policies.</p>
3	<p>Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 which seek to achieve a safe, suitable and sustainable access for all users.</p> <p>The legal width of the Byway is unknown and as such there is no guarantee that it could be improved as indicated. Furthermore, the scheme put forward in respect of the footpath along the adopted section of West Street cannot be delivered and a suitable method of surface water drainage from this section has not been put forward. As such, it has not been demonstrated that a well-designed, safe and sustainable access can be achieved, contrary to the aforementioned policies.</p>

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**APPLICATION NO: F/YR22/0381/F**

**SITE LOCATION: Land South Of 88 West Street, Chatteris**

**UPDATE**

**West Street Upgrade**

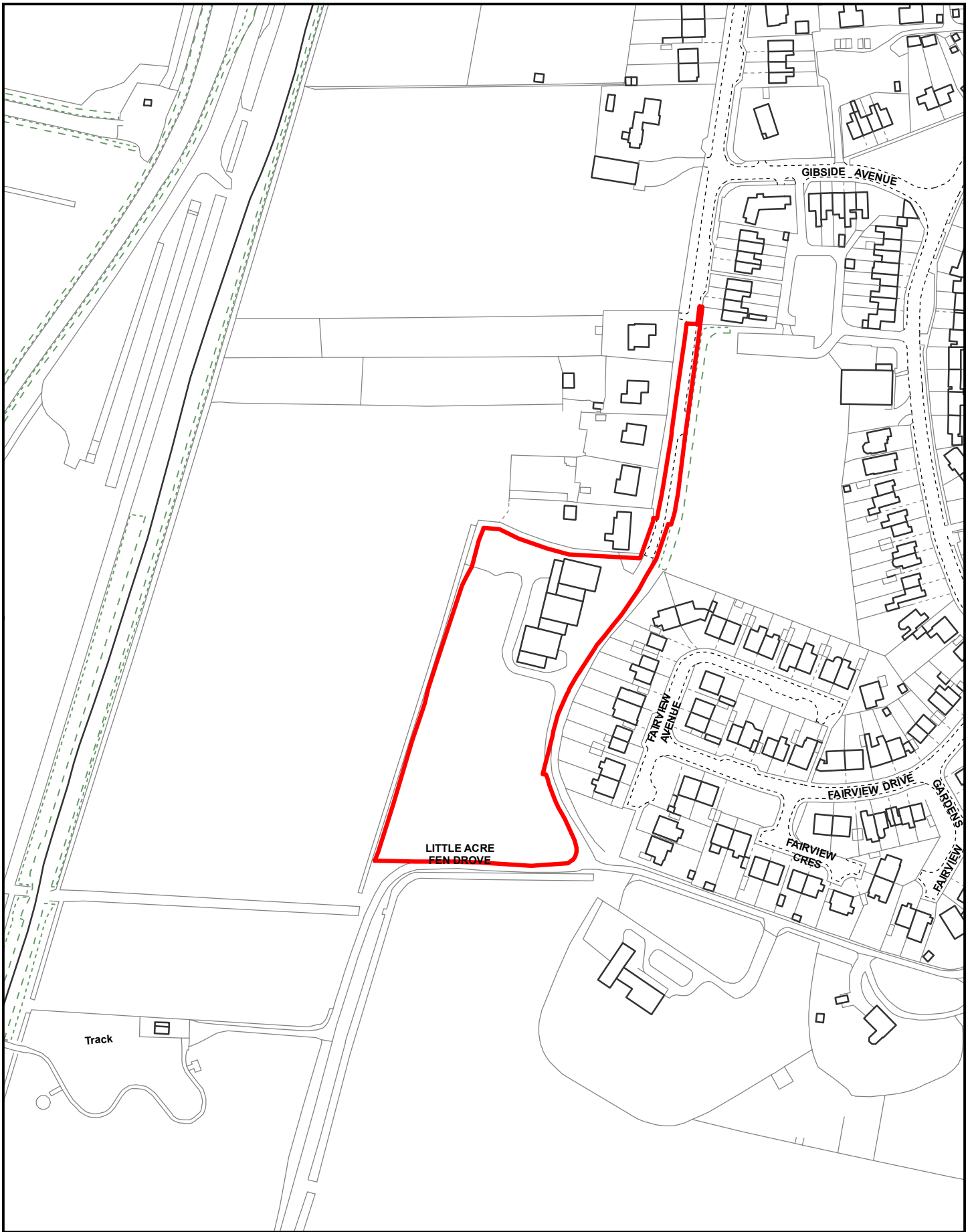
We are aware that a revised access arrangement has been provided to Highways for review and note that Member's of Planning Committee have been lobbied with further information in this regard. However, the applicant's agent has advised that the revised details do not form part of the current application and as such these have not been considered or consulted upon.

As set out in paras 9.36 – 9.39 of the Committee Report it is not considered that a revised scheme can be secured by way of a condition.

**Consultee Comments**

Comments have been received from the Definitive Map Team to advise that the public footpath to the south (Little Acre Fen Drove) does not have a recorded width. Para 9.16 of the Committee Report refers to boundary treatments bordering this footpath and the need to have an offset distance of 0.5m. As the recorded width is unknown, there may be issues with achieving acceptable boundary treatments to plots 18 – 22.

**Resolution: No change to the recommendation which is to refuse the application as per Section 11 of Agenda item 5 on page 64-65.**



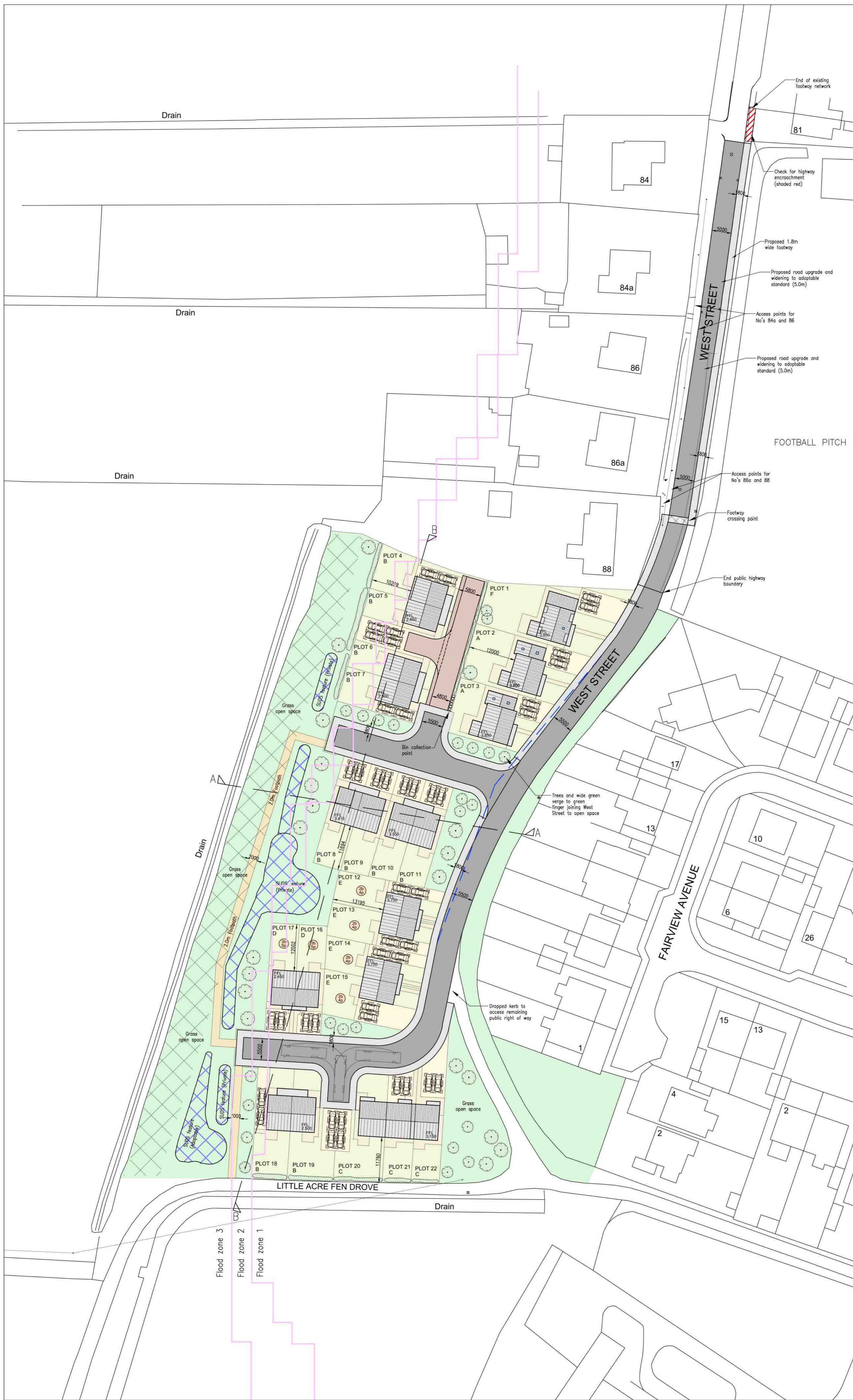
Created on: 06/10/2022

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**F/YR22/0381/F**

Scale = 1:2,500





**KEY**

- 5.0m/5.5m Adoptable Access Road
- 1.8m Footways (Where Shown)
- 2.4m x 43m Visibility Splay
- 4.8m Private Drive with 1.0m overrunable footpath
- Parking Areas
- Paving Slabs (Indicative)
- Private Gardens
- Open Space
- 2.0m Public Footpath
- 9m IDB Maintenance Zone
- Affordable Unit
- Soft Landscaping (Indicative)
- SUDs Features
- Bin Collection Point

N - 14.09.2022 - Amendments to plan following revisions to site layout.  
 M - 13.09.2022 - Amendments to plan following Plot 1 re-design and access road revisions.  
 L - 30.08.2022 - Amendments to plan following Plot 1 re-design.  
 K - 08.08.2022 - Amendments following comments from CCCC Highways.  
 J - 16.06.2022 - Amendments following comments from Environmental Services.  
 H - 14.06.2022 - Amendments following comments from Planning officer.  
 G - 30.03.2022 - SUDs feature hatch amended.  
 F - 24.03.2022 - Key amended and site section lines added following planning validation comments.  
 E - 17.02.2022 - Layout amended following drainage strategy design.  
 D - 16.02.2022 - Client name amended.  
 C - 14.02.2022 - Layout amendments following road design.  
 B - 01.02.2022 - Landscaping added to private drive.  
 A - 28.01.2022 - Roof layout amendments.

**REVISIONS**

**PHA**

**PETER HUMPHREY ASSOCIATES**

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CLIENT  
 URBAN DEVELOPMENTS PETERBOROUGH LTD

PROJECT  
 PROPOSED DEVELOPMENT

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

DRAWING  
 PLANNING DRAWING 1 (SITE PLAN)

JOB NO.	PAPER SIZE	DATE
6343/PL01N	A1	JAN 2022

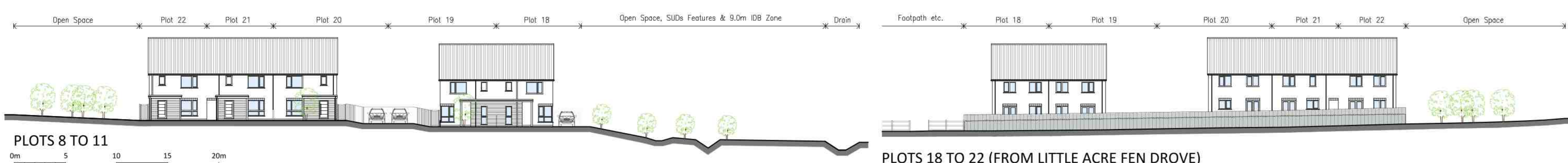
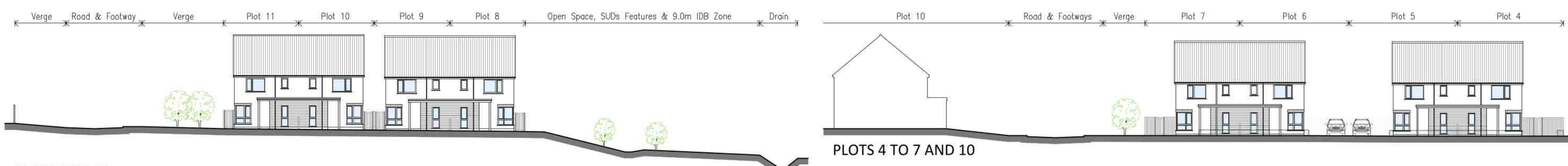
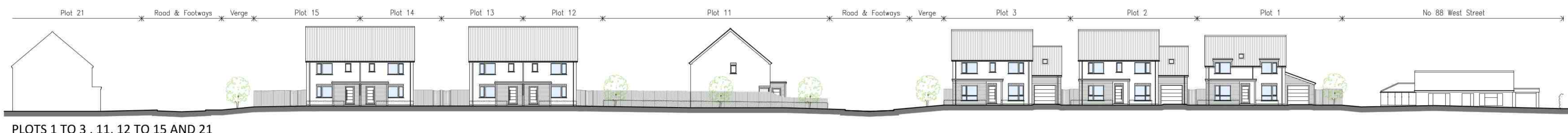
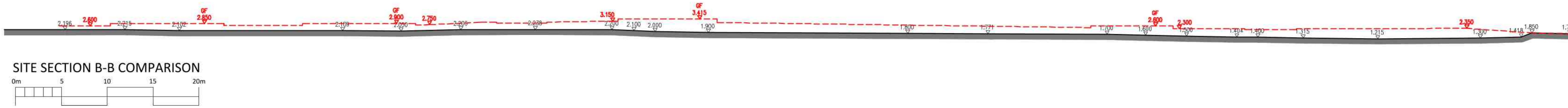
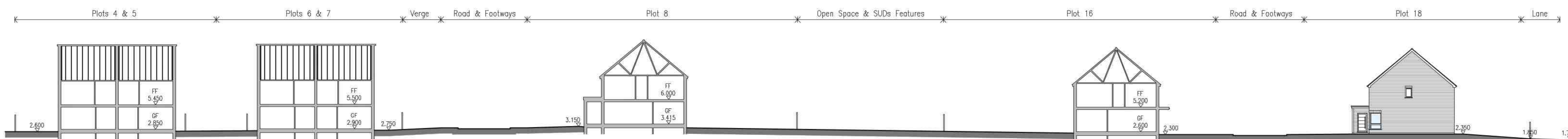
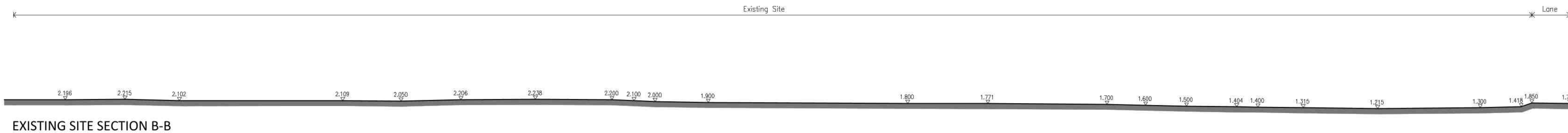
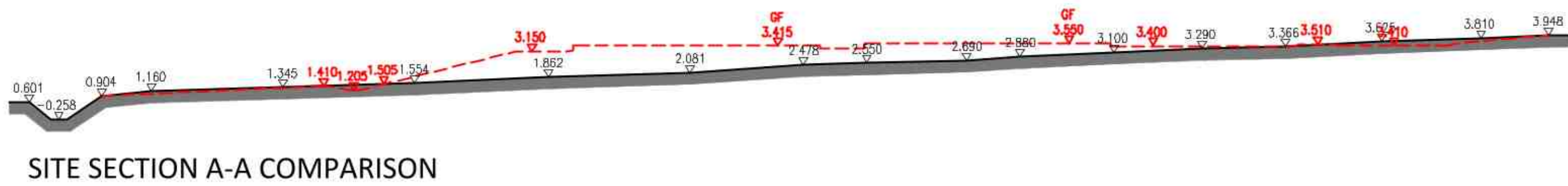
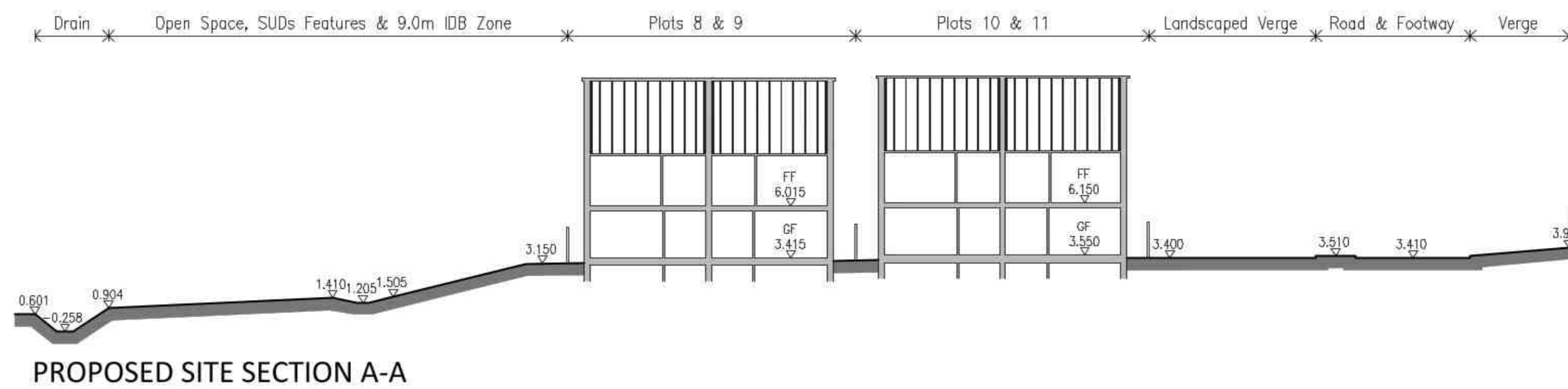
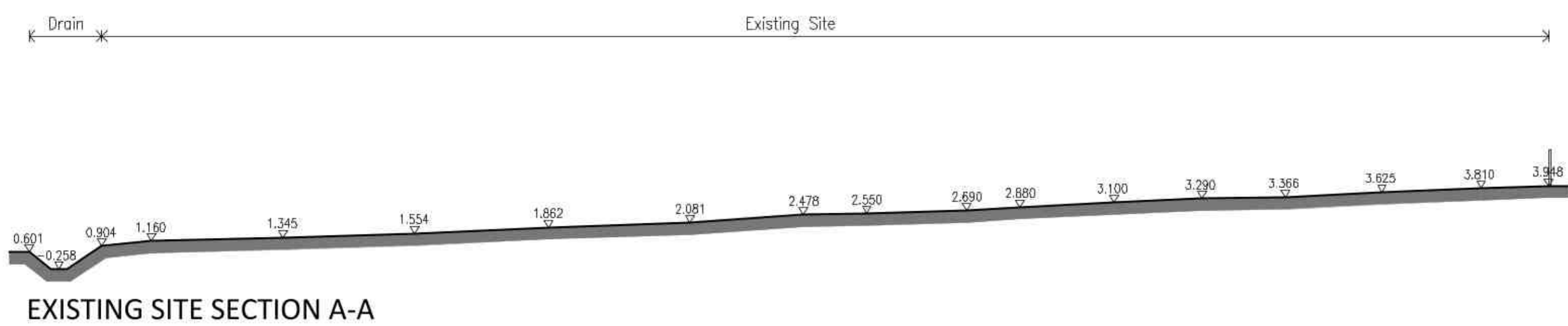
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All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.


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

**PROPOSED SITE PLAN 1:500**

0m 10 20 30 40 50m



01-14-08-2022: Amendments to plan following meeting in site office.  
 02-12-08-2022: Amendments to plan following Plot 1 meeting.  
 03-12-08-2022: Amendments to plan following Plot 1 meeting.  
 04-12-08-2022: Site plan and complete model. Street names updated.  
 05-12-08-2022: Amendments following comments from planning officer.  
 06-12-08-2022: Client name amended.  
 07-12-08-2022: Plot 1 to 3 street scene amended following road design.

**REVISIONS**  
  
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 WEB: www.peterhumphrey.co.uk  
 CLIENT: URBAN DEVELOPMENTS PETERBOROUGH LTD  
 PROJECT: PROPOSED DEVELOPMENT  
 SITE: LAND SOUTH OF No.88 WEST STREET CHATTERIS CAMBS PE16 6HR  
 DRAWING: PLANNING DRAWING 7 (STREET SCENES AND SITE SECTIONS)  
 JOB NO. 6343/PL07G PAPER SIZE A0 DATE JAN 2022

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**F/YR22/0332/F**

**Applicant: Mr & Mrs T M Butcher**

**Agent: Mr Craig Brand  
Craig Brand Architectural Design  
Services**

**Land South Of 33, March Road, Wimblington, Cambridgeshire**

**Erect 4 x self/custom build dwellings (3 x 2-storey 5 bed and 1 x 2-storey 4-bed)  
and the formation of an access**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 Whilst the proposal is for self/custom build dwellings the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can be afforded to this.
- 1.2 There are no issues to address in relation to residential amenity, highways or flood risk, and ecology and tree impacts are considered acceptable subject to conditions.
- 1.3 However, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area. The introduction of this incongruous development of 4 substantial dwellings would result in consolidated ribbon development, at odds with the sporadic nature of built form on the western side of March Road, diminishing its openness and therefore the setting and significance of the undesignated heritage assets. Furthermore, it would set a precedent for further such development and therefore harm.
- 1.4 The site is located within a Sand and Gravel Mineral Safeguarding Area, the development does not fall within any of the exemptions listed in Policy 5, there has been no demonstration that criteria (i) – (k) have been complied with and whilst the MWPA consider extraction is unlikely to be feasible there is no overriding need for the development and as such the proposal is contrary to the aforementioned policy.
- 1.5 Whilst the policies of the emerging local plan carry extremely limited weight in decision making; this site does not have a residential allocation, it is located outside the settlement boundary and such is defined as countryside where development is restricted and would not fall within the criteria of 'frontage infill development' (LP1, Part C)

## **2 SITE DESCRIPTION**

- 2.1 The application site is located on the western side of March Road on a sweeping bend, opposite the junction with Bridge Lane. It comprises grassland alongside the road with a number of mature trees (some of which are protected via G30 of TPO M/2/465/17) with the western part of the site comprising of managed agricultural land, and open countryside. There is an Anglian Water water main and associated easement which runs through the site. The site appears to slope down away from the road and is located in Flood Zone 1.
- 2.2 To the north of the site is a field access and what appears to be verge and headland before 33 March Road is reached and to the south Eastwood Hall, 31 March Road which is set back a considerable distance from the road on a substantial plot, both of these properties are considered to be non-designated heritage assets. On the opposite side of the road is linear residential development and a site which has an outline permission for up to 88 dwellings, the associated reserved matters in currently under consideration.

### **3 PROPOSAL**

- 3.1 The application seeks full planning permission for 4 x self/custom build dwellings (3 x 2-storey 5 bed and 1 x 2-storey 4-bed) with double garages, and the formation of a shared access point off March Road.
- 3.2 Plot 1 is a detached, 2-storey, 4-bed dwelling and detached double garage with storage above. The dwelling measures 17.5m x 10.8m and 8.3m in height with accommodation comprising of lounge, kitchen diner, study, shower room, boot room and utility at ground floor and 4 bedrooms (2 with en-suite) and bathroom at first floor. The garage measures 8.3m x 7.19m and 5.87m in height.
- 3.3 Plot 2 is a detached, 2-storey, 5-bed dwelling with attached double garage. The dwelling measures 20.8m x 14.45 and 9.3m in height. Accommodation comprises of lounge, kitchen/dining/garden room, utility, study and WC at ground floor and 5 bedrooms (1 with en-suite and dressing room) and bathroom at first floor.
- 3.4 Plot 3 is a detached, 2-storey, 5-bed dwelling with attached double garage. The dwelling measures 23.2m x 17.3m and 8.8m in height. Accommodation comprises of lounge, kitchen/dining/garden room, utility, study and WC at ground floor and 5 bedrooms (2 with en-suite and 1 with dressing room) and bathroom at first floor.
- 3.5 Plot 4 is a detached, 2-storey, 5-bed dwelling with integral double garage. The dwelling measures 20.8m x 10.2m and 8.8m in height. Accommodation comprises lounge, kitchen/breakfast/garden room, dining room, utility and plant room at ground floor level and 5 bedrooms (2 with en-suite and 1 with walk in wardrobe) at bathroom at first floor.
- 3.6 Full plans and associated documents for this application can be found at:

[F/YR22/0332/F | Erect 4 x dwellings \(3 x 2-storey 5 bed and 1 x 2-storey 4-bed\) and the formation of an access | Land South Of 33 March Road Wimblington Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0332/F)

### **4 SITE PLANNING HISTORY**

F/YR22/1209/TRTPO	Fell 2 x Horse Chestnut trees and 2 x Sycamore trees covered by TPO M/2/465/17	Pending
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## **5 CONSULTATIONS**

### **5.1 Cambridgeshire County Council Highways (28/4/2022)**

*CCC specification states the access should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from the existing footway. The plans submitted does not demonstrate the minimum distance.*

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

#### *Informatives*

##### *Works in the Public Highway*

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

### **5.2 Cambridgeshire County Council Highways (1/11/2022)**

Further advice was sought regarding visibility:

*The visibility splay on the drawings are 2.4m x 43m which is suitable for a 30mph road. The splay shown on the drawing is within land that is within highway rights or the developers ownership. It does not include land that is not within their control. This means that the visibility can be made clear, with proper maintenance.*

### **5.3 Arboricultural Officer (FDC) (6/4/2022)**

*Application F/YR22/0332/F Erect 4 x dwellings (3 x 2-storey 5 bed and 1 x 2-storey 4-bed) and the formation of an access at Land South Of 33 March Road Wimblington.*

*With reference to drawing CAD 555/1 Rev A, the proposed development allows retention of a number of significant trees. The submitted arboricultural impact assessment (AIA) identifies 4 trees requiring removal irrespective of any development and a further 7 trees of low value that have structural/physiological defects that significantly effect the long-term potential of those trees.*

*To mitigate the tree loses, the proposal includes additional planting, including significant trees, to the west boundary, and smaller decorative trees to the east boundary. The addition of a mixed native hedge to the north of the site will help to improve biodiversity.*

*There are some encroachments into the root protection areas (RPAs) of the retained trees, the most significant being the shared access road adjacent to tree T17 (Poplar) to the south of the site.*

*The AIA makes reference to trial investigations to determine the presence of roots where development within the RPAs is planned. We will require an arboricultural method statement (AMS) to cover construction within the RPAs, where applicable, should these investigations expose significant roots (>25mm diameter); the AMS can be included as part of conditions.*

### **5.4 Arboricultural Officer (FDC) (31/10/2022)**

Further advice was sought regarding trees at Eastwood Hall:

*With reference to TPO M/2/465/17, it is likely that a Horse Chestnut on the north boundary of Eastwood Hall and overhanging the proposed development site is within that TPO. The remaining trees, noted as Silver Birch (drawing CAD 555/1 Rev B) are not within the TPO.*

*Whilst the actual construction of the new dwellings are unlikely to impact on the root protection areas (RPAs) of the trees, any cultivation of the ground for landscaping may impact on the roots.*

*The ground within the RPAs of the neighbouring trees will require protection to prevent compaction damage and plant such as rotovators cannot be used. All cultivation work within the RPAs will have to be carried out using hand tools.*

## **5.5 Conservation Officer (FDC)**

*Thank you for consulting me on the above application, due to the proposal being within the setting of Eastwood Hall, the former rectory to Wimblington parish and a non-designated heritage asset, or 'building of local importance'.*

*As such, it will have a setting – one of rural, agricultural surroundings – and the impact on this setting and thereby on the significance and interest of the asset, should be considered as part of this application.*

*No such assessment has been made and is therefore contrary to para 194 of the NPPF.*

*Historic maps clearly show the former Rectory as a building of some considerable scale, positioned in some isolation from the village, which would have served to underline the significance and status of the building and its inhabitants.*

*Piecemeal development will erode this setting, and indeed, this plot is now one of the only sites that allows clear views of the countryside which surrounds Wimblington and its designated and non-designated heritage assets. The value of this openness cannot always be articulated in strict heritage terms, but should not be underestimated in terms of 'sense of place' and therefore wellbeing to inhabitants.*

*There would be a less than substantial impact on the setting and significance of Eastwood Hall, arising from this proposal and under para 203 of the NPPF, a balanced judgement of the proposal is required with regards to the scale of any harm. Given that the heritage asset has not been recognised, the harm has not been assessed and no public benefit identified as part of the scheme, no such balanced judgment can be made. It is not clear if there is sufficient public benefit in the development of 4 x 5 bedroom houses, which by virtue of their scale, detail, design and massing, would be out of keeping with the local character and distinctiveness (that of a rural village, with traditionally scaled buildings) (para 197c), that could not be achieved by more modestly scaled buildings in a less harmful location.*

*I'm sure there are issues of settlement boundaries to consider here, which I will leave to colleagues to comment on.*

*From a conservation perspective, I cannot support the application in its current form, as no assessment of heritage value or impact has been made, and I*



therefore consider the application to be contrary to para 194, 197 and 203 of the NPPF.

## **5.6 Cambridgeshire County Council Archaeology**

*Our records indicate that the site lies in an area of archaeological potential adjacent to the west of March Road, formerly the turnpike road from Chatteris Ferry to Tyd Gote and Wisbech which was originally enacted by Parliament in 1730 (Cambridgeshire Historic Environment Record reference MCB31386). Only 50m north of the site lies No.33 March Road which is the old toll house associated with the turnpike road (now sadly diminished by unsympathetic alterations), while 100m south-west of the site is Wimblington Hall, formerly the Rectory to the parish of Wimblington; both are recorded as undesignated heritage assets on the Cambridgeshire HER (CHER refs 05914 and 12253 respectively). Within the northern part of the site redline boundary, early edition Ordnance Survey mapping shows the former location of Toll Farm, now demolished (MCB24759). Ditches of probable Roman date were excavated to the south east of the application area in 2005/6 during trenching in advance of construction of the Anglian Water pipeline which now crosses the site (Cambridgeshire Historic Environment Record references MCB17553, MCB17554), while more recent excavations undertaken opposite on the eastern frontage of March Road revealed further evidence of Roman ditching and quarrying (MCB20018). An excavation in 2014 approximately 300m to the south revealed Iron Age and Roman ditches, pits and postholes and a sub-square Roman enclosure (MCB20356). In addition a Roman flagon (MCB15647) and further evidence of prehistoric occupation have also been found in the vicinity (MCB13420, MCB13421).*

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

### *Archaeology Condition*

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

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

*REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or*

*investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).*

*Informatives:*

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

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

## **5.7 Environmental Health (FDC)**

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

*However, as mapping data shows structures previously existed at the application site we ask for the following condition to be imposed in the event planning consent is granted;*

### **UNSUSPECTED CONTAMINATION**

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

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

## **5.8 Environment Agency**

*Thank you for your email. We have reviewed the above application and it is considered that there are no Agency related issues in respect of this application and therefore we have no comment to make.*

## **5.9 Parish Council**

*Councillors wish to object to the application on the ground of access to the site, which is shown as being on a blind bend increasing the likelihood of vehicular accident.*

## **5.10 Cambridgeshire County Council Waste and Minerals**

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

*The site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance are not needlessly sterilised. Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, none of which relevant in this case. It then goes onto set out that that development will only be permitted in certain circumstances (criteria (i) – (k)). The application documentation does not appear to make any reference to the safeguarded*

minerals, or Policy 5. Consequently criteria (i) – (k) have not been demonstrated, leaving criterion (l), which states that:

*“development will only be permitted where it has been demonstrated that there is an overriding need for the development (where prior extraction is not feasible) \*\*”.*

*It is noted that the proposed development is, as per the description, a relatively small edge of village / ribbon infill style development, with a site area of approximately 0.85 ha. There are dwellings adjacent to the east of the site, with fields to the north, west and south. The MWPA considers that, although the extent of the resource within the site is unknown, the nature of the proposed development and size of the site means that complete prior extraction is, in this case, unlikely to be feasible.*

*Should the Planning Authority be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed, subject to the following informative being included in any permission:*

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

#### **5.11 Anglian Water (9/5/2022)**

*Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.*

*If this is to change, please re-consult with us.*

#### **5.12 Anglian Water (11/5/2022)**

*I have checked the location plan submitted with the application and we can confirm that there is a rising main located within the proposed development site. The easement for this sewer is 3m from the centre line of the sewer which will need to take in consideration when planning the development layout. If the easement can not be met, the developer should contact our local Drainage Team on 03456066087 option 2. Further information can be found here:*

*<https://www.anglianwater.co.uk/developing/drainage-services/diverting-a-public-sewer/>*

*Please do not hesitate to contact me if you require further assistance*

*It has since been verbally confirmed that the main through the site is a water main and the nearest sewers are in Bridge Lane and Linwood Lane.*

#### **5.13 Wildlife Officer (FDC) (5/5/2022)**

*Recommendation:*

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

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

*The documents provided within F/YR22/0332/F do not provide sufficient information to ensure that all biodiversity material concerns for the Local Planning Authority can be safely discounted.*

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

- 1. The tree survey demonstrates that there are several trees, some of which are recommended for removal which are likely to contain features that may be used by bats and/or nesting birds. Bats are protected under the Wildlife and Countryside Act 1981 from death and disturbance including their resting places.*

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

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

*Required amendments/information:  
I would therefore recommend that:*

- A Preliminary Ecological Appraisal of the site should be completed to assess the sites potential to be used by protected species. All recommended further surveys from this report should be completed and submitted to the Local Planning Authority. It is highly recommended that these reports are discussed in full with the consultant ecologist and recommendations from the report are incorporated into the projects design.*

*The survey reports should then be submitted to Fenlands Council which can then be assured in the positive impact the proposal will have to the local species. The site should also be assessed for the potential loss of biodiversity using the Biodiversity Metric 3.1. The site should achieve at least a no net loss in biodiversity.*

*Recommendations for mitigation and compensation of the negative impacts of the proposal should then be incorporated into the application documents as described within the ecologists reports.*

*Assessment/Comment:*

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

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

#### **5.14 Wildlife Officer (FDC) (10/10/2022)**

*Recommendation:*

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

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

*Pre-Commencement Condition(s) –*

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

*-All ecological enhancements, mitigation and compensation as recommended within the Preliminary Ecological Appraisal and Reptile Survey (Hillier Ecology, 2022);*

*-An alternative to the new hedge along the northern edge of the site (see comments).*

*-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.*

- *T2 as designated on the Existing Site Plan has been designated as having “low” Bat Roosting Potential. In accordance with Collins, J (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> edn). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1. As such the following precautions will be followed in the removal of this tree:*

*-The tree is removed using a “sectional felling methodology” with cuts at least 10cm above and below the cavity in the tree as to ensure that the cavity is not cut through.*

*-The logs will be gently lowered to the ground and left at the base of the trunk for 24 hours to allow any animals to escape overnight.*

*Informative(s) -*

- Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.*
- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.*

*Assessment/Comment:*

*There are proposals to plant a new hedge along the northern boarder of the site, which is supported and appropriate to the site. Unfortunately, due to the existing trees present I am unsure if the hedge will be successful under where it is being shaded. In addition to this the planting of the hedge may damage the trees root systems.*

*As such I would like to see either an alternative to the hedge being planned in or a description of the methodology which will enable the hedge to grow and not harm the trees.*

*There are several recommendations for ecological enhancements within the PEA such as bat and bird boxes which should be included within either the landscaping document or a separate plan.*

### **5.15 Local Residents/Interested Parties**

13 supporting comments have been received (4 from March Road, 1 from Eastwood End, 1 from Greenwood Way, 3 from Hook Road, 2 from Bridge Lane and 2 from Addison Road, Wimblington) in relation to the following:

- Will make a positive impact
- In keeping with character of houses in the vicinity
- Design and access well thought out
- Mature trees retained and new landscaping will enhance
- Natural infill on March Road/continuation of development
- Previously a farmhouse on the site

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

## **National Design Guide 2021**

Context – C1, C2

Identity – I1, I2

Built Form – B2

Movement – M3

Nature - N3

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

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

LP18 – The Historic Environment

LP19 – The Natural Environment

## **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy for the Location of Residential Development

Policy LP5 – Health and Wellbeing

Policy LP7 – Design

Policy LP8 – Amenity Provision

Policy LP11 – Community Safety

Policy LP12 – Meeting Housing Needs

Policy LP13 – Custom and Self Build

Policy LP18 – Development in the Countryside

Policy LP20 – Accessibility and Transport

Policy LP22 – Parking Provision (Appendix 6)

Policy LP23 – Historic Environment

Policy LP24 – Natural Environment

Policy LP25 – Biodiversity Net Gain

Policy LP26 – Carbon Sinks and Carbon Sequestration

Policy LP27 – Trees and Planting

Policy LP28 – Landscape

Policy LP32 – Flood and Water Management

Policy LP50 – Residential site allocations in Wimblington

## **Delivering and Protecting High Quality Environments in Fenland 2014**

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

## **The Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**

### **Policy 5: Mineral Safeguarding Areas (MSAs)**

#### **8 KEY ISSUES**

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

#### **9 ASSESSMENT**

##### **Principle of Development**

- 9.1 Policy LP3 of the Fenland Local Plan 2014 identifies Wimblington as a Growth Village where development within the existing urban area or a small village extension will be acceptable in principle, subject to compliance with all other relevant policies which are considered in the sections below.
- 9.2 Policy LP5, Part C seeks to provide, in appropriate circumstances, housing solutions that meet market expectations including self build homes, which is supported by para 62 of the NPPF. Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Weight would therefore be given to this, the amount dependant on identified demand.
- 9.3 Self-build or custom build housebuilding covers a wide spectrum, however LPA's must be satisfied that the initial owner of the home will have primary input into its design. Off plan housing is not considered to meet the definition of self and custom build and as this application provides full details of all 4 plots it is not considered to meet this definition. However, even if the proposal was considered to meet the definition, the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can be afforded to this.
- 9.4 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies Wimblington as a large village; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement. LP50 defines residential site allocations in Wimblington (all of which are on the eastern side of March Road), this site does not have such an allocation. Furthermore, Part C would also not be applicable as the proposal is for more than 3 dwellings and is not considered to respect the character and settlement pattern of the western side of March Road. As such the proposal would also be considered contrary to the aforementioned policies of the emerging local plan.

##### **Heritage, design considerations and visual amenity of area**



- 9.5 Development in Wimblington is focussed on the eastern side of March Road, with a distinctly different character on the western side, of separated areas of linear built form.
- 9.6 The application site is located on the western side of March Road in an area characterised in the main by open countryside, with areas of substantial mature trees and the loose knit, sparse development of 33 March Road, Eastwood Hall 31 March Road and 29 March Road. 33 and 29 March Road are modest dwellings located along the road frontage, No.33 being the former Toll House (now diminished by unsympathetic alterations). Eastwood Hall, the former Rectory is a significant building, located on a substantial plot, set back a considerable distance from the road. Both 31 and 33 March Road are non-designated heritage assets, or 'buildings of local importance', set in rural, agricultural surroundings, and the impact on this setting and thereby on the significance and interest of the assets, should be considered as part of this application, it is in this context that the application is assessed.
- 9.7 Policy LP18 of the Fenland Local Plan 2014, paras 194, 195, 197 and 203 of the NPPF 2021 and Chapter C2 of the NDG 2021 seek to ensure that the significance of heritage assets is identified and assessed and to protect, conserve and enhance heritage assets and their settings. The application has not been accompanied by a heritage statement and as such no assessment of heritage value or impact has been made. Furthermore, the proposal would erode the rural character of the area and therefore the setting and significance of the undesignated heritage assets, contrary to the aforementioned policies.
- 9.8 Policies LP2 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130, 174, 197 and 203 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021, seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.
- 9.9 Policy LP12A supports development in villages subject to compliance with criteria a to k. However, the scheme is considered to be contrary Policy LP12 (a), (c), (d), (e) and (f):
- The footnote for Policy LP12 clarifies that the developed footprint excludes:
- (a) individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area of the settlement
  - (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where that land relates more to the surrounding countryside than the built-up area of the settlement.
- 9.10 The application site is located in an area characterised in the main by open countryside, with areas of substantial mature trees and the loose knit, sparse development of 33 March Road, Eastwood Hall 31 March Road and 29 March Road. These dwellings are clearly detached from the continuous built form on the western side of March Road, which has a distinctly different character, and is therefore incomparable, to settlement character on the eastern side. Furthermore, the site is adjoined to the south by garden land serving Eastwood Hall, 31 March Road and headland/verge to the north, these areas clearly relating more to the undeveloped nature countryside than the built up area.

- 9.11 The introduction of this incongruous development of 4 substantial dwellings would result in consolidated ribbon development, at odds with the sporadic nature of built form on the western side of March Road, diminishing its open, rural character. Furthermore, it would set a precedent for further such development and therefore harm. Hence, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area, contrary to the aforementioned policies.

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

- 9.12 The relationships with surrounding existing dwellings (including any potential development on the site opposite with planning permission) is such that there are no significant detrimental impacts in relation to residential amenity.
- 9.13 Within the site itself, the properties are located on substantial plots and designed to ensure that there are no significant relationship issues, though it would be necessary to ensure that some windows are obscure glazed (such as those on the first floor of the north side elevation of plot 3) to prevent direct overlooking. Suitable boundary treatments are proposed directly outside the rear of the dwellings to ensure an area of privacy is provided.
- 9.14 Environmental Health have no objections to the scheme, though recommend that an unsuspected contamination condition is imposed if the application is granted.
- 9.15 An Anglian Water main and associated easement run through the site, no buildings are proposed within the easement, however should any works be required to the main this could cause inconvenience to future residents; given the scale of the site/plots this is not considered to be significantly detrimental.
- 9.16 Bin storage is indicated to the rear of the proposed dwellings and a bin collection area alongside the access and within 10m of the adopted highway, which would be an acceptable collection distance for refuse vehicles/operatives. Due to the scale of the plots this would however result in distance of in excess of 30m for future residents to carry bins between storage and collection areas, contrary to the advice within Policy DM4 and RECAP guidance.

### **Parking and Highways**

- 9.17 A shared access point is proposed off March Road, the main road through the village. This is 5m in width and finished in tarmac leading to block paved drives; the crossing constructed in accordance with CCC specifications, the LHA have no objections and advise that the visibility splay is suitable. The width of the shared surface is considered acceptable due to the number of dwellings it serves and relative short distance, a turning head is provided.
- 9.18 Whilst not all of the garages are of internal dimensions to be considered a parking space, generous drives are provided to each property which would enable the parking of at least 3 vehicles.

### **Flood Risk and Drainage**

- 9.19 The application site is located within Flood Zone 1 (low risk) and at low risk of surface water flooding, as such the proposal is considered to be appropriate development and there are no issues to address in respect of Policy LP14. Furthermore, issues of surface water would be dealt with under building regulations.

- 9.20 Foul drainage is proposed to be dealt with by sewage treatment plants for each plot. Information from Anglian Water indicates that there is a foul sewer to the north near the junction with Linwood Lane and on Bridge Lane to the east. Information from the Environment Agency advises that connection to the existing public foul sewage network should be considered potentially feasible where the distance from the development site is less than the number of properties multiplied by 30m (in this case 120m). The sewer near Linwood Lane would appear to be within 120m from the site and as such access may be feasible, no evidence has been provided to indicate that this is not the case and as such it would be necessary to condition details of foul drainage to ensure that an acceptable arrangement is achievable.

### **Ecology and Trees**

- 9.21 The Council's Wildlife Officer initially recommended refusal of the application on the basis that insufficient information was submitted to ensure that all biodiversity material concerns could be safely discounted. A Preliminary Ecological Appraisal/Preliminary Roost Assessment and subsequently a Reptile Survey were then submitted. On this basis the Wildlife Officer has no objections, subject to conditions as detailed in the consultation response in section 5 above.
- 9.22 The site currently contains a number of trees, some of which are substantial and protected via TPO M/2/465/17. The application is accompanied by an Arboricultural Assessment which has identified a number of trees for removal, including 4 that require removal irrespective of the outcome of this application and which are subject to a separate tree application. To mitigate the tree losses, the scheme proposes additional planting, including trees to the west and eastern boundaries, however clarification regarding replacement trees is required and can form part of the 'notwithstanding' condition recommended by the Wildlife Officer.
- 9.23 The Council's Arboricultural Officer has no objections to the scheme, though there are some encroachments into the root protection areas (RPAs) of the retained trees, the most significant being the shared access road adjacent to tree T17 (Poplar) to the south of the site. As such an arboricultural method statement (AMS) is considered necessary and can be secured by way of a condition.
- 9.24 There are also trees on adjoining land at Eastwood Hall which may be impacted by the proposal and appropriate protection measures can also be secured by way of a condition.

### **Waste and Minerals**

- 9.25 The site is located within a Sand and Gravel Mineral Safeguarding Area (MSA) which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised.
- 9.26 Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, none of which are relevant in this case. Development within MSAs which is not covered by the exemptions is only permitted where it is demonstrated that:

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

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

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

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

- 9.27 The application documentation does not make any reference to the safeguarded minerals, or Policy 5, consequently criteria (i) – (k) have not been demonstrated as being met.
- 9.28 With regards to (l) the Minerals and Waste Planning Authority (MWPA) considers that, although the extent of the resource within the site is unknown, the nature of the development, size of the site and proximity of dwellings means that complete prior extraction is, in this case, unlikely to be feasible and that should the Council be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed.
- 9.29 As detailed above, the proposal is for self/custom build dwellings, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and a sufficient supply of housing (6.69 years), hence there is no overriding need for the development and it is considered contrary to the aforementioned policy.

## **10 CONCLUSIONS**

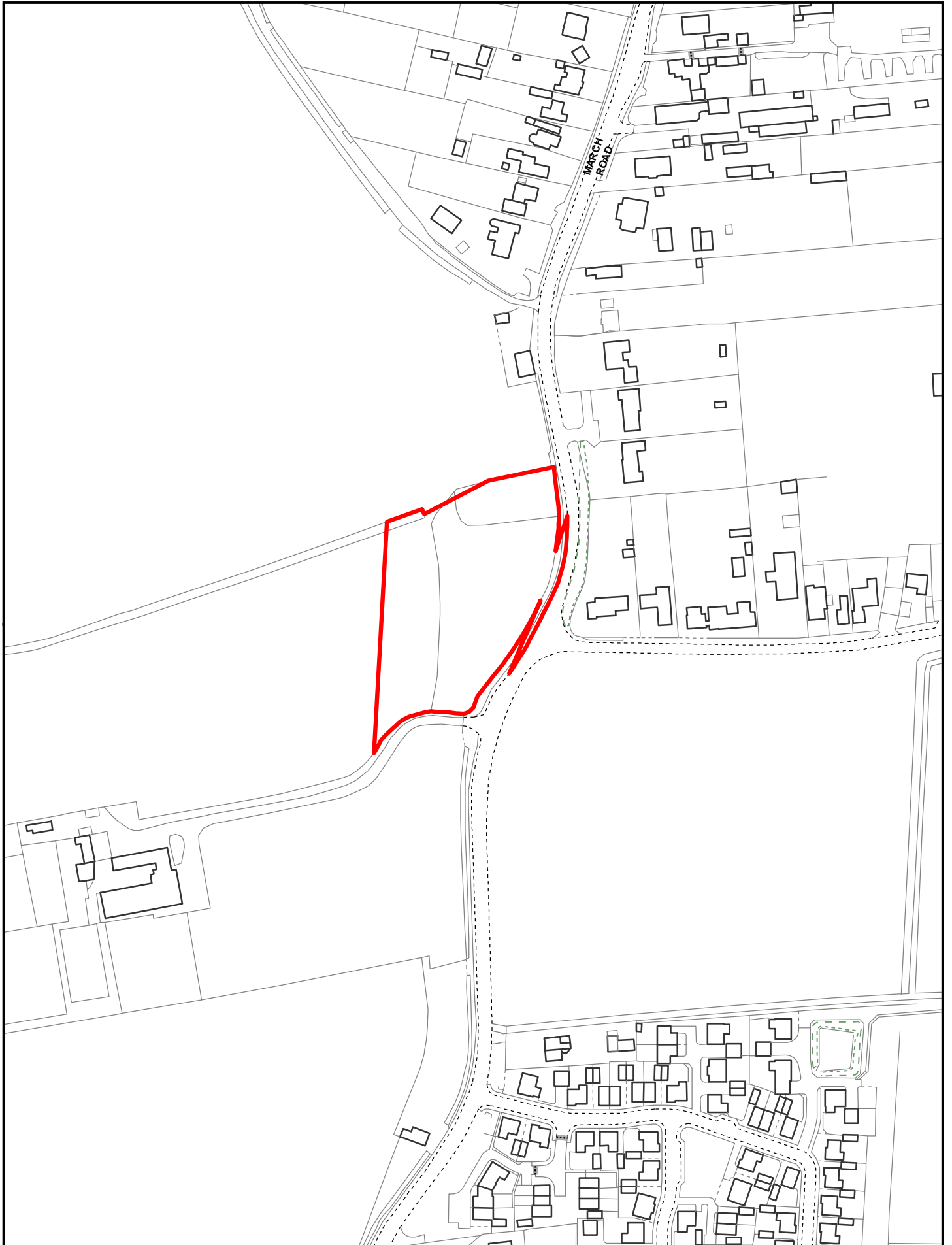
- 10.1 Whilst the proposal is for self/custom build dwellings the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can be afforded to this.
- 10.2 There are no issues to address in relation to residential amenity, highways or flood risk, and ecology and tree impacts are considered acceptable subject to conditions.
- 10.3 However, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area. The introduction of this incongruous development of 4 substantial dwellings would result in consolidated ribbon development, at odds with the sporadic nature of built form on the western side of March Road, diminishing its openness and therefore the setting and significance of the undesignated heritage assets. Furthermore, it would set a precedent for further such development and therefore harm
- 10.4 The site is located within a Sand and Gravel Mineral Safeguarding Area, the development does not fall within any of the exemptions listed in Policy 5, there has been no demonstration that criteria (i) – (k) have been complied with and whilst the MWPA consider extraction is unlikely to be feasible there is no overriding need for the development and as such the proposal is contrary to the aforementioned policy.

## **11 RECOMMENDATION**

### **Refuse for the following reasons:**

1	<p>Policy LP18 of the Fenland Local Plan 2014, paras 194, 195, 197 and 203 of the NPPF 2021 and Chapter C2 of the NDG 2021 seek to ensure that the significance of heritage assets is identified and assessed and to protect, conserve and enhance heritage assets and their settings.</p> <p>The application has not been accompanied by a heritage statement and as such no assessment of heritage value or impact has been made.</p> <p>Furthermore, the proposal would erode the rural character of the area and</p>
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	<p>therefore the setting and significance of the undesignated heritage assets, contrary to the aforementioned policies.</p>
2	<p>Policies LP2 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130, 174, 197 and 203 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021, seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.</p> <p>The introduction of this incongruous development of 4 substantial dwellings would result in consolidated ribbon development, at odds with the sporadic nature of built form on the western side of March Road, diminishing its open, rural character. Furthermore, it would set a precedent for further such development and therefore harm. Hence, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area, contrary to the aforementioned policies.</p>
3	<p>Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 seeks to prevent mineral resources of local and/or national importance being needlessly sterilised.</p> <p>The site is located within a Sand and Gravel Mineral Safeguarding Area, the development is does not fall within any of the exemptions listed, there has been no demonstration that criteria (i) – (k) have been complied with and whilst the MWPA consider extraction is unlikely to be feasible, there is no overriding need for the development and as such the proposal is contrary to the aforementioned policy.</p>



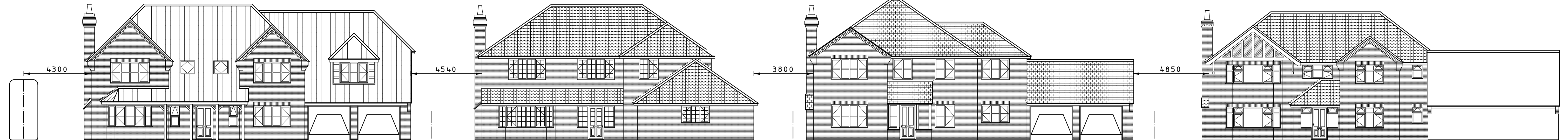
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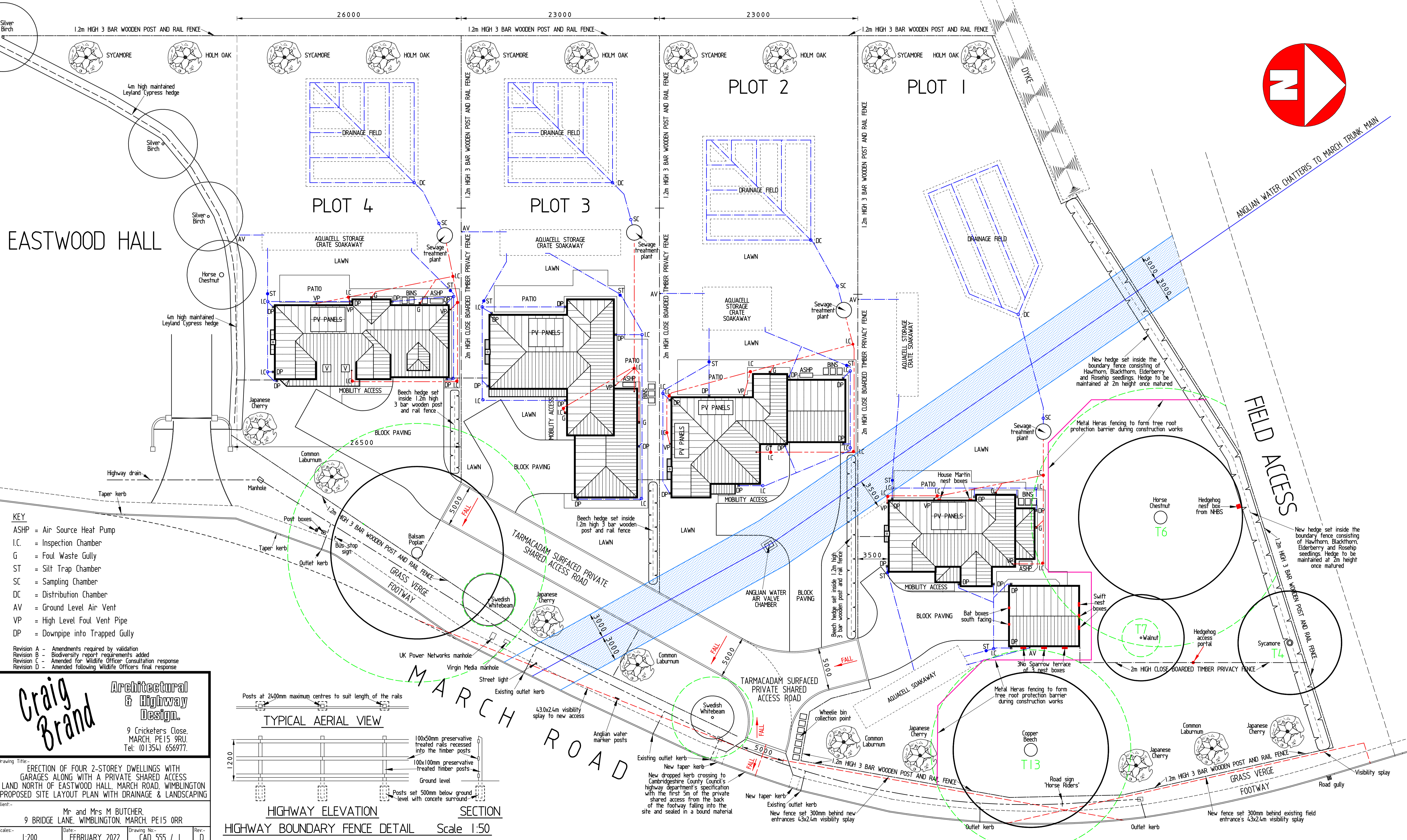
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PROPOSED STREET SCENE FROM MARCH ROAD, WIMBLINGTON Scale 1:125



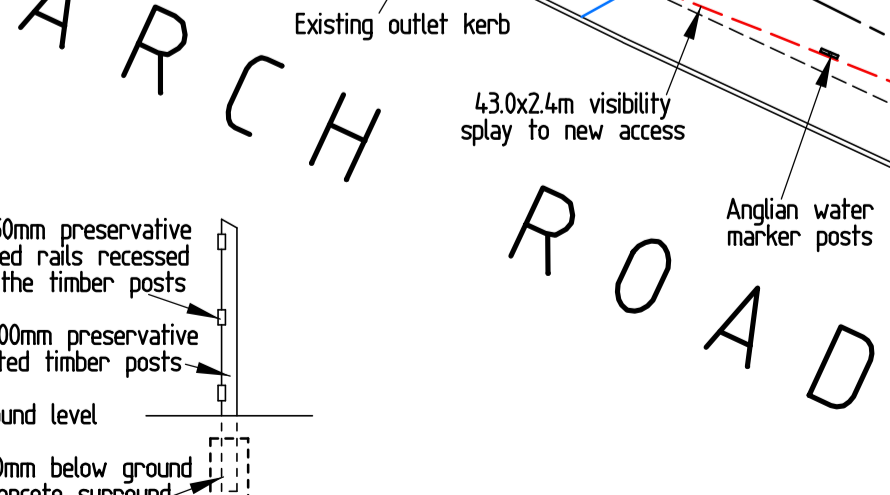
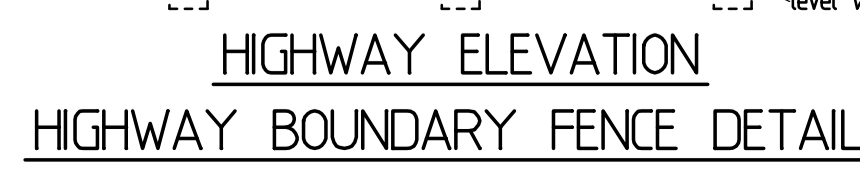
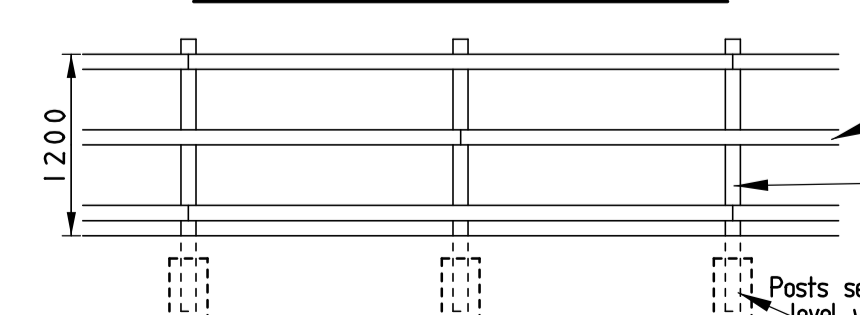
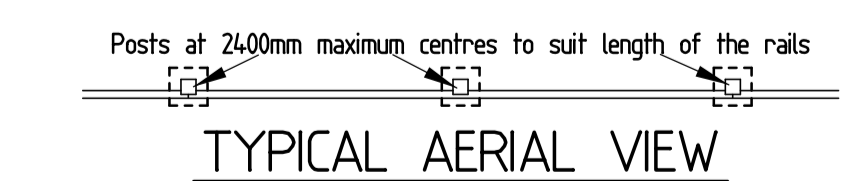
EASTWOOD HALL

- KEY**
- ASHP = Air Source Heat Pump
  - I.C. = Inspection Chamber
  - G = Foul Waste Gully
  - ST = Silt Trap Chamber
  - SC = Sampling Chamber
  - DC = Distribution Chamber
  - AV = Ground Level Air Vent
  - VP = High Level Foul Vent Pipe
  - DP = Downpipe into Trapped Gully

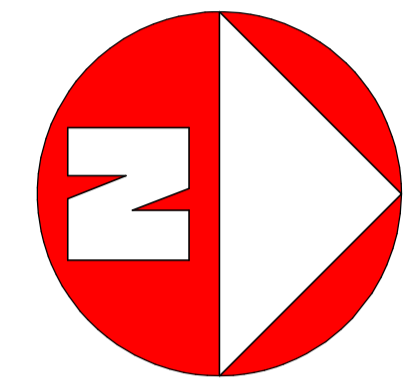
Revision A - Amendments required by validation  
 Revision B - Biodiversity report requirements added  
 Revision C - Amended for Wildlife Officer Consultation response  
 Revision D - Amended following Wildlife Officers final response

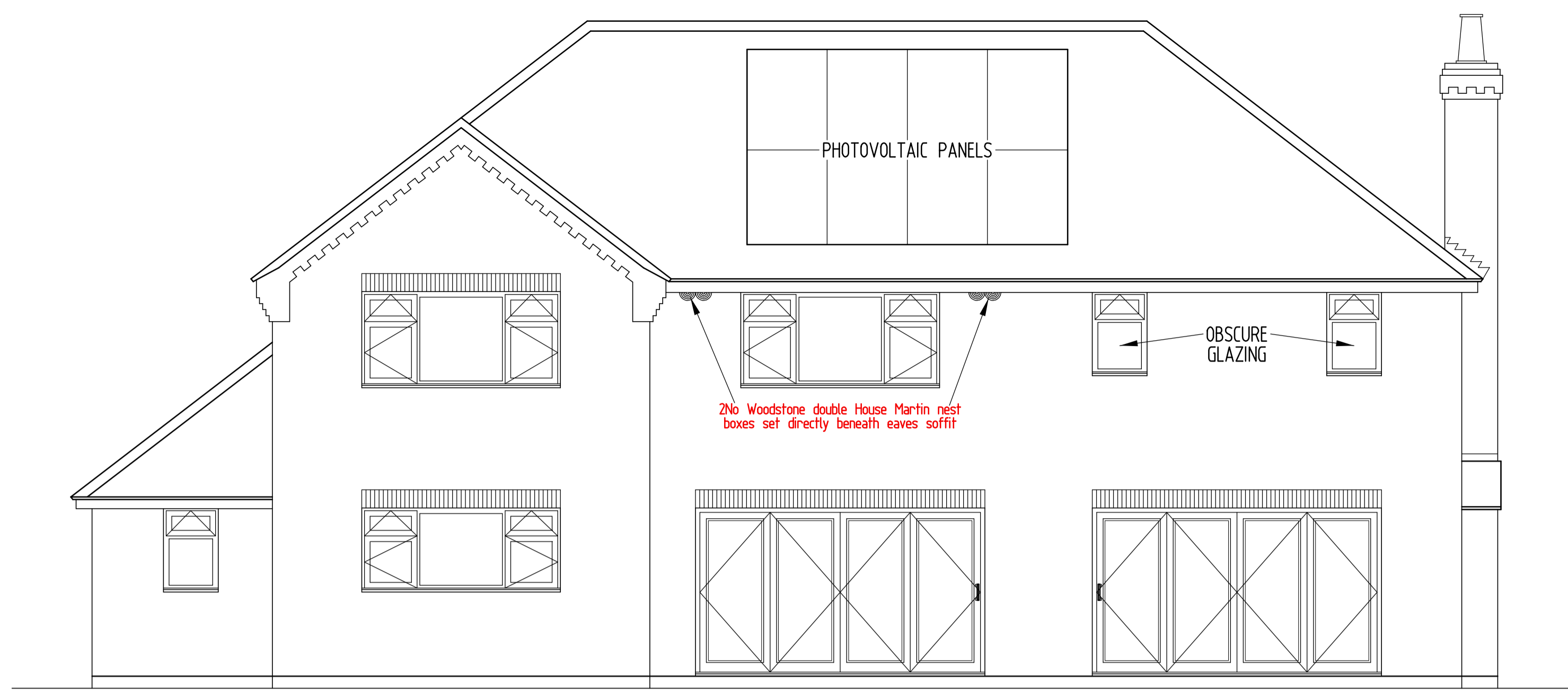
**Craig Brand** Architectural & Highway Design.  
 9 Cricketers Close, MARCH, PE15 9RU.  
 Tel: (01354) 656977.

Drawing Title: ERECTION OF FOUR 2-STOREY DWELLINGS WITH GARAGES ALONG WITH A PRIVATE SHARED ACCESS LAND NORTH OF EASTWOOD HALL, MARCH ROAD, WIMBLINGTON PROPOSED SITE LAYOUT PLAN WITH DRAINAGE & LANDSCAPING  
 Client: Mr and Mrs M BUTCHER, 9 BRIDGE LANE, WIMBLINGTON, MARCH, PE15 0RR  
 Scales: 1:200 Date: FEBRUARY 2022 Drawing No: CAD 555 / I Rev: D

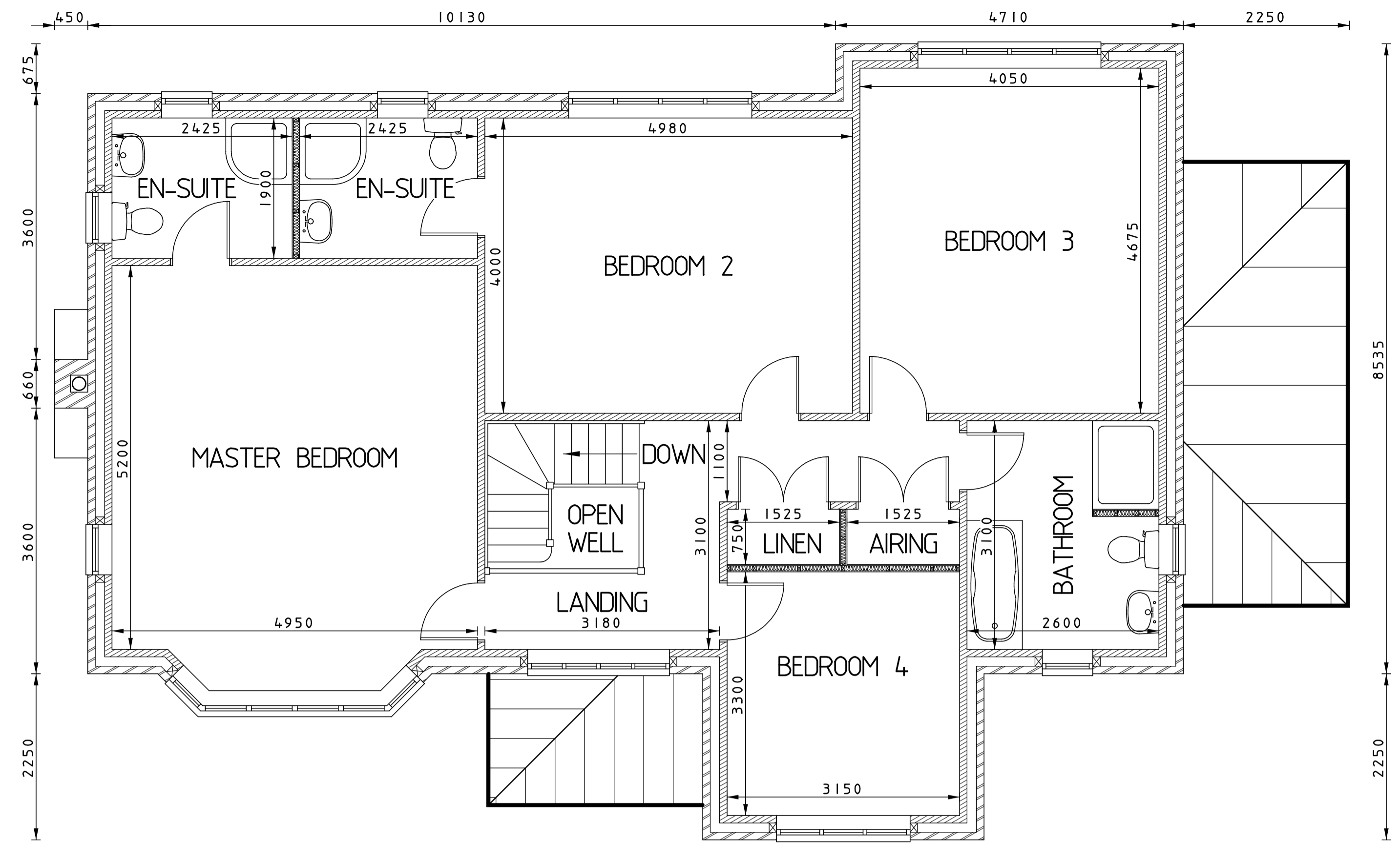


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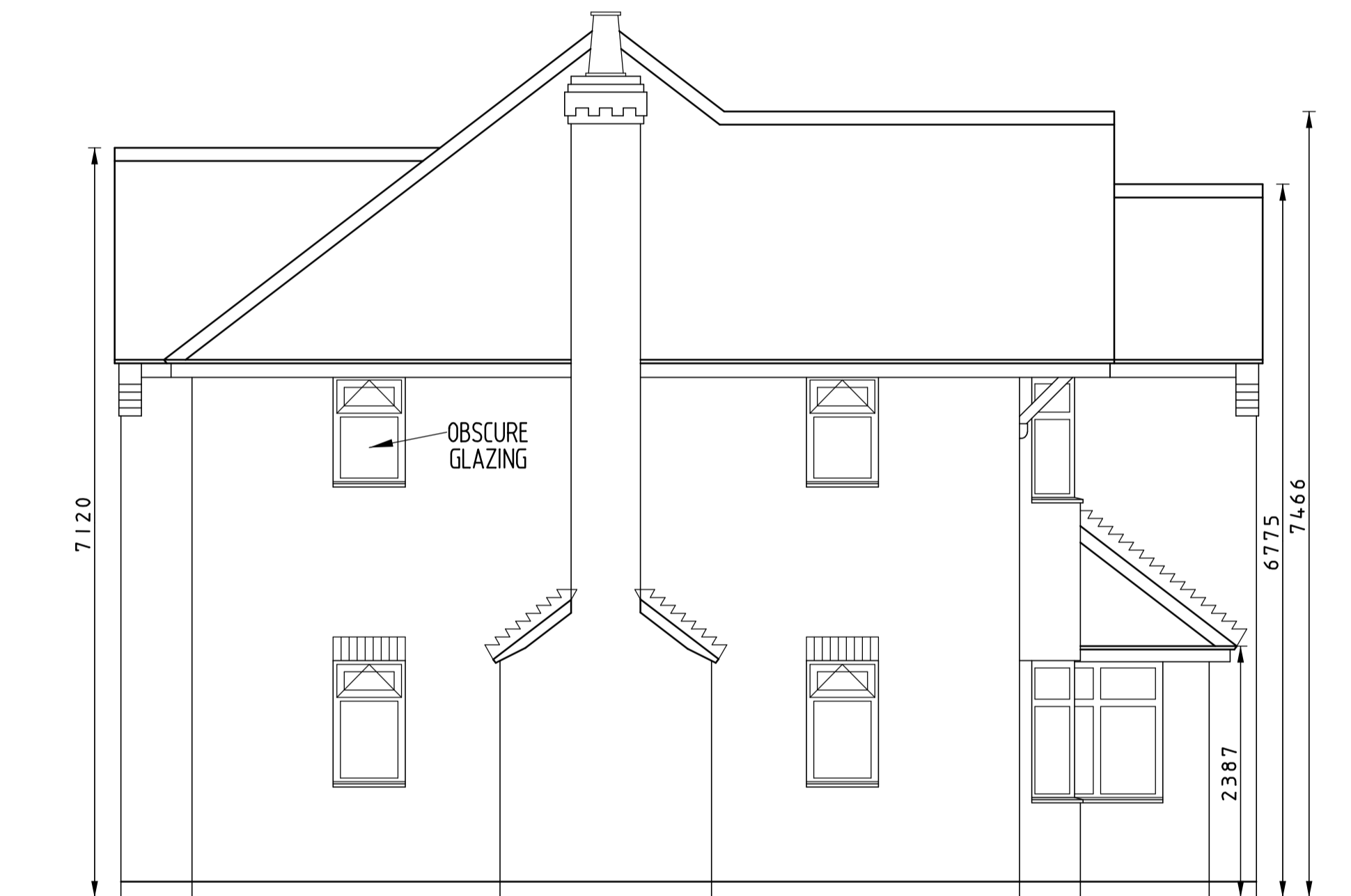




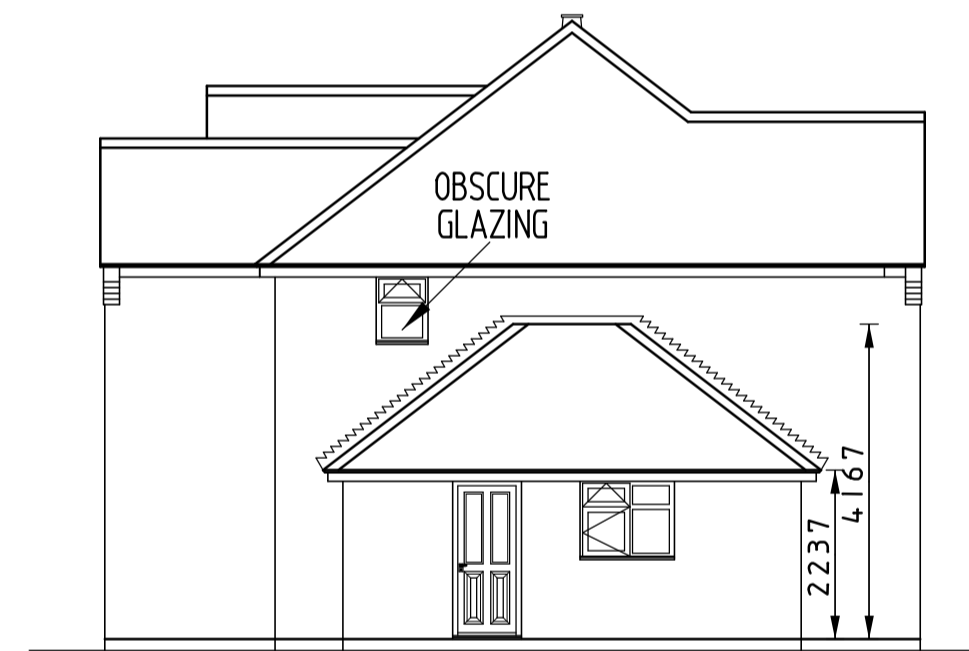
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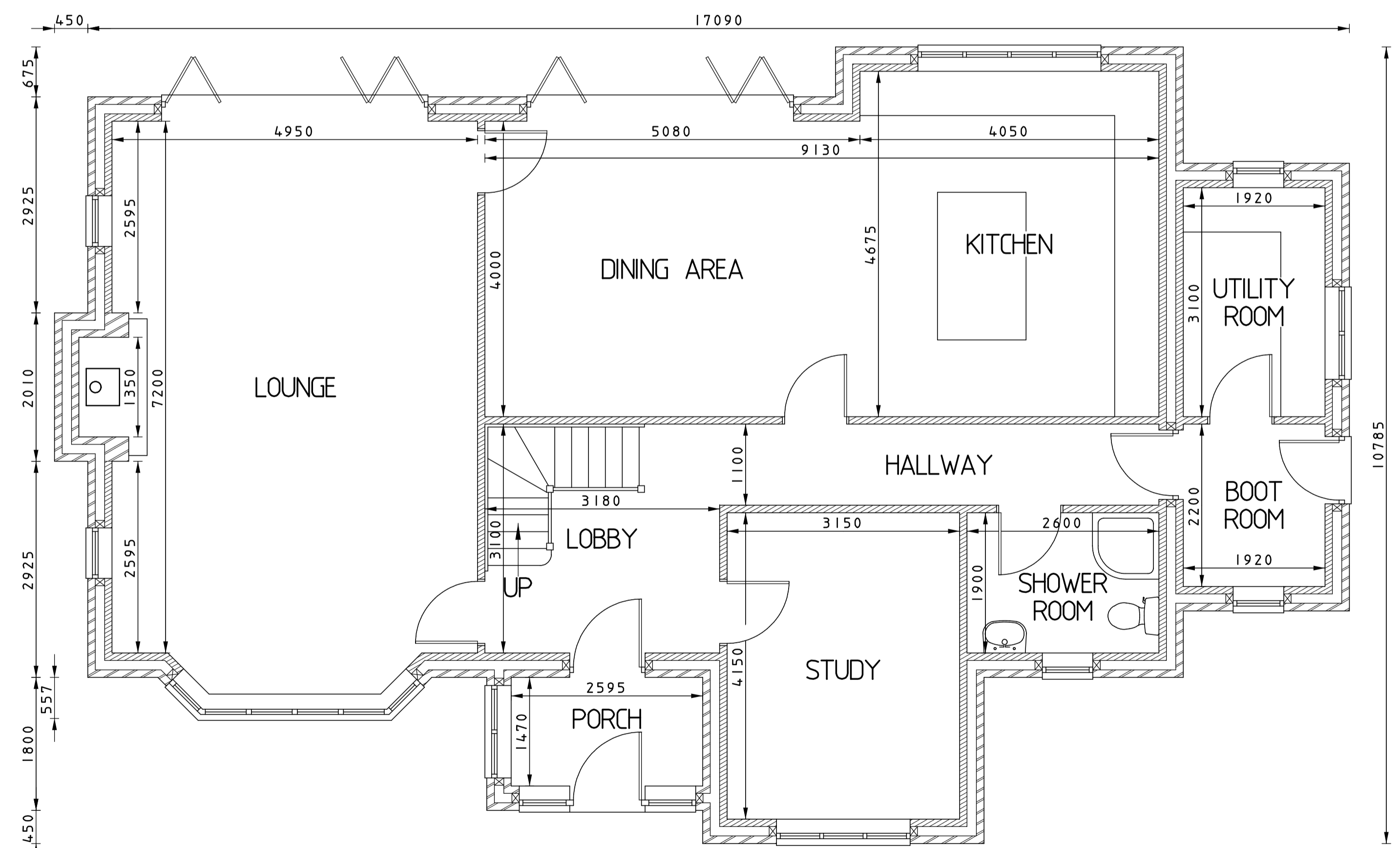
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PROPOSED SOUTH ELEVATION Scale 1:50



PROPOSED NORTH ELEVATION Scale 1:100



PROPOSED GROUND FLOOR LAYOUT PLAN Scale 1:50



PROPOSED EAST ELEVATION Scale 1:50

Revision A - Amendments required by validation  
 Revision B - Biodiversity assessment requirements added

Drawing Title:- ERECTION OF FOUR 2-STORY DWELLINGS WITH GARAGES ALONG WITH A PRIVATE SHARED ACCESS LAND NORTH OF EASTWOOD HALL, MARCH ROAD, WIMBINGTON PLOT 1 PROPOSED HOUSE DESIGN			
Client:- Mr and Mrs M BUTCHER, 9 BRIDGE LANE, WIMBINGTON, MARCH, PE15 ORR			
Scale:- AS SHOWN	Date:- December 2021	Drawing No:- CAD 555 / 3	Rev:- B

**Craig Brand** Architectural & Highway Design.  
 9 Cricketers Close, MARCH, PE15 9RU.  
 Tel: (01354) 656977.

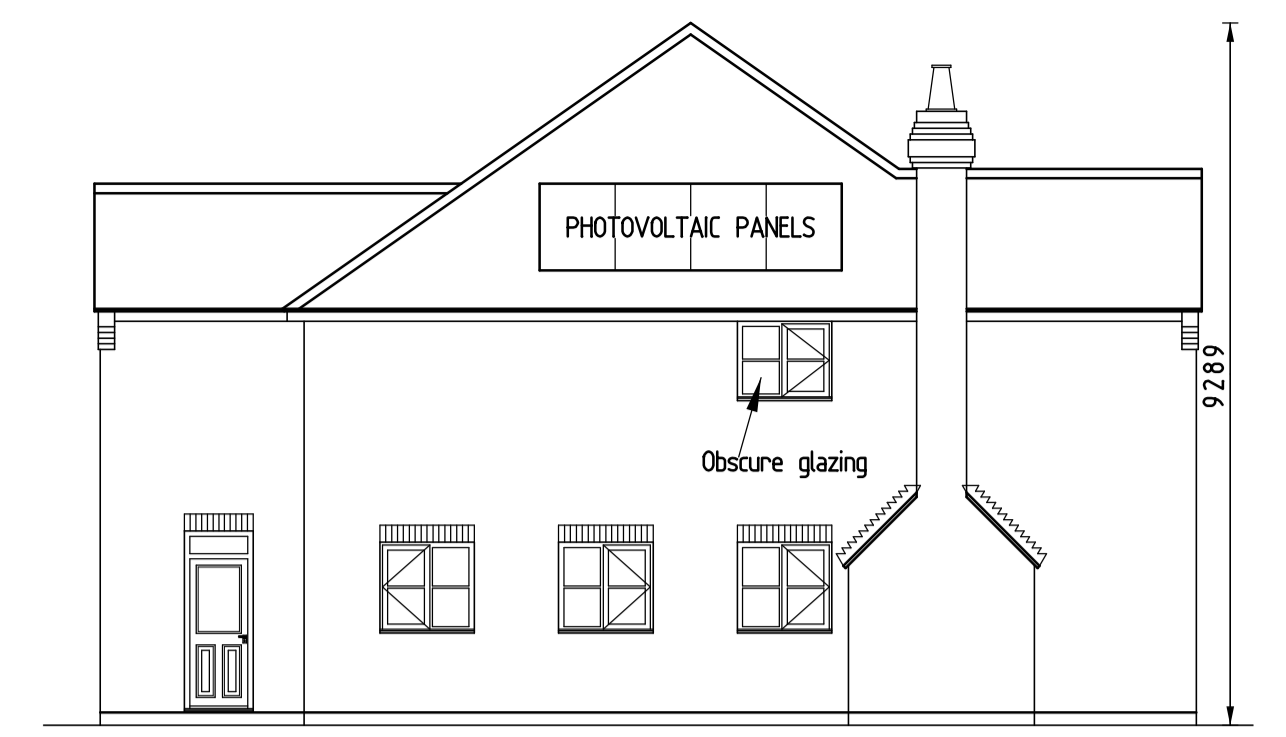




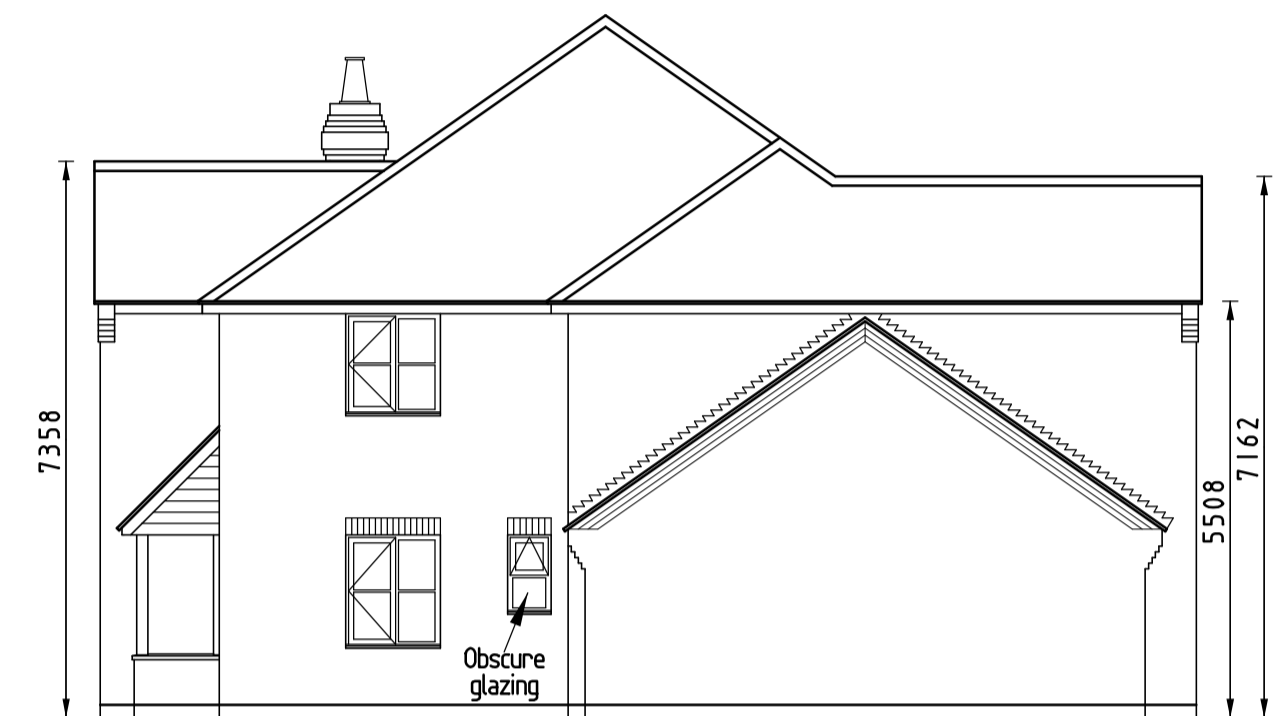
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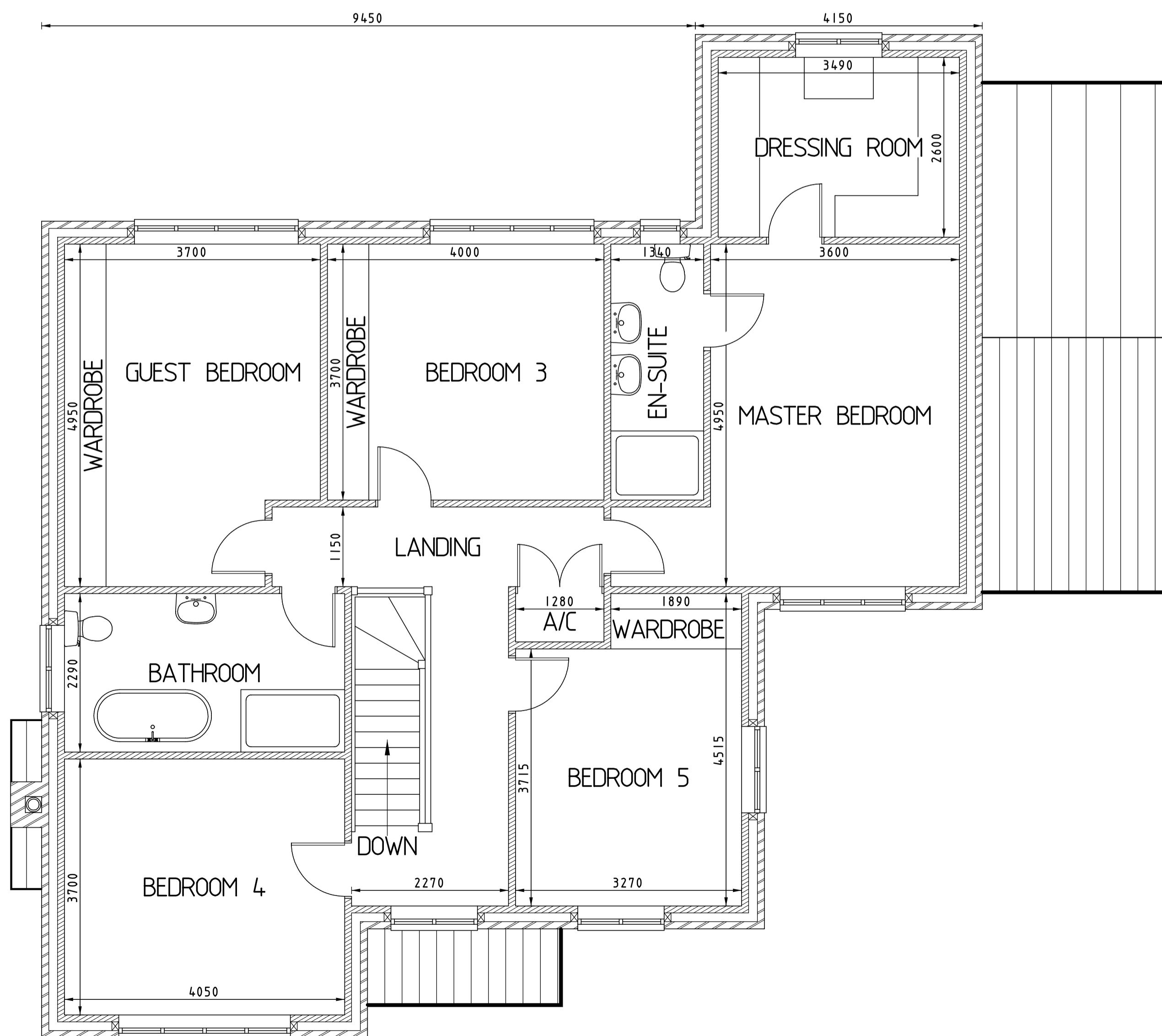
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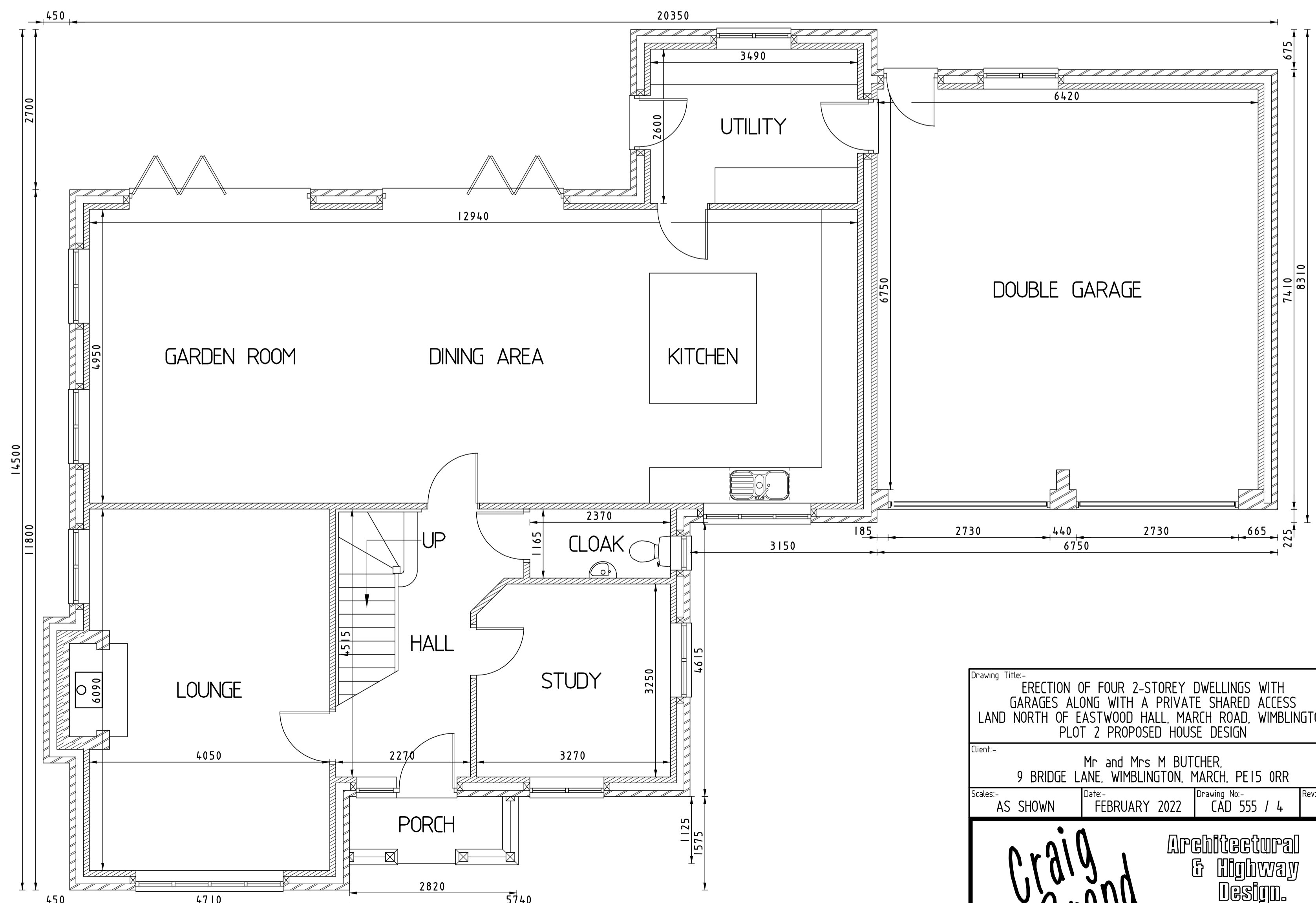
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PROPOSED NORTH ELEVATION Scale 1:100



PROPOSED FIRST FLOOR LAYOUT PLAN Scale 1:50



PROPOSED GROUND FLOOR LAYOUT PLAN Scale 1:50

Drawing Title:-  
ERECTION OF FOUR 2-STORY DWELLINGS WITH  
GARAGES ALONG WITH A PRIVATE SHARED ACCESS  
LAND NORTH OF EASTWOOD HALL, MARCH ROAD, WIMBLINGTON  
PLOT 2 PROPOSED HOUSE DESIGN

Client:-  
Mr and Mrs M BUTCHER,  
9 BRIDGE LANE, WIMBLINGTON, MARCH, PE15 0RR

Scales:- AS SHOWN Date:- FEBRUARY 2022 Drawing No:- CAD 555 / 4 Rev:-

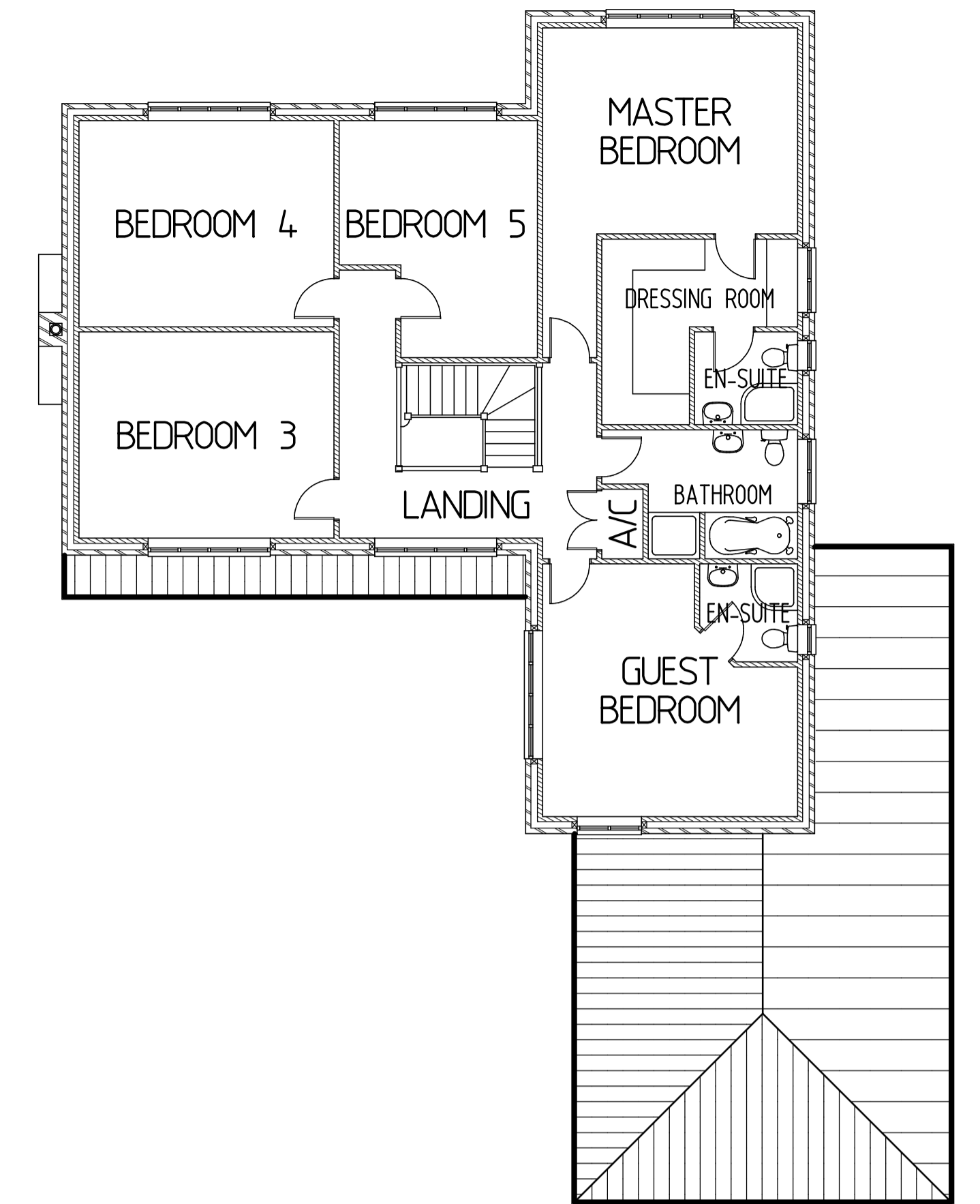
**Craig Brand**

**Architectural  
& Highway  
Design.**

9 Cricketers Close,  
MARCH, PE15 9RU.  
Tel: (01354) 656977.



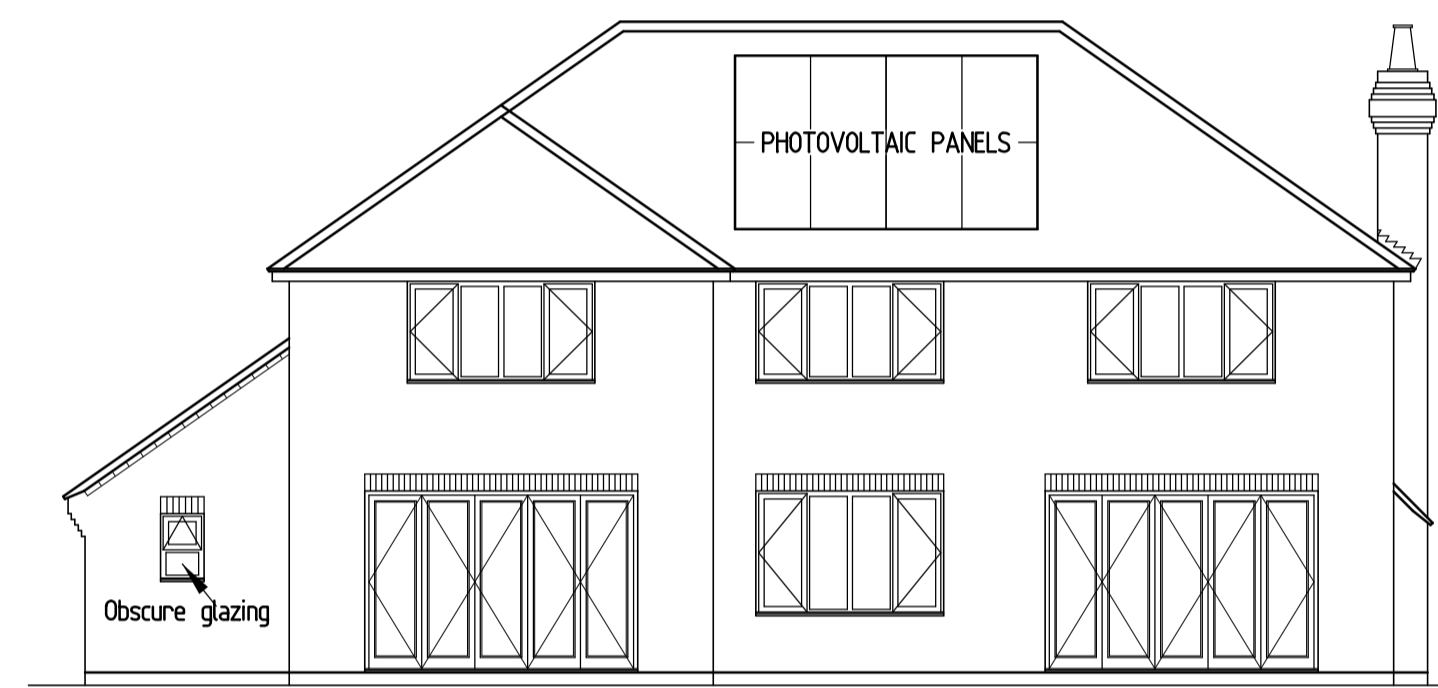
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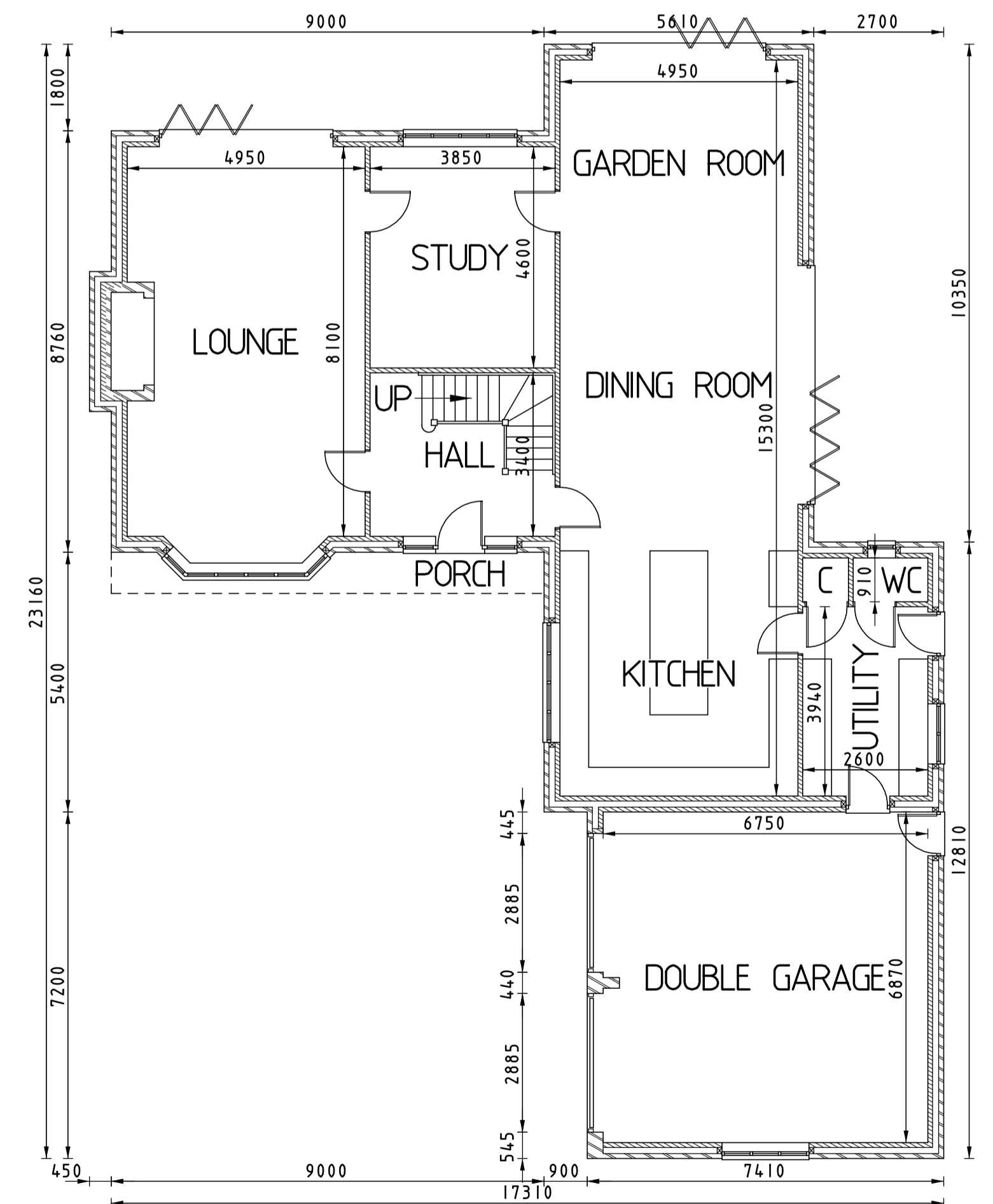
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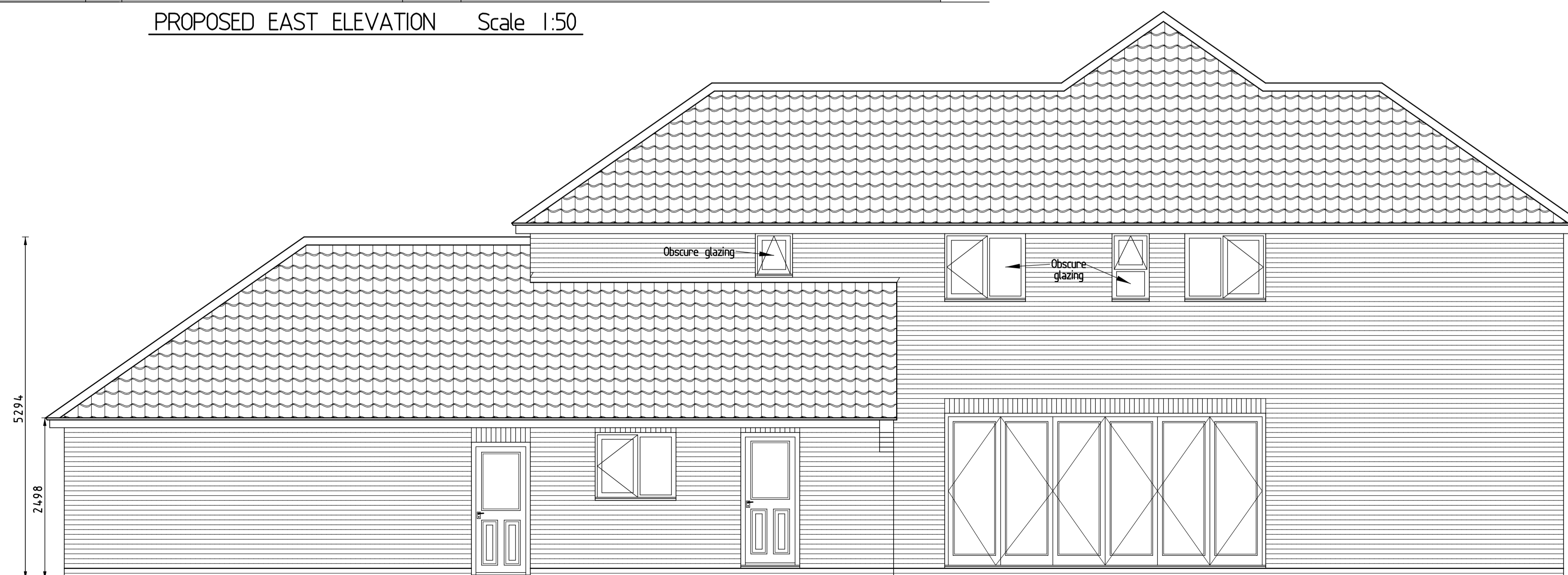
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PROPOSED WEST ELEVATION Scale 1:100



GROUND FLOOR LAYOUT PLAN Scale 1:100



PROPOSED NORTH ELEVATION Scale 1:50

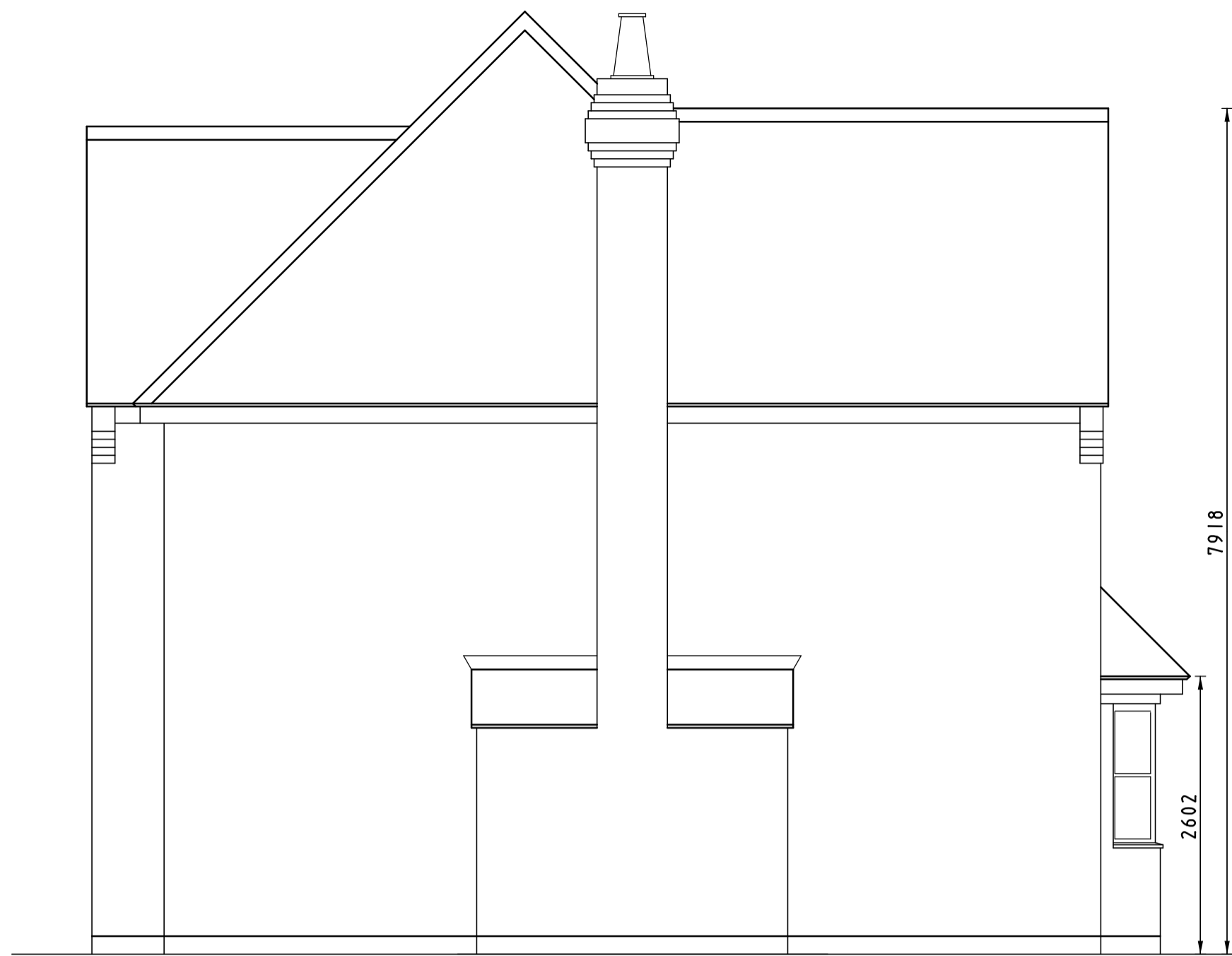
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ERECTION OF FOUR 2-STORY DWELLINGS WITH  
GARAGES ALONG WITH A PRIVATE SHARED ACCESS  
LAND NORTH OF EASTWOOD HALL, MARCH ROAD, WIMBINGTON  
PLOT 3 PROPOSED HOUSE DESIGN

Client:-  
Mr and Mrs M BUTCHER,  
9 BRIDGE LANE, WIMBINGTON, MARCH, PE15 ORR

Scales:- AS SHOWN Date:- FEBRUARY 2022 Drawing No:- CAD 555 / 5 Rev:-

**Craig Brand** Architectural & Highway Design.

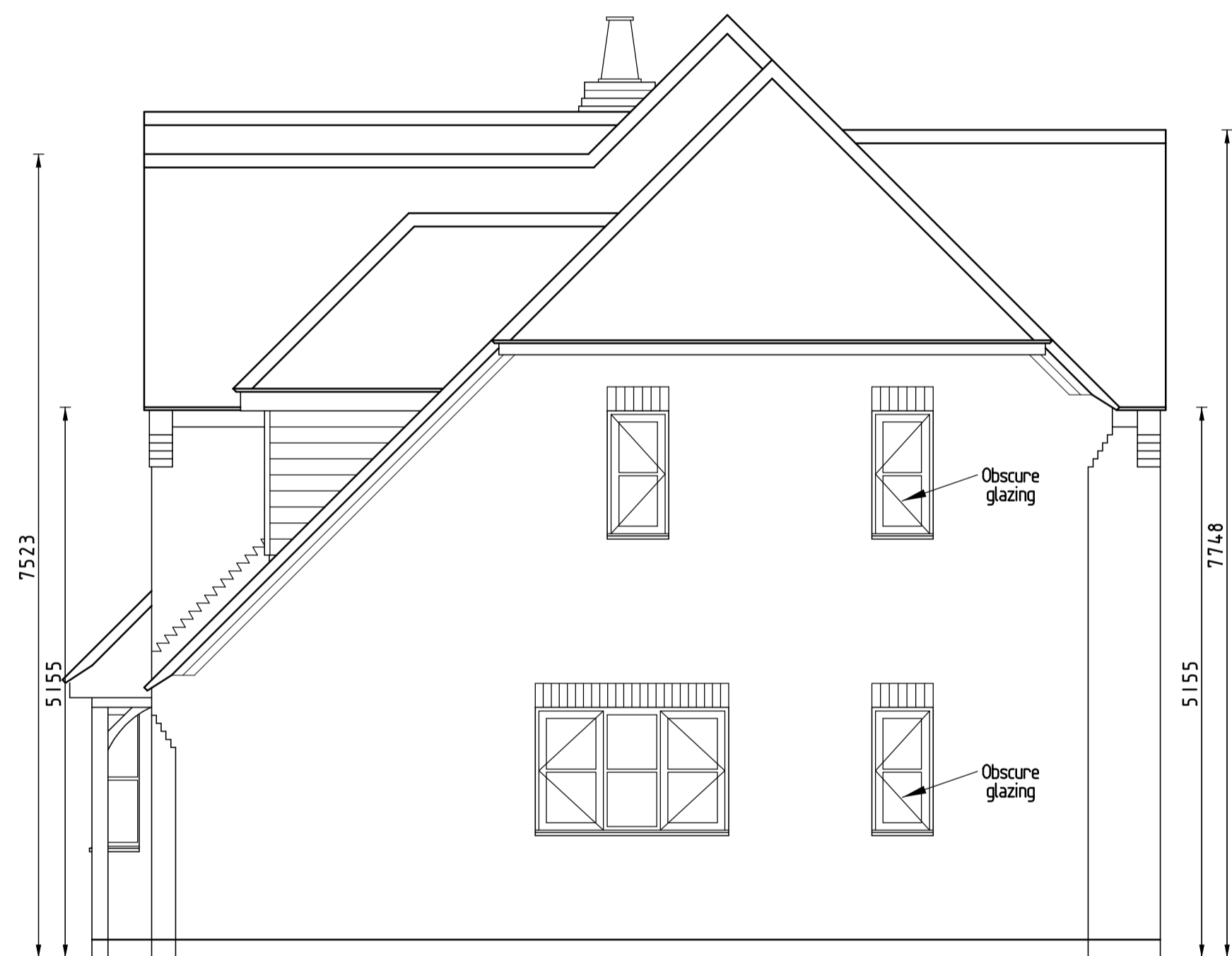
9 Cricketers Close,  
MARCH, PE15 9RU,  
Tel: (01354) 656977.



PROPOSED SOUTH ELEVATION Scale 1:50



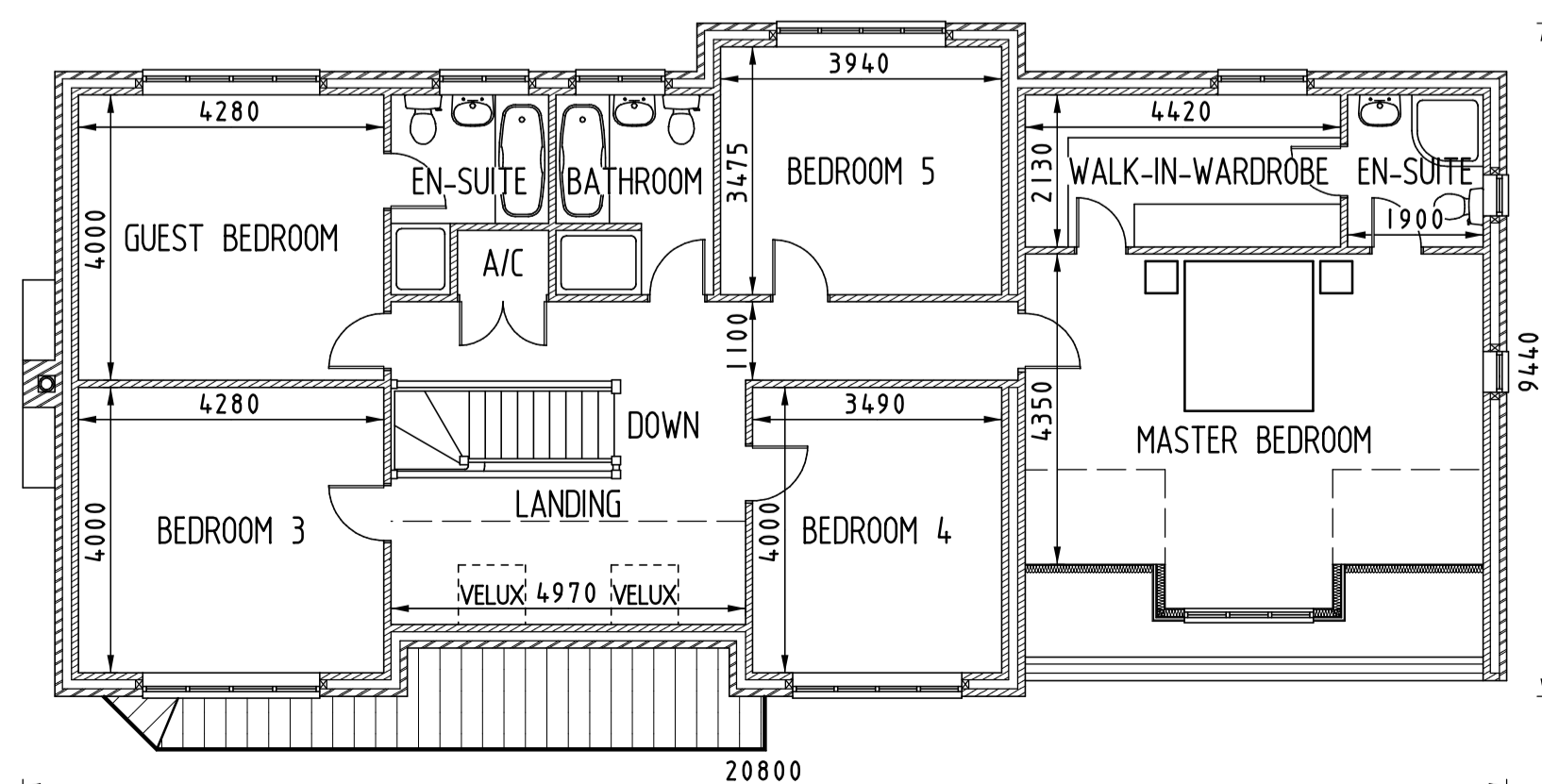
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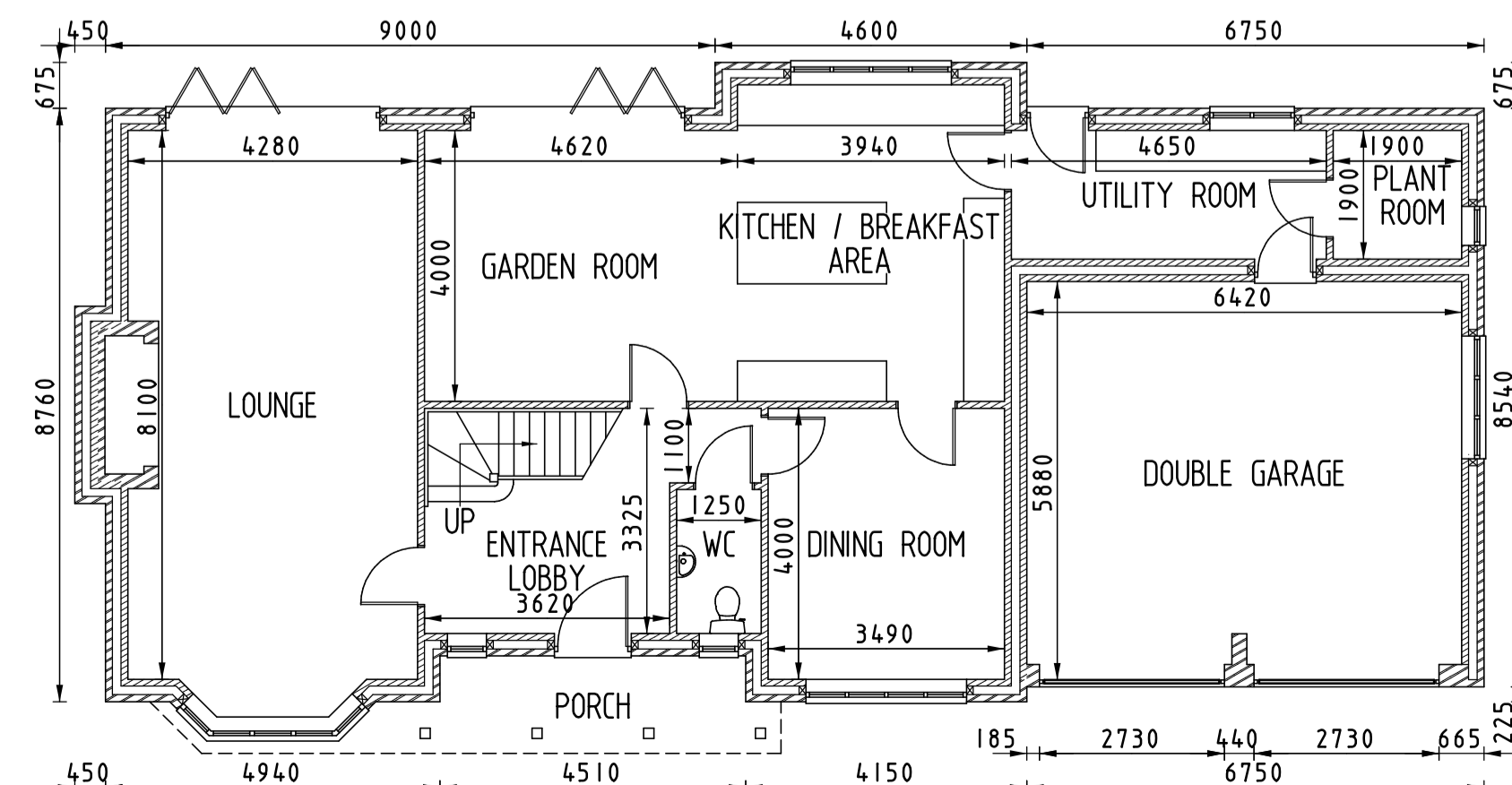
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PROPOSED EAST ELEVATION Scale 1:50



PROPOSED FIRST FLOOR LAYOUT PLAN Scale 1:100



PROPOSED GROUND FLOOR LAYOUT PLAN Scale 1:100

Drawing Title:- ERECTION OF FOUR 2-STORY DWELLINGS WITH GARAGES ALONG WITH A PRIVATE SHARED ACCESS LAND NORTH OF EASTWOOD HALL, MARCH ROAD, WIMBINGTON PLOT 4, PROPOSED HOUSE DESIGN			
Client:- Mr and Mrs M BUTCHER, 9 BRIDGE LANE, WIMBINGTON, MARCH, PE15 9RU			
Scale:- AS SHOWN	Date:- FEBRUARY 2022	Drawing No:- CAD 555 / 6	Rev:-

**Craig Brand** Architectural & Highway Design.  
9 Cricketers Close, MARCH, PE15 9RU. Tel: (01354) 656977.

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F/YR22/0345/F

**Applicant: Mr Adrian Garrett**

**Agent : Mr Craig Brand  
Craig Brand Architectural Design  
Services**

**Land West Of, 27 - 35 New Street, Doddington, Cambridgeshire**

**Erect 3 x dwellings (2 x 2-storey 3-bed and 1 x 2-storey 4/5-bed), a 2.1m high wall, and widen existing access, involving the demolition of outbuildings and front boundary brick piers within a conservation area**

**Officer recommendation: Refuse**

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

---

## 1 EXECUTIVE SUMMARY

- 1.1 The application proposes the erection of 3 x dwellings (a pair of semi-detached 3-bed and 1 x 2-storey 4/5-bed), a 2.1m high wall, and widening of an existing access, involving the demolition of outbuildings and front boundary brick piers within the Doddington Conservation Area.
- 1.2 The dwellings would be located on part of the site which is outside of the Conservation Area, whilst the buildings and brick piers to be demolished, the proposed wall and widening of the access would all be within the Conservation Area boundary.
- 1.3 The Parish Council recommend refusal on grounds that the development would be back-land, would affect the Doddington Conservation Area, would prejudice highway safety at the access, provides inadequate parking arrangements on the site and notes that previous applications on the site have been refused.
- 1.4 The proposal site is within a 'back-land' setting located on the edge of, but outside of the Conservation Area. A development of this site is likely to affect an existing visual gap that is important to the character of the Conservation Area. This impact would be exacerbated by the demolition of the outbuildings and brick piers on site which also help to define the character of the Doddington Conservation Area.
- 1.5 Two previous applications for one dwelling on the site have been refused and a negative pre-application response for 7 dwellings given citing the harm to the character of the Conservation Area. These reasons have not changed, and the applicant has not provided any information which would lead Officers to arrive at a different decision.
- 1.6 The recommendation is therefore for the application to be refused.

## 2 SITE DESCRIPTION

- 2.1 The site comprises an area of land set to the rear of a row of properties fronting New Street. The land is laid to lawn and enclosed with a wall along the southern boundary, mature hedgerow on its western and northern boundaries and abuts the rear gardens of No's 27, 29, 31 and 33 New Street to the east which are separated from the site with a mixture of 1.8-metre-high corrugated sheet and timber close boarded fencing.
- 2.2 The eastern boundary of the site forms the edge of the Doddington Conservation Area (CA) and therefore the site (except the proposed access currently serving No.35) sits just outside but immediately adjacent to the CA boundary. The site also abuts 6-8 Thistledown to the south and opens up to the open countryside on the west.
- 2.2 The site is located within Flood Zone 1 as defined by the Environment Agency

## 3 PROPOSAL

- 3.1 The application proposes the erection of 3 x dwellings (2 x 2-storey 3-bed and 1 x 2-storey 4/5-bed). The scheme also proposes a 2.1m high wall and the widening of the existing access involving the demolition of outbuildings and front boundary brick piers which are located within the Conservation Area
- 3.2 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

20/0108/PREAPP	Erect up to 7 detached dwellings with garages and associated works.	Negative response given.
F/YR19/1065/F	Erection of a 2-storey, 6-bed dwelling with Integral double garage involving formation of a shared access and demolition of existing shed within a conservation area.	Refused
F/YR19/0482/F	Erection of a 2-storey, 6-bed dwelling with integral double garage involving formation of a shared access and demolition of existing shed within a conservation area	Refused

## 5 CONSULTATIONS

- 5.1 **Parish Council**  
(13.05.2022) *'The above planning application was considered by Doddington Parish Council at their meeting on Wednesday evening. Members opposed the application for the following reasons:*

- a. *The application is backland development and members have concerns that this will be detrimental to the character and appearance of the Doddington Conservation Area. The views from Benwick Road across the open fields towards the Church are likely to be adversely affected by the development. The two pillars at the entrance to the site are within the Conservation Area and appear to be constructed with the same brickwork as the adjacent properties and may well be as old as these properties are due to be demolished to widen the access.*
- b. *Members have considerable safety concerns on the access to the site which is on a bend in New Street. Residents near this area often park their vehicles on the road thereby reducing road width and visibility.*
- c. *Minimal parking arrangements appear to have been allowed within the development which will likely mean that parking will take place on the access roads. There appears to be no provision for footways to be provided thereby meaning that residents and visitors will be walking in the access roads.*
- d. *Previous applications to develop the site have been refused and subsequent appeals dismissed'*

*(14.07.2022) 'Doddington Parish Council considered the revised proposals that have been submitted for the above planning application and concluded that the revised proposals have not altered the Parish Councils original objection to this development. The Parish Council therefore formally objects to the revised proposal'.*

## 5.2 **Cambridgeshire County Council Highways Authority**

*(03/05/2022) 'The current proposal shows hard surfaced private shared access road, which is acceptable however, there is no indication of the surface being drained away from the highway. This access should be drained away from the highway for a minimum of 5m back from the existing footway. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.*

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

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

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

Informative re: Works in the Public Highway

## 5.3 **FDC 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. Due to the demolition of existing structures and close proximity to existing noise sensitive dwellings, the following conditions should be imposed in the event that planning permission is granted.'*

- Unsuspected contamination
- Noise construction hours

#### 5.4 FDC Conservation Officer

(28.04.2022) The initial comments of the Conservation Officer indicated that the scheme was not supported, noting (in summary) that:

- The heritage statement failed to adequately assess the impact of the development on the conservation area and therefore did not comply with para. 194 of the NPPF and policy LP18 of the 2014 local plan.
- Outlined that previous planning history has not supported the principle of development on this site, and gave an overview of relevant appeal decisions which were material to the consideration of this scheme. With these appeal decisions demonstrating that backland development is not acceptable in this locality as it would cause harm to the character and appearance of the Doddington Conservation Area (CA).
- Gave an extensive overview of the site in the context of its setting and an evaluation of the proposals impacts on the CA

(14.07.2022) These further comments were made in response to a re-consultation [Paras. 1-3 set out the proposal and policy context]

4. *'A heritage statement has been submitted with the application. The information is now sufficient to comply with paragraph 194 of the NPPF and policy LP18 of the 2014 local plan.*
5. *However, though the revised statement points out that there is no statutory requirement to pay special attention to the desirability of preserving or enhancing the setting of a Conservation Area, it is important to note that in accordance with Historic England, every asset has a setting, and that setting will contribute to the significance of the asset or its appreciation.*
6. *The revised heritage statement seeks to question the validity of the Conservation Area Appraisal for Doddington, which is an adopted document. The site in question, and its setting have remained unchanged since the publication of that document, and therefore, its assessment of the site, and its setting, must remain valid.*
7. *The revised heritage statement also conflates 'backland' (i.e., rear gardens and historic paddocks or curtilage) with the open farmland which surrounds it. It is acknowledged that the site is not open farmland, but it is within that backland to the historic settlement, which provides the rural characteristics of the settlement and provides that link between the rural domestic, and the agricultural landscape surrounding it. Infill development within these sites will ultimately erode this character, and therefore the setting to the conservation area.*
8. *The revised heritage statement refers to the value of the views that are afforded from public viewpoints. Though, the long views to the countryside are currently obscured by young, non-native trees, these are not permanent features of the landscape, and there is an undeniable sense that there is open countryside and paddocks to the rear of these properties. Furthermore, the proposal to remove the tree at the access, the seasoning rack, and the raising of the sycamore canopy are not dependent on the approval of the application and could be achieved independently of this. The 'benefits' arising from these works, are therefore incidental and do not outweigh the harm caused.*
9. *In addition to the above, it must also be considered that Historic England guidance on setting states that 'although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other factors, including.... our understanding of the*



- historic relationship between places'. Furthermore, 'the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting'.*
10. *To reiterate earlier comments, the connection between the settlement and its countryside setting is a strong characteristic of the historic village and the conservation area. Along New Road, and specifically obvious on its west side, properties are served by gardens and 'paddocks' to the rear which back on to fields behind. The rear boundaries of these plots form the settlement edge of the village defining where the historic settlement footprint meets the fields behind and forms the rural setting to this village conservation area. The pattern of development and historic settlement footprint is a distinct element of the character and appearance of this part of the conservation area. Where development has been allowed along Thistledown Close, buildings can be seen between the properties on New Road, and they detract from this character. Though the revised heritage statement claims that the principal harm arising from the Thistledown development is due to the scale and materials used, harm also arises from the loss of open setting and an irreversible change in settlement morphology.*
  11. *The proposed dwellings, despite the revised proposals, would still constitute backland development and will be incongruous with the overriding settlement morphology of this part of the Doddington Conservation Area and would fundamentally change the relationship this part of the conservation area has with the field setting around it by introducing development in this location. The Doddington Conservation Area Character Appraisal (October 2017) para 8.66 makes the clear statement that "The absence of back-land development along much of the western side of New Road defines the long-term boundary of the village and contributes positively to the conservation area's historic setting and character". With this identified as a clear interest and contribution to the character and appearance of the conservation area the proposals will only serve to be detrimental to this. The proposals put forward would fail to preserve or enhance the character and appearance of the conservation area. Although the proposal as it currently stands must amount to less than substantial harm, such development, if allowed, would also set a precedent that could lead to substantial harm to the character and appearance of the conservation area, by piecemeal erosion through similar development in its rural setting.*
  12. *It is also worth reiterating that the principle of the development has been refused twice before, and not supported at pre-app level. Similar schemes have been refused elsewhere in the conservation area and dismissed at appeal.*
  13. *By introducing backland development to the setting of the conservation area and causing less than substantial harm within the setting of and to the detriment of the character and appearance of the conservation area, it is not felt that the proposal would comply with paragraph 206 of the NPPF.*
  14. *It is also not considered that there is insufficient public benefit to outweigh the harm arising from construction of the dwellings. The economic benefits arising from the job creation during the construction period are time limited, and those arising from future occupants are unlikely to have a significance impact on the economic fortunes of the village.*
  15. *The application is therefore not supported, in alignment with previous planning decisions.*
  16. *Should the application be approved contrary to this advice and contrary to*

*previous planning decisions, notwithstanding the materials proposed as part of the application, a condition should be set to cover external materials for the development’.*

5.5 **Historic England:** *‘Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice [..]’*

5.6 **Wildlife Officer**

**(06.05.2022)** Originally recommended refusal on grounds that there is insufficient information to make a recommendation.

Following submission of a Preliminary Ecological Assessment the following comments were received:

**(20.07.2022)** *‘I have now assessed the PEA that was submitted on the application. The PEA makes a strong recommendation for further reptile surveys as the habitats present on site are suitable. I am inclined to agree with this. As such I recommend that the applicant commissions these surveys and the subsequent survey reports submitted to the council. As with all protected species surveys timing essential. Discussions should be held with the consultant ecologist as soon as possible about arranging these surveys’.*

Following the submission of the survey report, the Wildlife Officer commented as follows:

**(30.09.2022)** The proposed landscaping does a good job at mitigating the potential negative impacts of construction. Overall, the vegetation being removed by the proposal is ornamental and the trees being removed are relatively young. Please note that it is vital that the vegetation removal follows all legal compliance in particular to nesting birds. All replacement landscaping should also be comprised of native species of local provenance. The application scheme is acceptable but only if conditions are imposed.

Recommended conditions:

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

5.7 **Arboricultural Officer (FDC)**

**(20.05.2022)** *‘With reference to the submitted documents, I would agree that the Cypress hedges are not of significant arboricultural value, and it is not feasible*

*to bring them back under normal hedge management due to the growth characteristics of the species.*

*However, whilst they lack biodiversity, they do provide nesting opportunities that is clearly an important aspect; I note that the Wildlife Officer has requested additional information to determine their response regarding biodiversity at the site.*

*I note drawing CAD 566/2 shows a proposed landscaping scheme, however, whilst the proposed tree planting is acceptable, the loss of nesting opportunities on the west and north boundaries has not been addressed. The use of a mixed native species hedgerow would be ideal to provide both nesting sites and foraging'.*

*(31.10.2022) 'Recommend Refusal: With reference to drawing CAD 566/2 Rev C, the loss of hedges T17 to T22, including cypress and Hawthorn, is a significant loss of potential cover for wildlife. Whilst I note the recommendations within the ecological report regarding bird boxes, the planting of a native mixed species hedge on the north boundary would provide both nesting and foraging opportunities in the long-term. The removal of group T3 removes the screening to the north of 6-8 Thistledown and this could be addressed with the use of Hornbeam (Carpinus betulus 'Frans Fontaine') as it will retain a narrow crown into maturity.'*

## 5.8 Local Residents/Interested Parties

12 letters of objection from 11 households have been received in respect of the original submission from the following addresses (26, 29, 31, 33, 37 New Street; 5 Hunts Close (2 letters); 8 Thistledown; 12 & 16 Witchford Close; 4a & 5 Fenview.

In respect of the re-consultation 6 letters were received from previous contributors reiterating their earlier concerns (37 New Street; 5 Hunts Close; 8 Thistledown, 4 & 5a Fenview, 12 Witchford Close) and a further 2 letters submitted from 49 Cedar Avenue and 51 New Street. This equates to 13 individual households registering their objections to the scheme; these may be summarised as follows:

### Design, Layout and character (including heritage)

- Backfill, Design/Appearance, Loss of view/Outlook
- Visual Impact
- Out of character/not in keeping with the area
- This development damages a greenfield area offering countryside views, in a conservation area
- Too much back-land development going on in this village
- Will harm the conservation area
- Contrary National Planning Policy Framework Policies LP16(a) and LP18 relating to the damage of a historic environment, in this a conservation area

### Residential amenity

- Overlooking/loss of privacy
- Proximity to property, inadequate separation between existing and proposed (relationship with No. 37)
- Shadowing/loss of light

- Visual dominance and impact of scheme
- Latest application more intrusive than the earlier scheme and significantly Impacts on residential amenity

#### Access and Highways

- Inadequate parking
- Widening of access to site will impact on-street parking for existing residents and local amenities (mainly Three Tuns pub)
- Insufficient visibility due to heavy on-street parking along New Street.
- Visibility splays are shown to go down footpath and do not take consideration for parked cars.
- A new access road would cause a major hazard along a very busy road.

#### Other matters

- Detrimental impact to existing property not considered in the supporting material; implications for structural integrity of adjacent buildings. Impact on existing boundaries
- Devaluation
- Does not comply with policy; has previously been refused
- Does not create a high-quality environment
- Environmental Concerns: do not consider ecological survey is an accurate representation of wildlife on the site
- Landscaping and Wildlife Concerns, trees within the conservation area to be removed and loss of existing habitats, also impacts on privacy of neighbouring properties
- Light Pollution
- There are Human internment's in walled garden
- Local services/schools - unable to cope
- Flooding - Increased flood risk of surface run-off onto New Street caused by paving greenfield land
- Would set a precedent
- *'Not opposed to development in and of itself but feel strongly that any development must be both in keeping with the area and sympathetic to the neighbours'. Suggests options to redesign.*
- *'Not a fan of this one. Would prefer the outskirts between Doddington and Wimblington to be looked at and developed rather than the centre of the village'*
- *Revised layout should mean the trees can be retained*
- *'I think it's ridiculous that the council keeps allowing these big houses to be built, the school is bursting at the seams and is already turning away children that live in the village, and I definitely don't agree with all the backland developments'*
- *'Overall this application does not provide anywhere near enough mitigation to make this is acceptable development'.*

**9 Letters of support** have been received from residents of Doddington (Manor Estate, Miller Close, Primrose Hill, Harvest Close, New Street, Carpenters Way, High Street, Bevills Close and Wood Street)

These offer general 'support' for the proposed development, with key themes being as follows:

- A smaller development at this location would be better use of the empty land
- Developments of this type should be encouraged rather than the larger developments already built and currently proposed

- *'Although close to a conservation area, this development is set back from New Street and will not aesthetically affect the 'look' of the centre of the village as you travel along New Street'.*
- Will not impact on village infrastructure (drainage, schools and doctors etc)
- *'The building of two semi-detached 3-bedroom dwellings will be more affordable for potential buyers or renters as again the village appears to have concentrated of developments of larger 4/5 bedroom detached homes or retirement bungalows'.*
- *'Increase in traffic with such a small development will be negligible'.*
- *'Would be beneficial to the community and town [...] will help provide more housing in the village to meet needs both now and in the future'*
- *'The pair of semi-detached houses would be more in keeping with the overall mixture of semi-detached and terraced houses within the street'*
- *'The detached house appears to be positioned within an area of the land that is hidden from view of the main road, and behind an existing wall'*

## **6 STATUTORY DUTY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7 POLICY FRAMEWORK**

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

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

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. 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. 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. 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.

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 [...]

Section 9 – Promoting sustainable transport

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

Para.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 15 – Conserving and enhancing the natural environment

Section 16 -Conserving and enhancing 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 2021**

**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

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

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

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP32: Flood and Water Management

## 8 KEY ISSUES

8.1 The key issues in relation to this proposal are:

- **Principle of Development**
- **Impact on the character and appearance of the area**
- **Residential Amenity**
- **Heritage Impacts**
- **Parking, Access & Highway Safety**
- **Landscaping and Trees**
- **Wildlife impacts**
- **Other Matters**

These are considered in turn below.

## 9 BACKGROUND

9.1 The site has a short history consisting of two refused applications (F/YR19/1065/F and F/YR19/0482/F) for a dwelling and a subsequent pre-application enquiry. In all three, Officers and the Council have been very consistent in their assessment of the development. The two applications have both been refused for the same reason stating:

*“The development, by reason of its back land position on a site which relates more to open countryside than the urban environment and its scale and modern design fails to respect and would adversely affect the predominant settlement pattern, urban grain and form of this part of Doddington's Conservation Area. Consequently, the development would not protect or enhance the character and appearance of the historic environment and would not make a positive contribution to the character of the area. The limited public benefits arising through the development would not outweigh this harm and the development is therefore contrary to Policies LP16 and LP18 of the Fenland Local Plan (2014)”*

9.2 This was subsequently repeated in a response to a pre-application request in which officers indicated that a development of 7 dwellings would, similarly, not

be supported because the development would still have the same impact on the character of the area. The current scheme is for a development that would, in quantum terms, be between the two extremes that have previously been considered for the site.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Despite two previous applications on the site, the principle of residential development has never been established. The current scheme is for a development of 3 dwellings on land adjacent to, but outside of, the Conservation Area with access by way of a small strip of land which is part of the Conservation Area. The Conservation Area is part of the built-up area of Doddington but the land in question, owing to its character and location outside of the settlement and to the rear of the built form, relates more to the countryside than the urban area.
- 10.2 Policy LP3 of the Fenland Local Plan, together with other policies, is designed to steer most new development to those larger settlements (the four market towns) that offer the best access to services and facilities (both now and for the foreseeable future). This is Fenland's spatial strategy which identifies Doddington as a growth village where development within the existing built-up area or small village extensions of a limited scale will be appropriate as part of the strategy for sustainable growth. According to this policy, for any development to be permitted within these areas, it should also be consistent with other policies of the local plan. As the site is identified as being in the rural area, any development in this area would need to be consistent with the provisions of rural Policy LP12.
- 10.3 As has been identified in relation to previous applications and pre-application advice given, the proposed development, owing to its backland location, would not satisfy the criteria set out within Part A of Policy LP12 requiring that the development be sited within or adjacent to the developed footprint of the village. The footprint is, for this purpose, defined within the policy as the continuous built form but excludes;
- a) Individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area of the settlement;
  - b) Gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement, and;
  - c) Agricultural buildings and associated land on the edge of the settlement.
- 10.4 The available historic aerial photos appear to show the land in question as being part of No. 35, the northern half of which may have been used as garden whilst, as indicated on the submitted plans, the southern half is part of a paddock. The proposal site would therefore be excluded as continuous built form by virtue of its location and use as it relates more to the surrounding countryside than to the built-up area of the settlement.
- 10.5 However, its location on the edge of the settlement would also accord easy access to services and, taking account of the juxtaposition of the apparent



countryside location and access to services, it implies that the proposed development would not fit comfortably within these categories and would therefore be considered as “Elsewhere” development. In such areas, development would be restricted to that which is essential for rural enterprises and could be permitted if it can be justified as such.

- 10.6 Sustainable development is nonetheless the golden thread that runs through both national and local planning policies and location of housing is central to these policies to stem travel. For this reason, paragraphs 79 and 80 of the NPPF (2021) promote the location of housing where it will enhance or maintain the vitality of rural communities through supporting services and businesses, whilst avoiding new isolated homes in the countryside. In this regard it is noted that whilst the site is set between the countryside and the edge of a settlement, it is closely related to the open countryside in character but has easy access to the settlement by way of a very short site access and thus not isolated in the context of paragraphs 79 and 80 of the NPPF (2021). In addition, its future occupiers could support local business and facilities.
- 10.7 In summary, the *site* is not eligible for development by virtue its location as set out within Policy LP12(A) and the *scheme* would be contrary to spatial strategy LP3 as it is clearly not for a rural enterprise. However, notwithstanding these conflicts, the principle of residential development on this site can be supported in the context of paragraphs 79 and 80 of the NPPF (2021) subject to being consistent with other relevant polices of the development plan.

### **Impact on the Character and Appearance of the Area**

- 10.8 Paragraph 126 of the National Planning Policy Framework 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is further reflected in Local Plan Policy LP16 which seeks to deliver and protect a high-quality environment for those living and working within the district.
- 10.9 The application proposes three units of accommodation consisting of a pair of semi-detached and a detached dwelling on land at the rear of 27-35 New Street in Doddington. The detached dwelling is designed to be more than 7.5m high which is comparable to No.35 and others such as the terrace of three dwellings on Thistledown, which adjoins part of the southern boundary. A detached double garage is also proposed for the detached dwelling and this would also be finished in materials to be in keeping with the dwelling, the site and the wider area.
- 10.10 The semi-detached units would be slightly higher at just over 7.7m and all the units would be finished in facing brick and reclaimed pantile roofs. Although the elevational details do not detail external finishes the application form indicates that the external walls will be finished in Vandersanden Corum facing bricks and the roofs will be Weinerberger Sandtoft Graphite Britslate with the garage being finished in reclaimed clay pantiles. It is noted that the Conservation Officer has indicated in their consultation response that notwithstanding the specified details should an approval be forthcoming external finishes should be subject to condition, which indicates the selected materials are inappropriate in context.

- 10.11 The scheme also provides more than an adequate amount of residential amenity space and thus proposal site would not appear cramped or overdeveloped.
- 10.12 The proposed development, owing to scale, design, appearance and Location, would accord with Local Plan Policy LP16 and NPPF (2021) which seek to manage development in order to create buildings and spaces that are acceptable to people and communities.

### **Residential Amenities**

- 10.13 Local Plan Policy LP16 seeks provide and protect comforts that the general environment provides and to this end ensures that development does not adversely impact on the amenity of neighbouring users owing to noise, light pollution, loss of privacy and loss of light.
- 10.14 All the three dwellings are proposed to be oriented in a north-south direction across the site facing towards 27 -35 New Street to the east and the paddock to the west. The detached dwelling would have one ground floor window facing south towards the semi-detached units but this would not cause any overlooking owing to the separation distance between them. The semi-detached units would not have any windows on the gable ends and thus not cause overlooking for the proposed detached dwelling.
- 10.15 The first-floor windows on the detached dwelling facing east towards 27-33 New Street would be bathroom and landing windows which are unlikely to result in overlooking. There are bedroom and lounge windows on the semi-detached dwellings facing east towards 35 New Street, but these are unlikely to cause any direct overlooking into that property.
- 10.16 This development would also result in the loss of much of the private amenity space associated with No. 35 with a 'private' garden area of 66 sqm shown (this assumes a plot area of circa 296 square metres yet discounts the parking area in the percentage calculation, focusing on actual physical garden space) which is clearly a significant reduction. This would be materially below what Policy LP16(h) prescribes for private amenity space. Even though the proposed dwellings are unlikely to result in mutual overlooking or loss of privacy for the existing properties, the development would result in a material reduction of curtilage associated with 35 New Street at a level which is not commensurate with the size of the property and significantly below the threshold as prescribed by the FLP (2014).
- 10.17 The issue highlighted at 10.16 was not considered pertinent to the earlier schemes noting that in the case of F/YR19/1065/F parking provision was made within the existing garage/store of No. 35 and at its most westerly end. This arrangement allowed for 104 square metres of private amenity space, which when discounting the common areas of access (assuming a plot area of circa 333 square metres) equated to 31% of the retained plot at No. 35 being available as private amenity space. An identical arrangement was shown in respect of the earlier proposal submitted under F/YR19/0482/F. Whilst just under the minimum third prescribed under Policy LP16(h) this would not have reasonably manifested itself as justification for refusal in respect of the earlier schemes.

10.18 However in the case of this revised scheme it is considered that the proposed development, owing to the amount of land that would be annexed to accommodate the proposed development, would result in the existing development being cramped and unable to provide the appropriate level of amenity space. This is likely to harm the living conditions of the occupiers 35 New Street contrary to Local Plan Policy Local Plan Policy LP16.

### **Heritage Impacts**

10.19 In determining applications, local planning authorities should take account of, among other criteria:

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

10.20 In addition, Local Policy LP18 states that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland and any development that would have an impact on designated and undesignated heritage asset should be supported by a heritage statement. The applicant submitted a heritage statement in support of the proposed development which was reviewed by the Council's own Conservation Officer who considered the impact of this proposal on the character and appearance of the Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

10.21 However, it was the view of the Conservation Officer that the submitted heritage statement failed to adequately address the possible impact of the development on the Conservation Area and thus the scheme did not accord with the requirements under and Fenland Local Plan Policy LP18 and paragraph 194 of the NPPF(2021).

10.22 Planning history for similar proposals in Doddington are also relevant here. Noting that there are two Planning Inspectorate decisions (under the current Fenland Local Plan (2014) and NPPF) associated with F/YR14/0989/F and F/YR15/0725/O. These reinforce Council's position that back-land development is not acceptable in this locality as it would cause harm to the character and appearance of the Doddington Conservation Area.

10.23 In considering this proposal due regard is given to the character and appearance of the Conservation Area in the locality of New Road as well as its setting. This development, which would be set between the settlement/ Conservation Area boundary, would result in the loss of a visual break, natural features and a rear garden that form part of the character of this part of the Conservation Area.

10.24 These features are important as they help define the immediate and wider rural setting of the village and the Conservation Area. Allowing this development is, therefore, likely result in the loss of these features to the detriment of the character and appearance of this part of the Conservation Area. The proposal would therefore fail to preserve or enhance the character and appearance of the conservation area. Such development, if allowed, would also set a precedent

that could lead to substantial harm to the character and appearance of the Conservation Area, by piecemeal erosion of its rural setting.

- 10.25 The Conservation Officer, in assessing the proposal, concluded that whilst all aspects of the proposed development would cause harm to the character and appearance of the Conservation Area, the heritage statement submitted in support of the proposed development was considered especially inadequate to objectively assess the possible impact of the development on the Conservation Area. A revised Heritage statement was subsequently submitted which was considered by the Conservation Officer and accepted as achieving compliance with paragraph 194 of the NPPF and policy LP18 of the 2014 local plan. Notwithstanding the acceptance of this element of the submission the Conservation Officer maintained their earlier stance in respect of the development of this site concluding that the proposed dwellings, despite the revised proposals, would still constitute back-land development, a principle that the Council has consistently refused on this site and elsewhere in Doddington. Highlighting that the introduction of back-land development, even that which causes less than substantial harm within the setting of the conservation area without sufficient public benefit to outweigh that harm, would not comply with paragraph 206 of the NPPF.
- 10.26 The scheme would therefore not accord with the requirements of Fenland Local Plan Policy LP18 and paragraph 199 of the NPPF (2021).

### **Parking, Access & Highway Safety**

- 10.27 Fenland Local Plan Policy LP15 states that new development will only be permitted if it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved.
- 10.28 The applicant proposes to make provision for parking at the rate of 2 cars per semi-detached and the existing dwelling, with two parking spaces on the drive and a detached double garage (2 further spaces) to serve the detached 4/5 bedroom dwelling. This level of provision is considered acceptable when assessed against Appendix A of the FLP (2014) as whilst the garage is slightly shorter than that prescribed in Appendix A the width exceeds that specified.
- 10.29 In addition, the scheme proposes the widening of the existing access which would involve the demolition of two brick pillars which currently mark the vehicular access. The proposal has been considered by the Highways Officer who has requested some minor changes but has no concerns to raise subject to condition.
- 10.30 The proposal would accord with Local Plan Policy LP15.

### **Landscaping and Trees**

- 10.31 Paragraph 131 of the NPPF (2021) states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. In addition, Local Plan Policy LP16 states that high quality environments will be delivered and protected throughout the district. Proposals for all new development will only be permitted if it can be demonstrated that the proposal, among other criteria, retains and incorporates natural and historic features of the site such as trees.

- 10.32 The proposal site is located on the edge but outside of the conservation and area there are trees on the edges, much of which are cypress (fir) trees within the conservation area that are protected by virtue of being within the designated area in order to protect their visual amenity. Those trees that are on the boundary or outside of it are also important because they tend to have a high amenity value and provide a context or backdrop against which views into and out of the conservation are seen.
- 10.33 The applicant submitted an Ethical Arboricultural Assessment Report which was submitted to the FDC Tree Officer for review. The outcome of this consultation was that the Tree Officer recommended refusal given that *'the loss of hedges T17 to T22, including cypress and Hawthorn would be a significant loss of potential cover for wildlife'*. He recommended that a native mixed species hedge be planted on the north boundary to provide both nesting and foraging opportunities in the long-term. Furthermore the Tree Officer considered that the removal of group T3 removed screening to the north of 6-8 Thistledown but that this could be addressed with future supplementary planting.
- 10.34 Noting that the Wildlife Officer has accepted the scheme detail with regard to biodiversity enhancements and that supplementary landscaping could be secured via a 'notwithstanding' condition it is not considered that there would be grounds to withhold consent in terms of landscaping matters.

### **Other Matters**

- 10.35 Comments generated through the consultation exercise have been addressed within the relevant sections of the report above where they relate to character, heritage, setting, highways, residential amenity, wildlife and landscape. However, the following matters raised are duly considered below.
- 10.36 Detrimental impacts to existing property and impact on existing boundaries: The onus would rest with the developer to ensure that their proposals do not have negative impacts on adjoining structures etc; however this would be a civil matter and not one which could be reconciled through the planning process.
- 10.37 Devaluation: This is not a material planning consideration
- 10.38 Loss of view/Outlook: The planning system operates in the public interest and there is no right to a private view within planning legislation. Matters of outlook are however material considerations but not considered in this instance to be severely compromised as a result of the development.

## **10 CONCLUSIONS**

- 11.1 It remains the case the development of this site is likely to affect an existing visual gap that is important to the character of the Conservation Area. This impact would be exacerbated by the demolition of the outbuildings and brick piers on site which also help to define the character of the Doddington Conservation Area.
- 11.2 Two previous applications for one dwelling on the site have been refused and a negative pre-application response for 7 dwellings given citing the harm to the character of the Conservation Area. These reasons have not changed, and the

applicant has not provided any information which would lead Officers to arrive at a different decision.

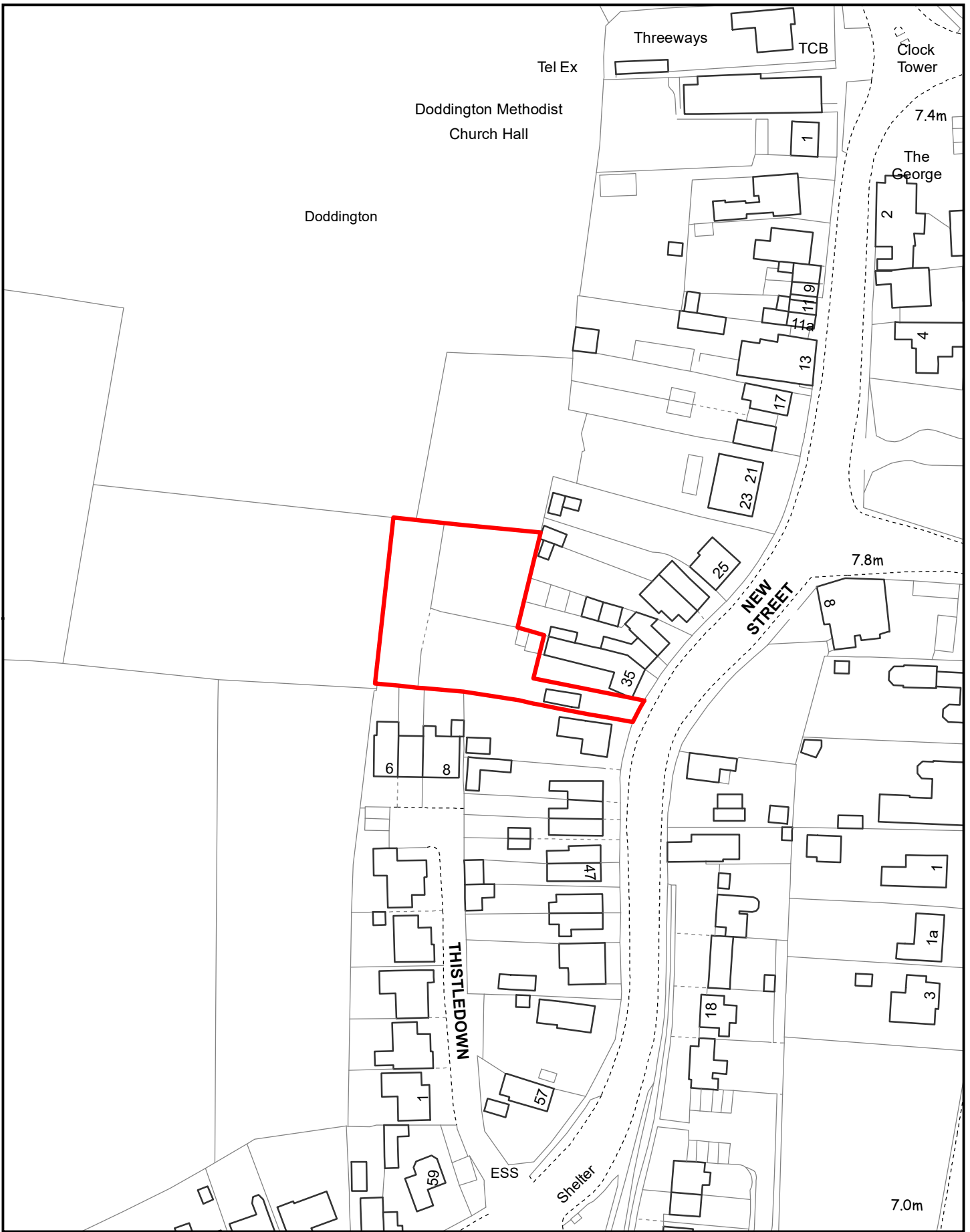
- 11.3 The earlier refusal recommendation continues to be an appropriate response to the development as proposed given the harm to the Doddington Conservation Area that will arise weighted against the limited public benefits arising through the development. Such benefits would not outweigh the harm arising from the proposal and the development is therefore contrary to Policies LP16 and LP18 of the Fenland Local Plan (2014).
- 11.4 In addition the revised proposals would not allow for an adequate level of private amenity space to be retained in respect of the donor dwelling, with the resulting provision being insufficient to provide reasonable residential amenity to future occupiers of this dwelling as such an additional refusal reason must be appended to the recommendation as made.

## 10 RECOMMENDATION

**REFUSE;** for the following reasons:

### Reason for refusal

1	<p>Fenland Local Plan Policy LP16(d) seeks to ensure that high quality environments are delivered and developments make a positive contribution to the local distinctiveness and character of the area. Policies LP16(a) and LP18 seek to protect and where possible enhance the historic environment in accordance with paragraph 197(c) of the National Planning Policy Framework (NPPF). Where harm to the historic environment is caused, the public benefits of the proposal should be weighed against this harm in accordance with policy LP18 and paragraph 196 of the NPPF.</p> <p>The development, by reason of its back land position on a site which relates more to open countryside than the urban environment and fails to respect and would adversely affect the predominant settlement pattern, urban grain and form of this part of Doddington's Conservation Area. Consequently, the development would not protect or enhance the character and appearance of the historic environment and would not make a positive contribution to the character of the area. The limited public benefits arising through the development would not outweigh this harm and the development is therefore contrary to Policies LP16 and LP18 of the Fenland Local Plan (2014).</p>
2	<p>Policy LP16(h) of the Fenland Local Plan (2014) prescribes a minimum third of the plot curtilage as private amenity space to ensure that sufficient provision is made to facilitate appropriate levels of amenity for householders. The amount of land that would be annexed off for the proposed development, would result in the existing development being cramped and unable to provide the appropriate level of amenity space recommended. This is likely to harm the living conditions of the occupiers 35 New Street contrary to Local Plan Policy Local Plan Policy LP16.</p>



Created on: 12/04/2022

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**F/YR22/0345/F**

Scale = 1:1,250

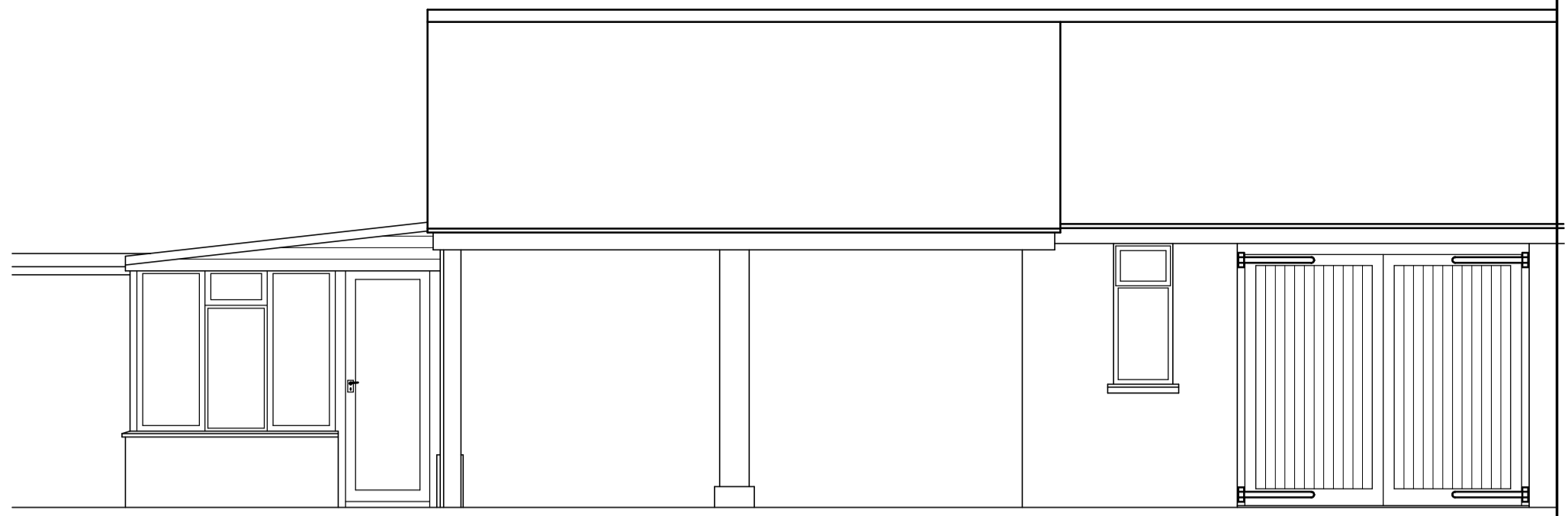




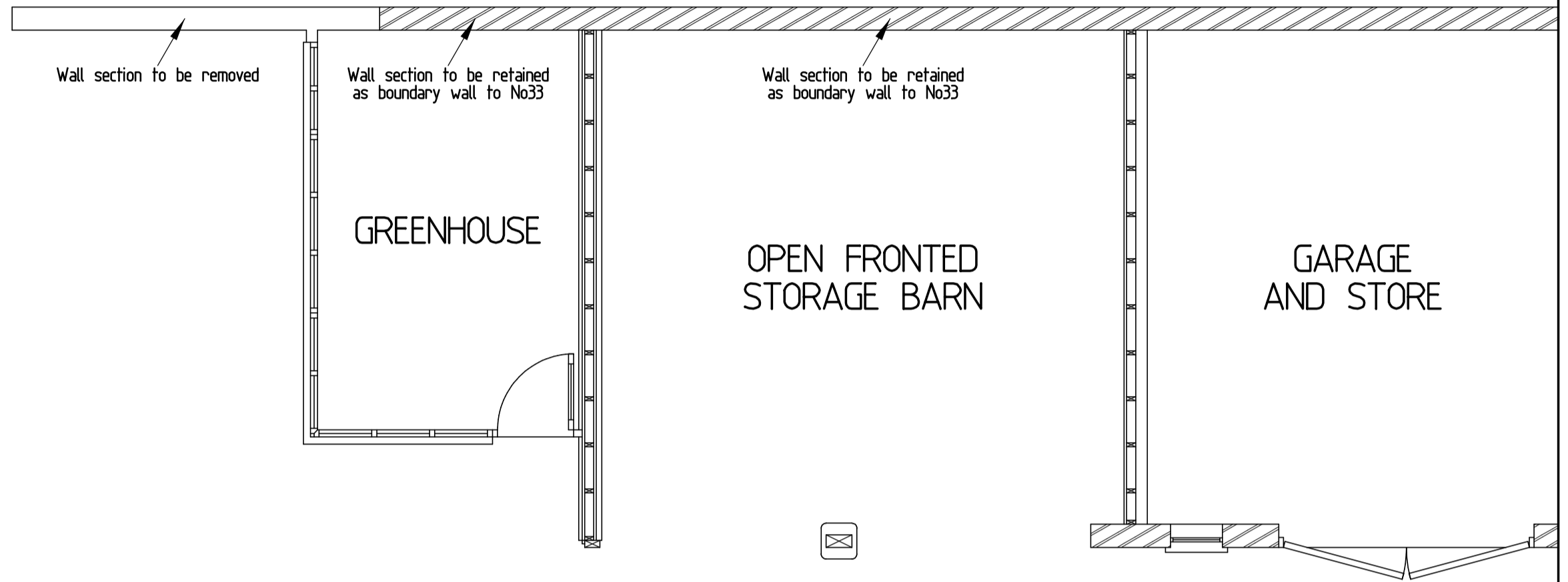




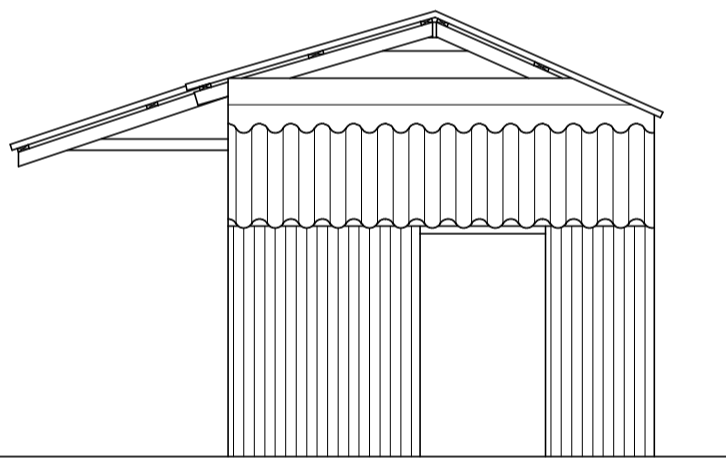
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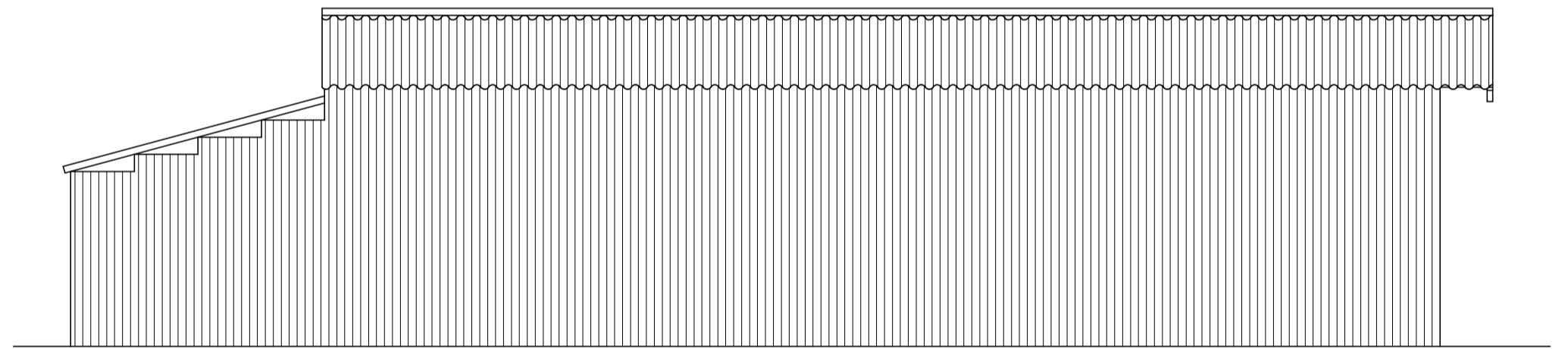
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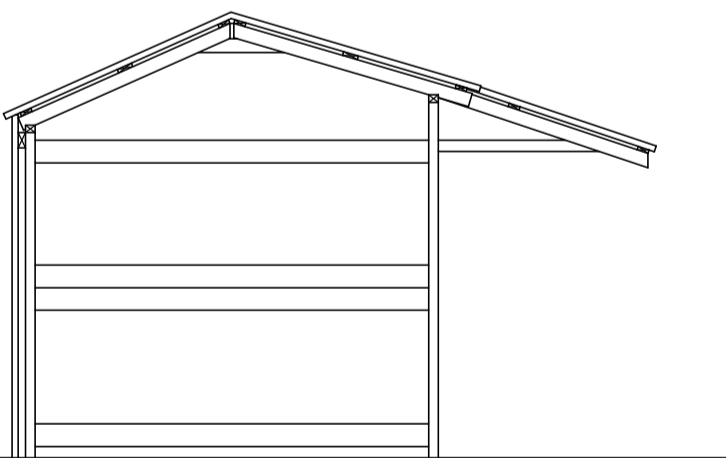
FLOOR LAYOUT PLAN



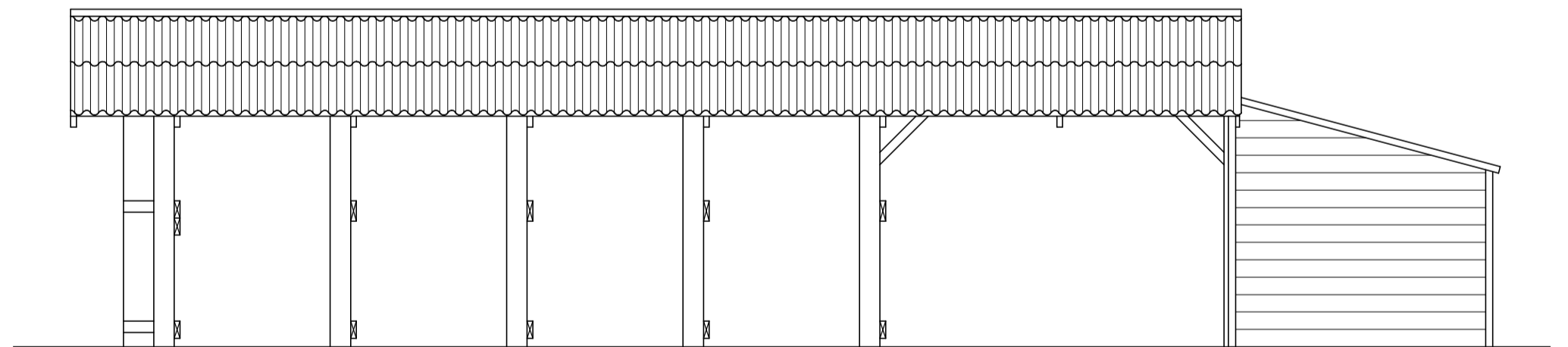
SIDE ELEVATION



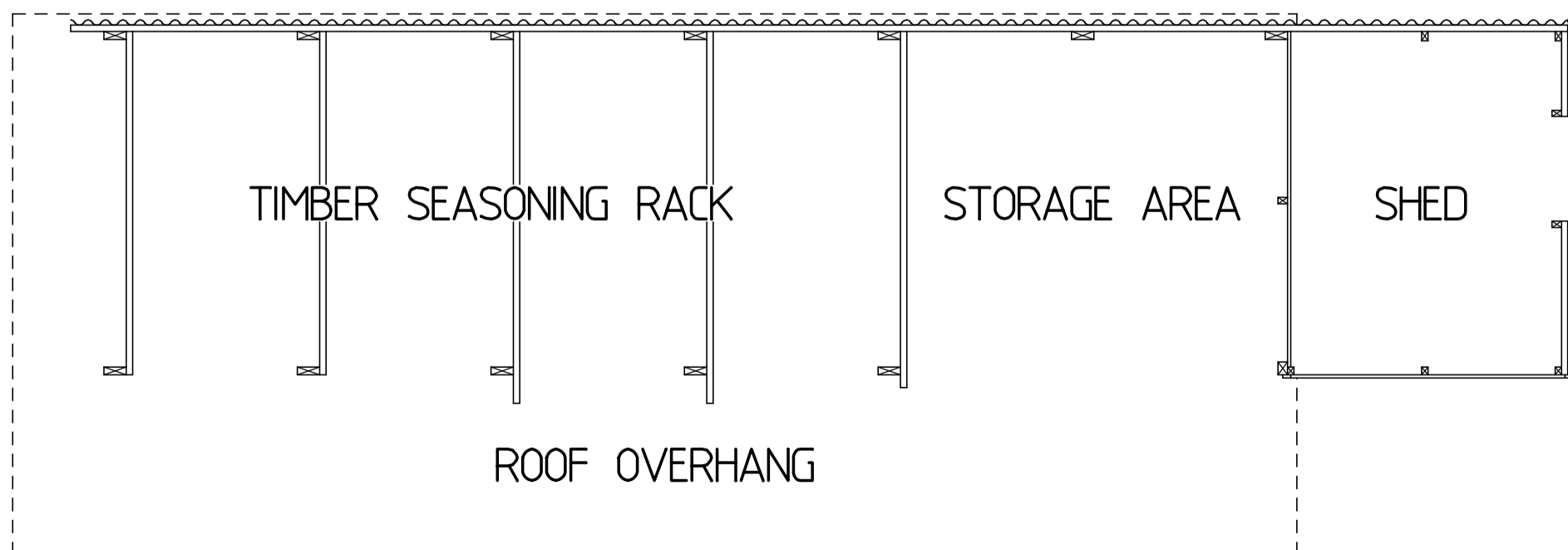
REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



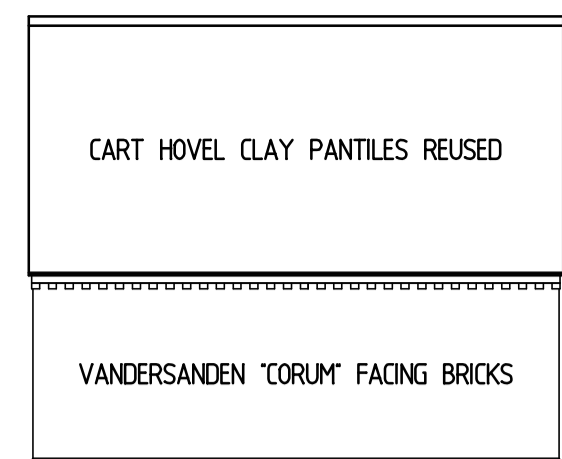
FLOOR LAYOUT PLAN

Drawing Title:-  
 ERECT 3 DWELLINGS (2x2-STOREY 3-BED AND 1x2-STOREY 4/5-BED), A 2.1m HIGH WALL, AND WIDEN EXISTING ACCESS, INVOLVING DEMOLITION OF OUTBUILDINGS AND FRONT BOUNDARY BRICK PIERS LAND WEST OF 27-35 NEW STREET, DODDINGTON. OUTBUILDINGS TO BE DEMOLISHED DETAILS

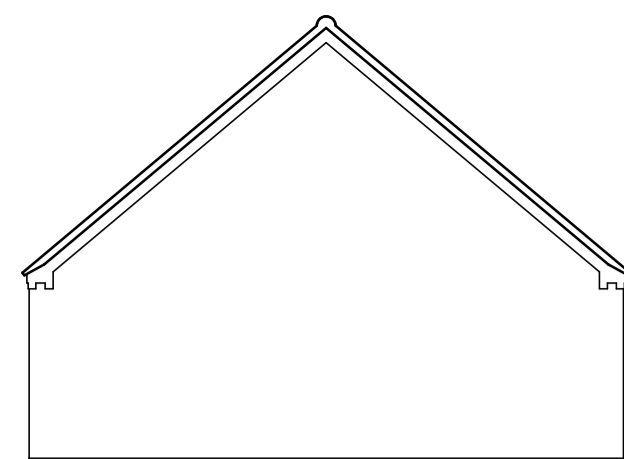
Client:-  
 Mr and Mrs ADRIAN GARRETT,  
 MARCH ROAD, WIMBLINGTON.

Scales:- 1:50 Date:- MARCH 2022 Drawing No:- CAD 566 / 6 Rev:-

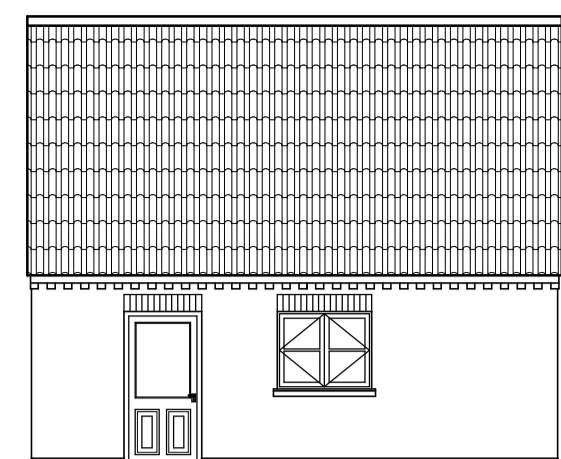
**Craig Brand** Architectural & Highway Design.  
 9 Cricketers Close, MARCH, PE15 9RU. Tel: (01354) 656977.



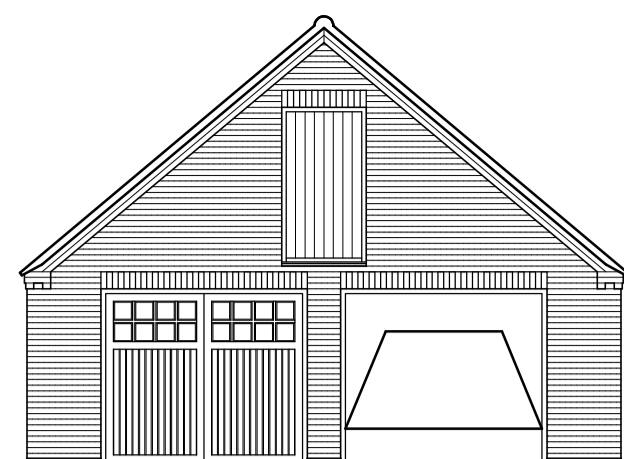
EAST SIDE ELEVATION



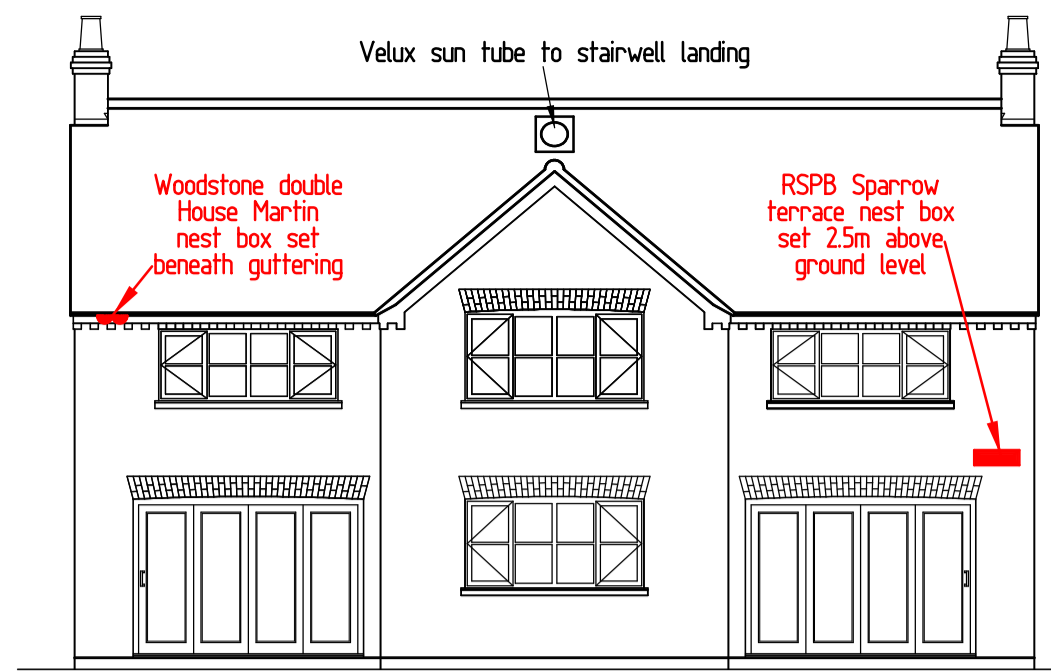
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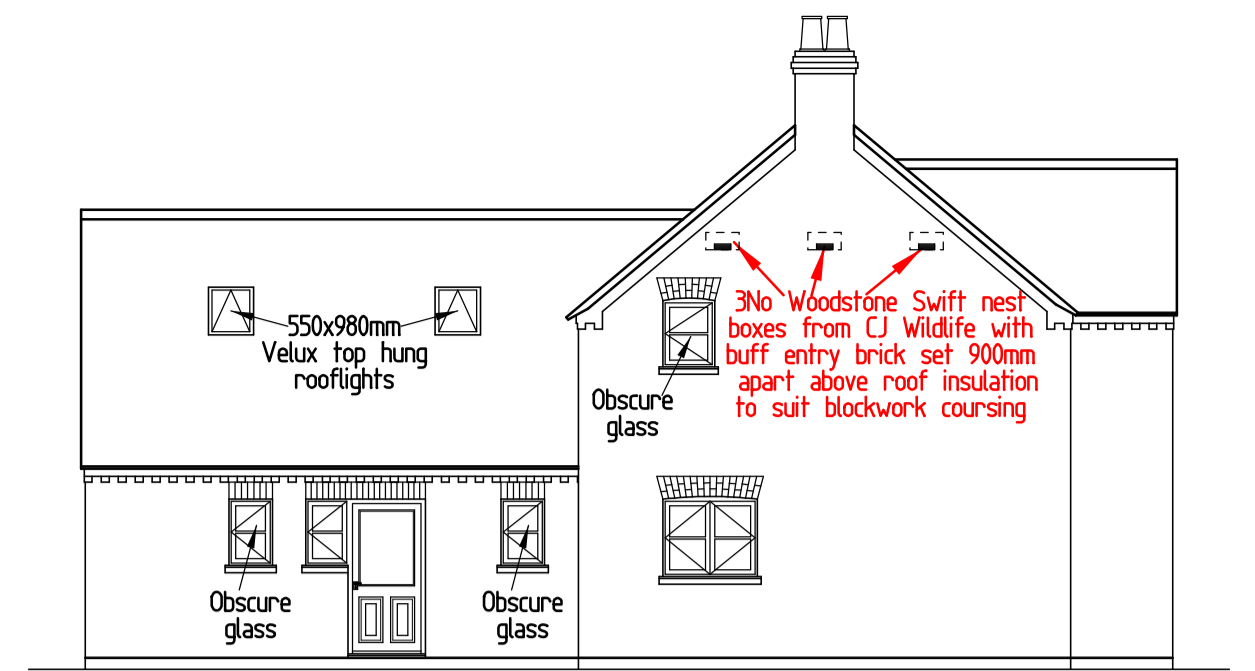
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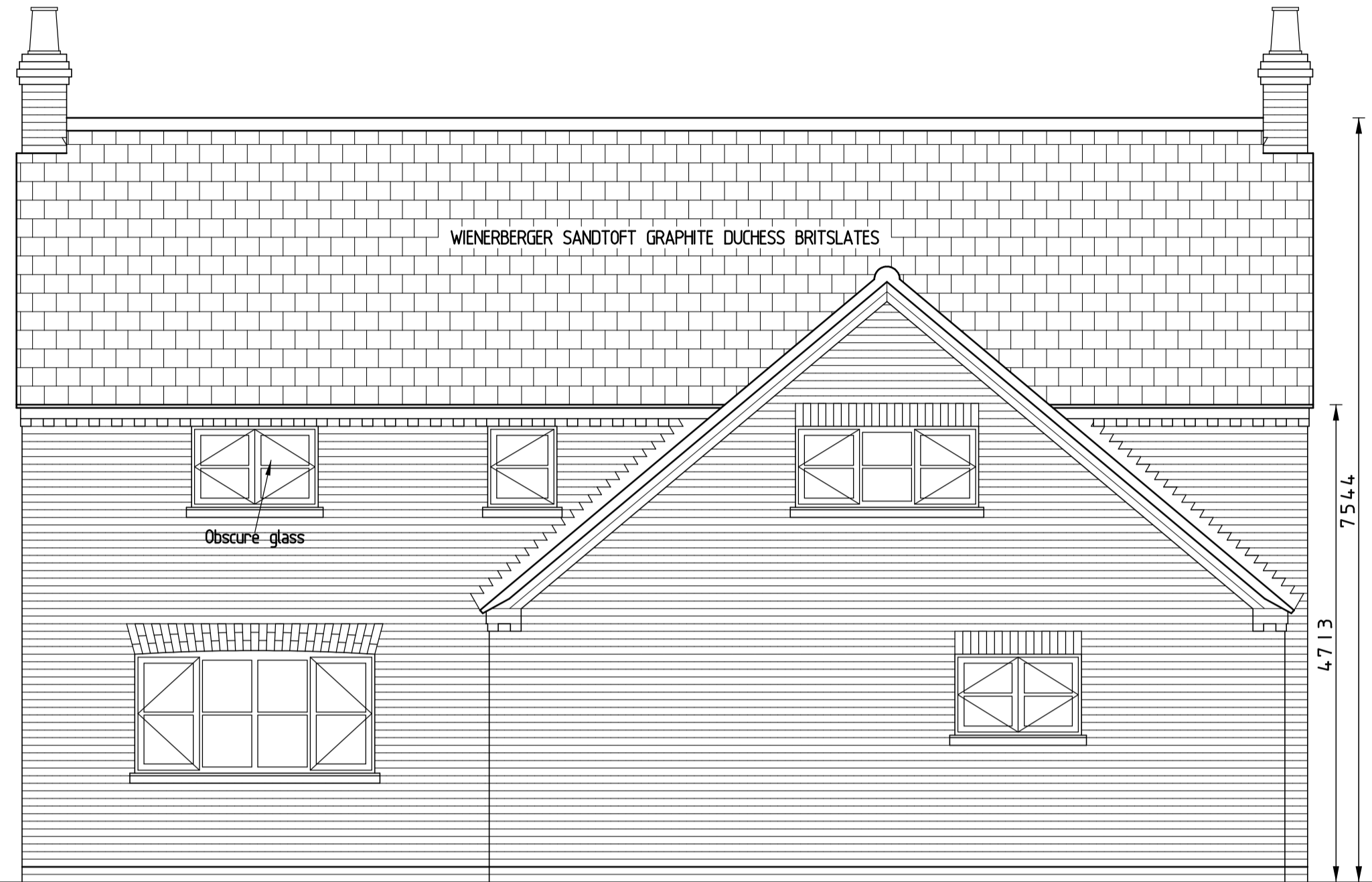
SOUTH FRONT ELEVATION



PROPOSED WEST SIDE ELEVATION



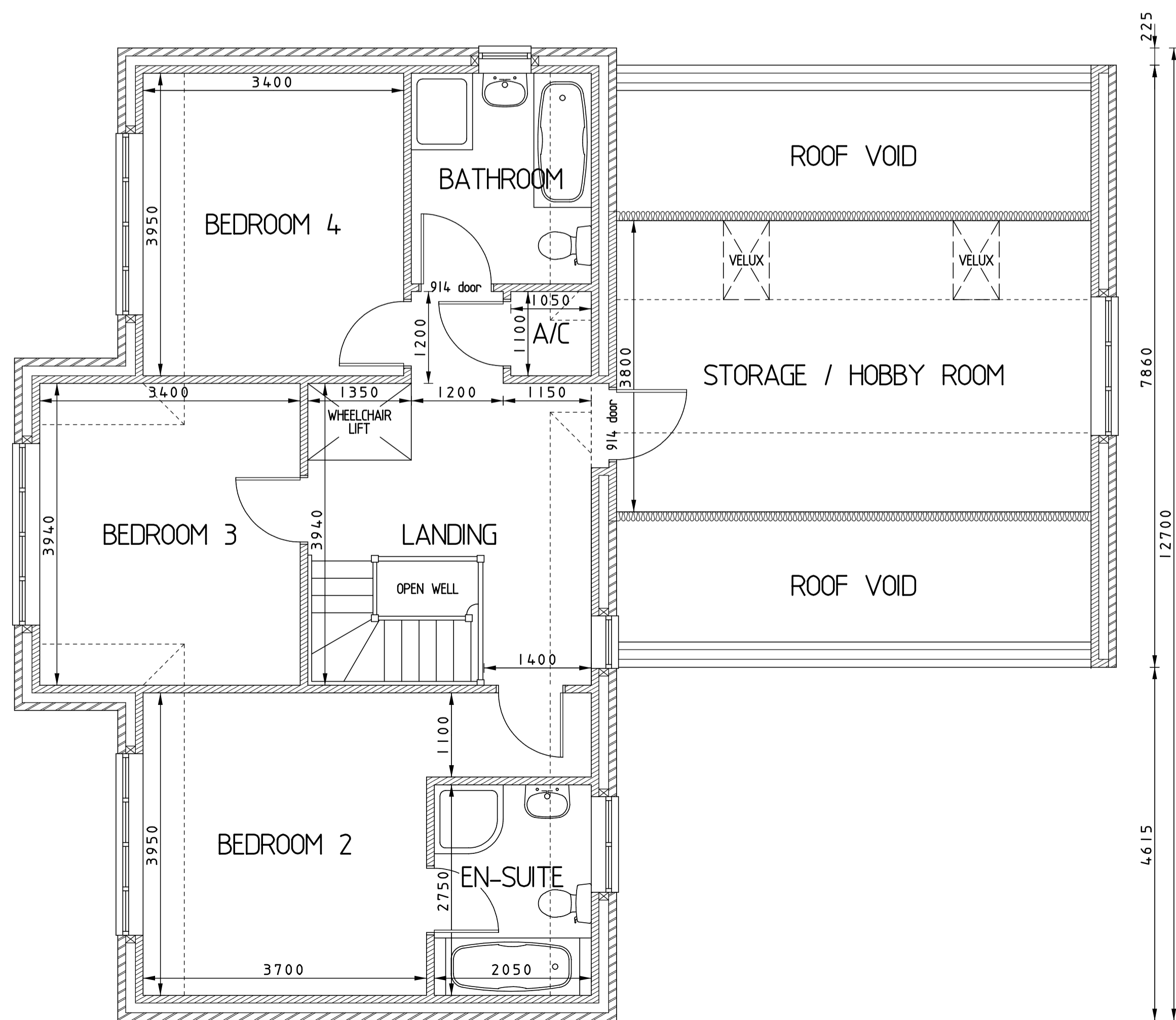
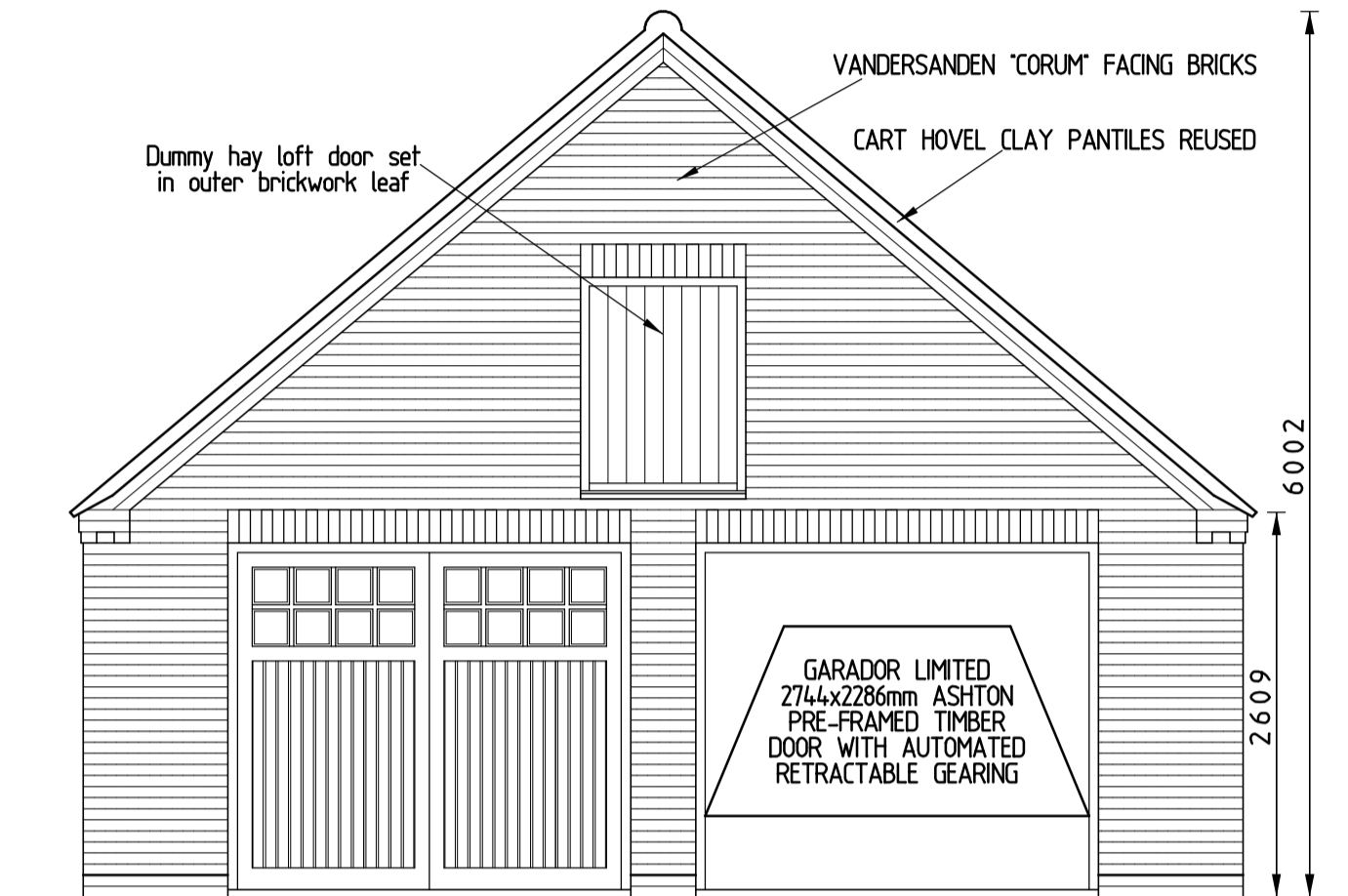
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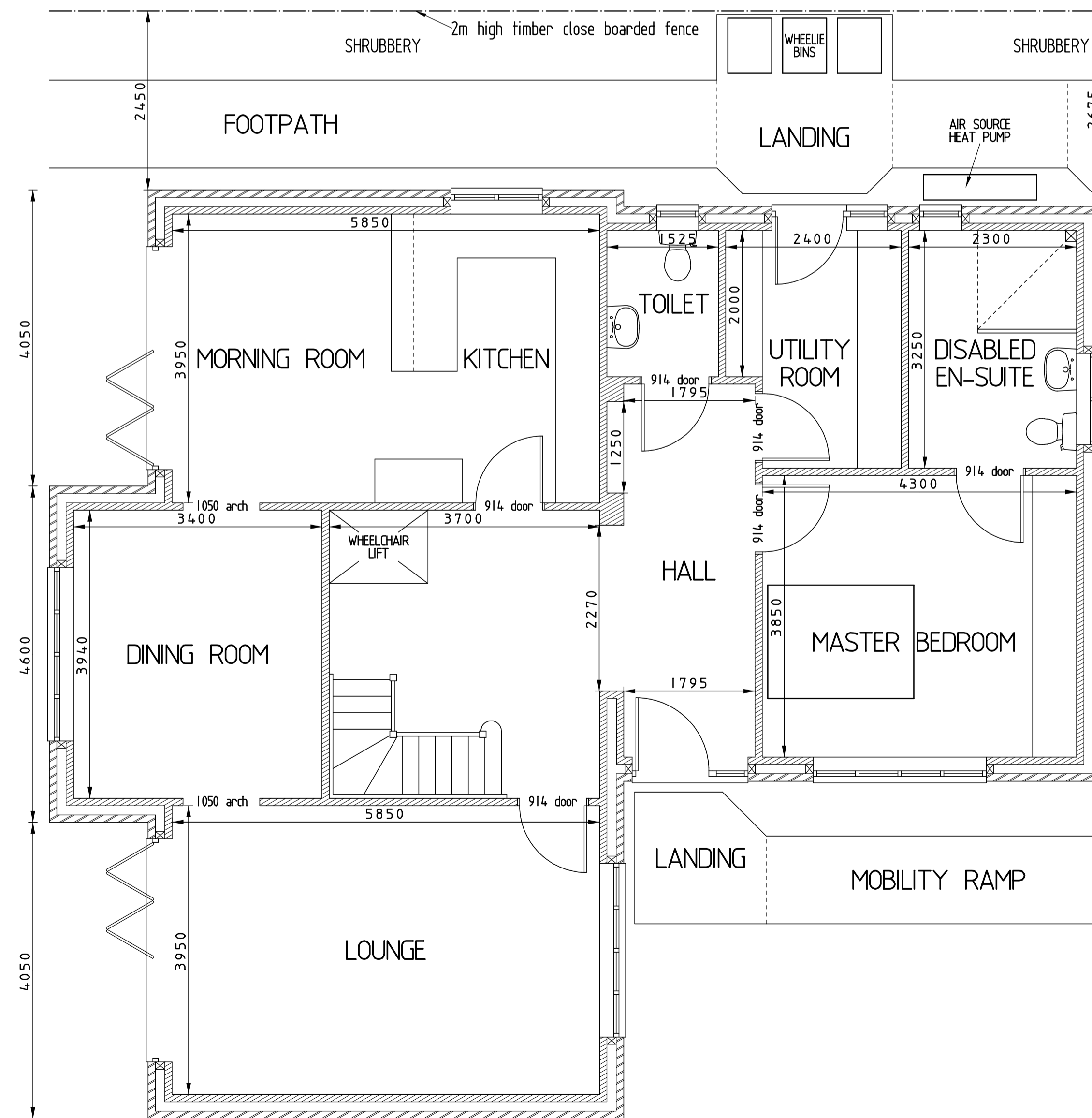
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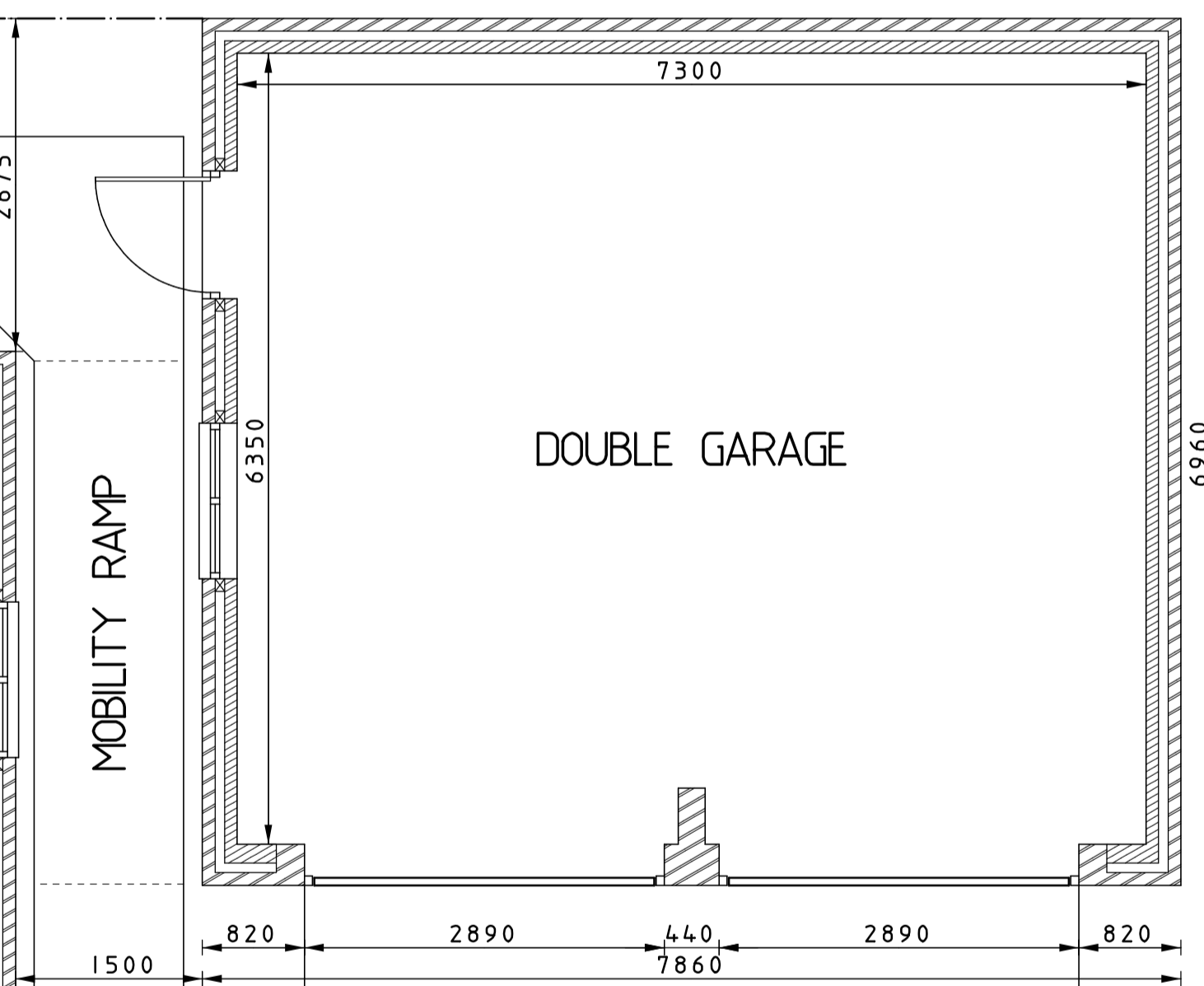
PROPOSED SOUTH FACING HOUSE AND GARAGE FRONT ELEVATIONS



PROPOSED HOUSE FIRST FLOOR LAYOUT PLAN



PROPOSED HOUSE GROUND FLOOR LAYOUT PLAN



PROPOSED GARAGE FLOOR LAYOUT PLAN

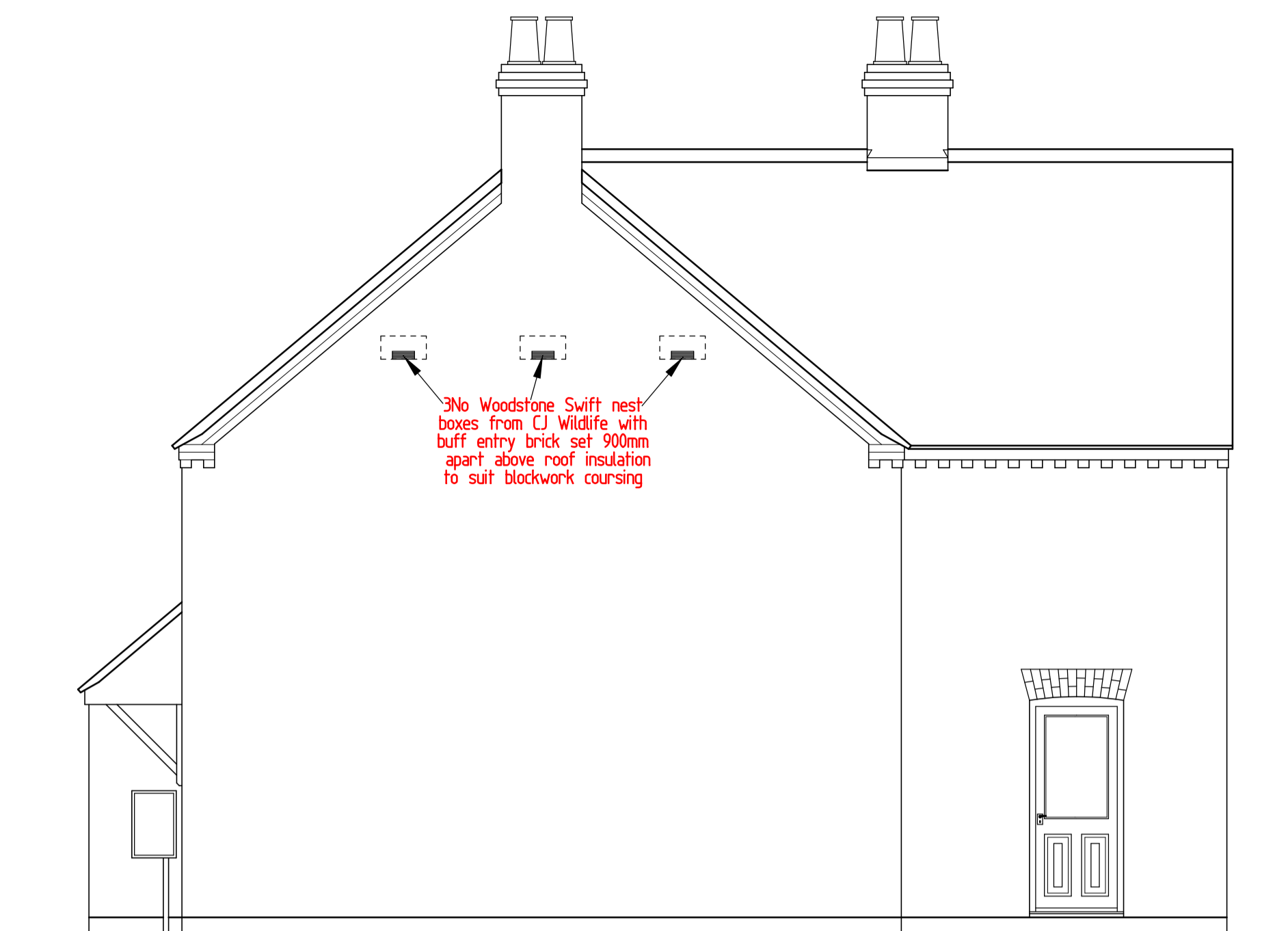
- Revision A Alterations to windows
- Revision B External materials specified on elevations
- Revision C Biodiversity requirements added to elevations

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Client:-  
Mr and Mrs ADRIAN GARRETT,  
MARCH ROAD, WIMBLINGTON.

Scales:- 1:50, 1:100  
Date:- JANUARY 2022  
Drawing No:- CAD 566 / 4  
Rev:- C

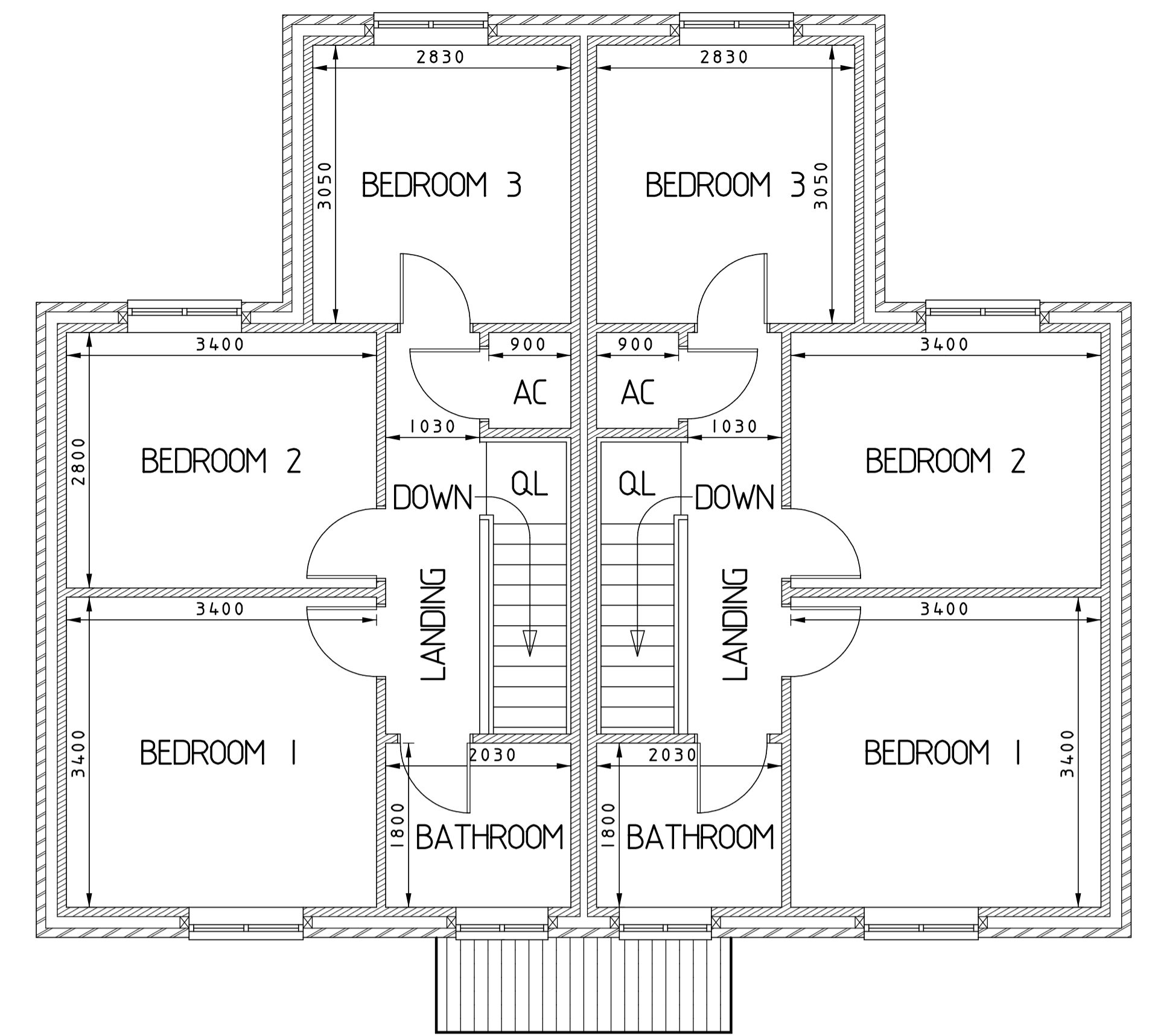
**Craig Brand** Architectural & Highway Design.  
9 Cricketers Close, MARCH, PE15 9RU, Tel: (01354) 656977.



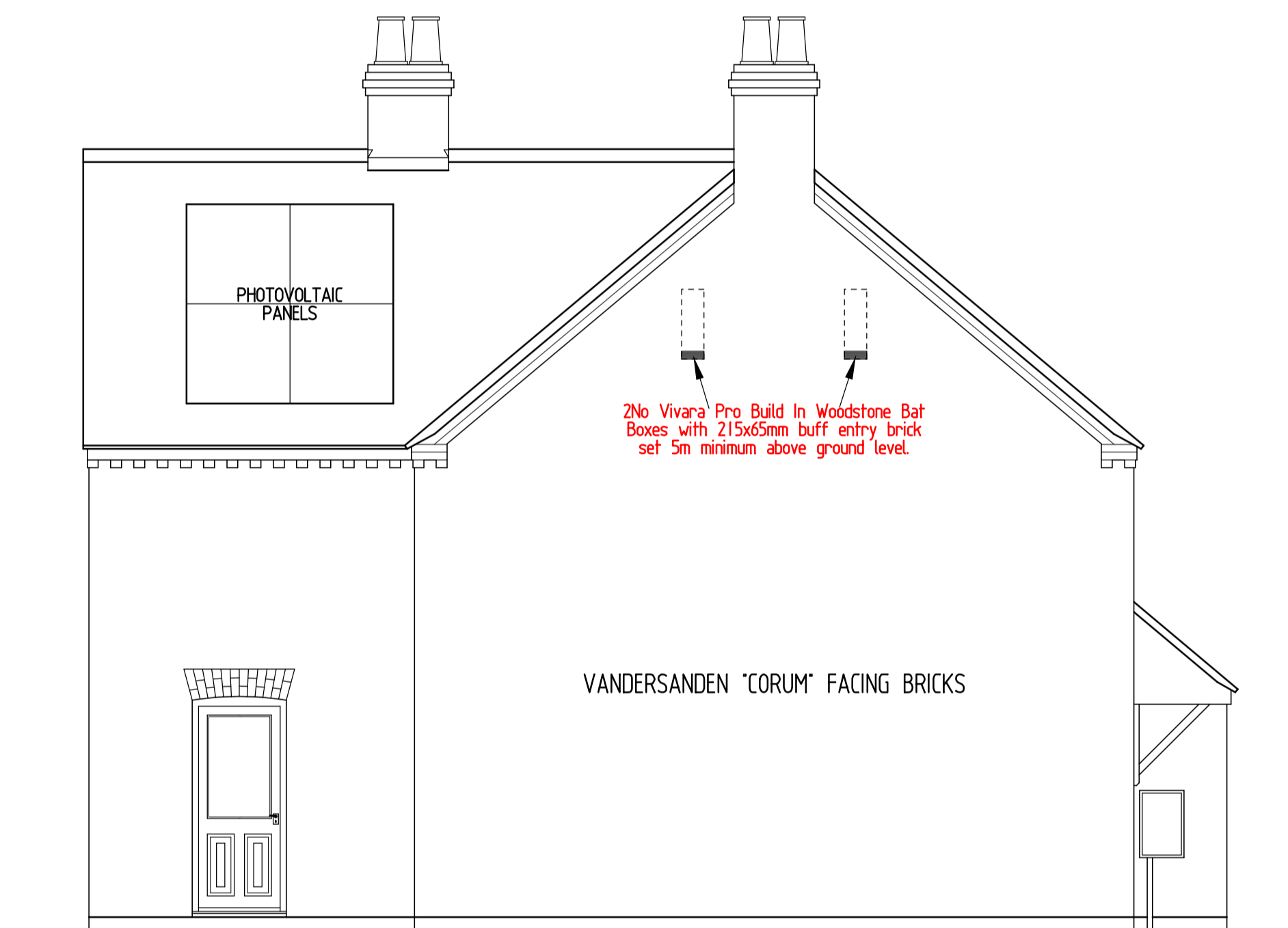
PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



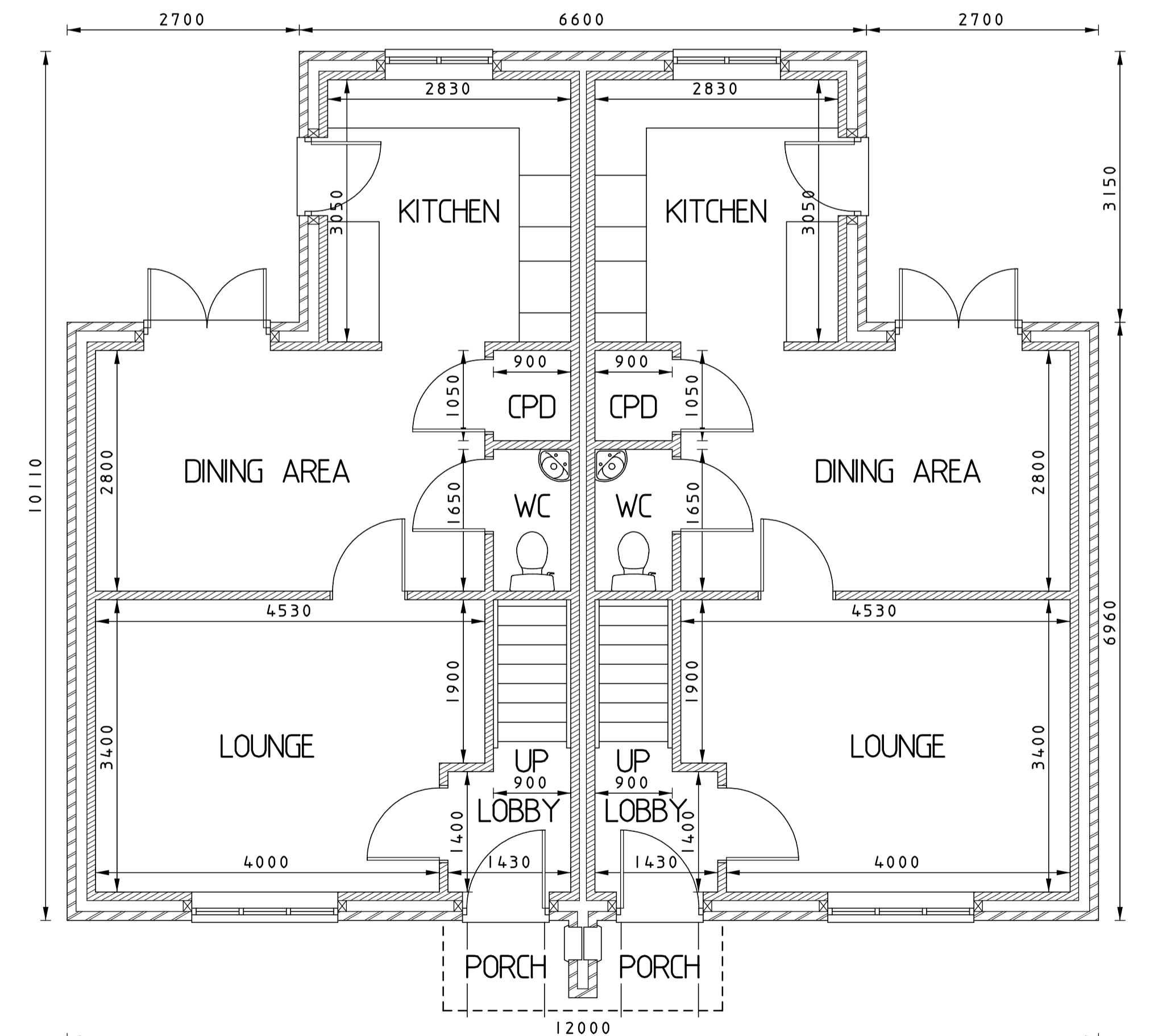
PROPOSED FIRST FLOOR LAYOUT PLAN



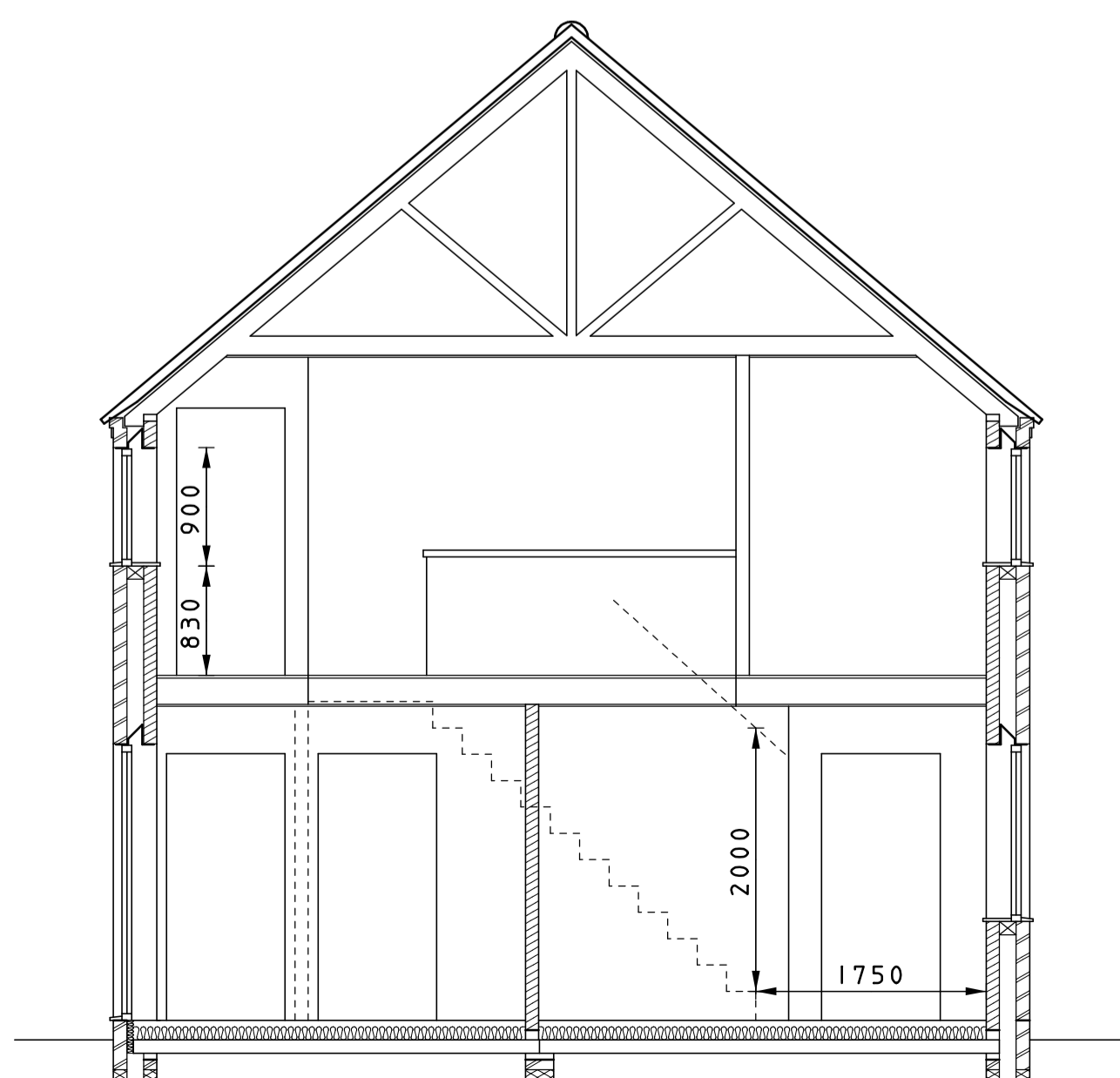
PROPOSED SIDE ELEVATION



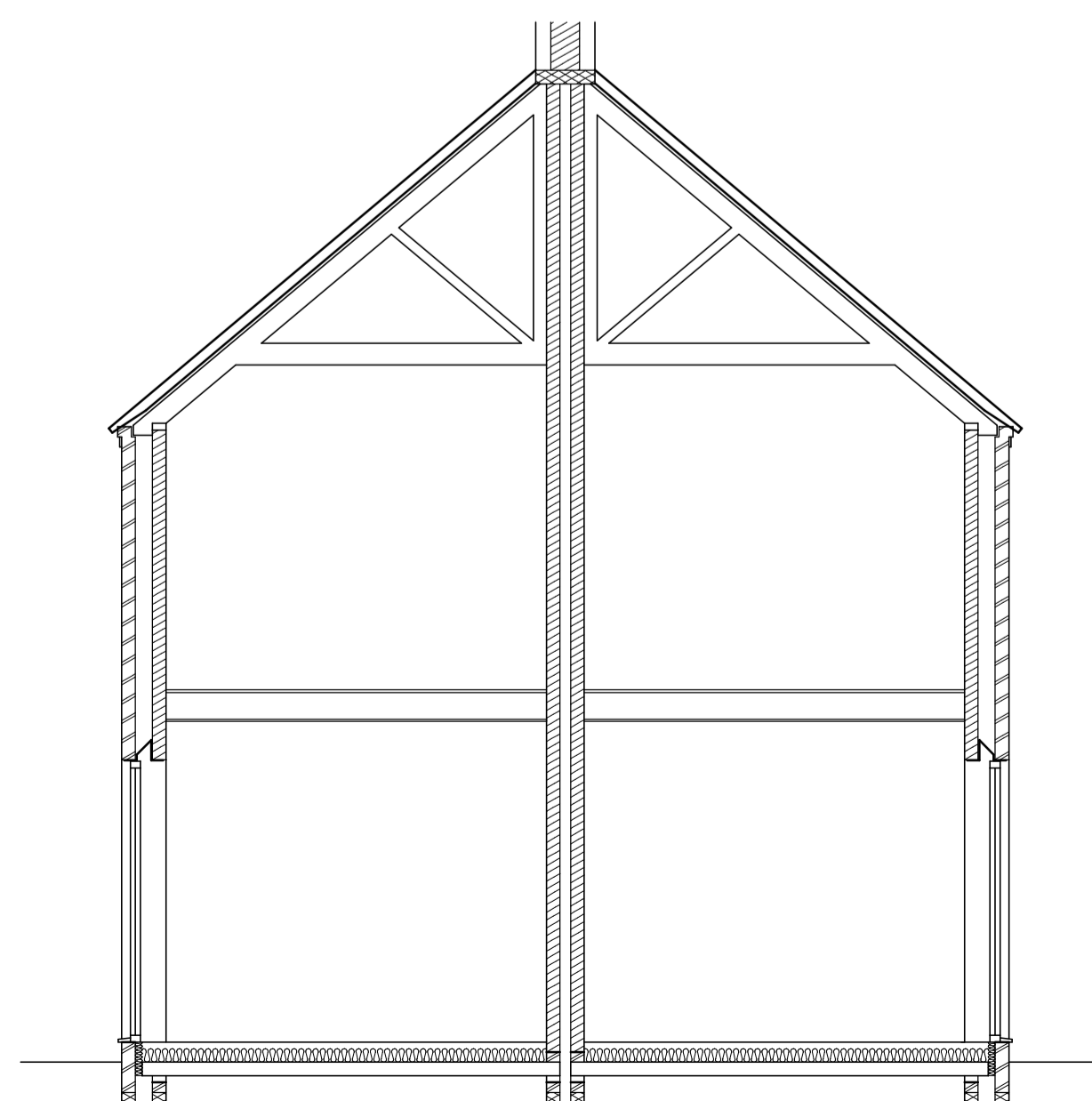
PROPOSED FRONT ELEVATION



PROPOSED GROUND FLOOR LAYOUT PLAN



MAIN BODY CONSTRUCTION SECTION

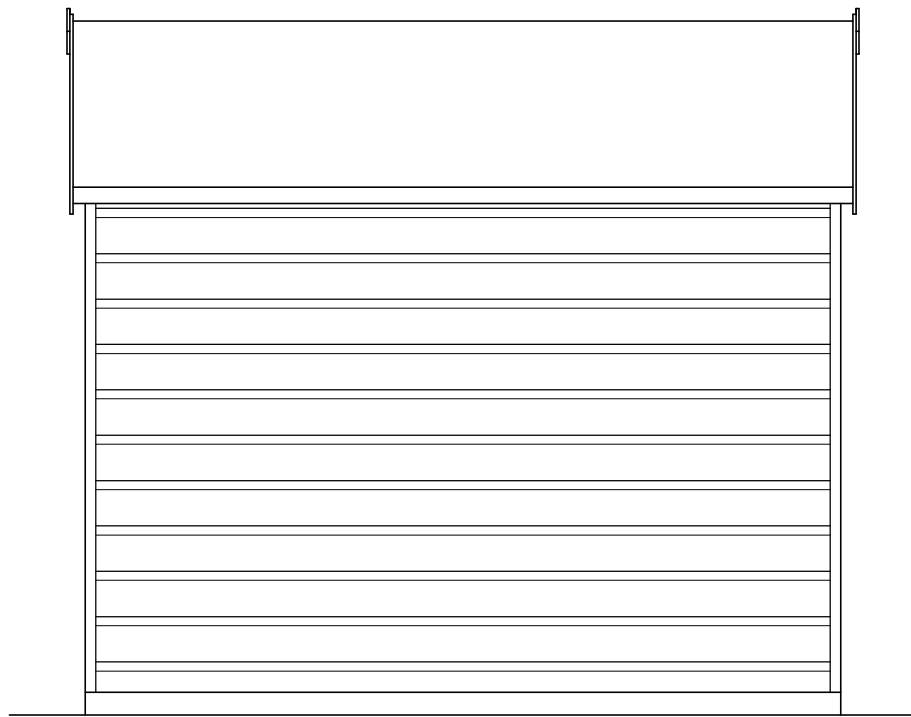


REAR WING CONSTRUCTION SECTION

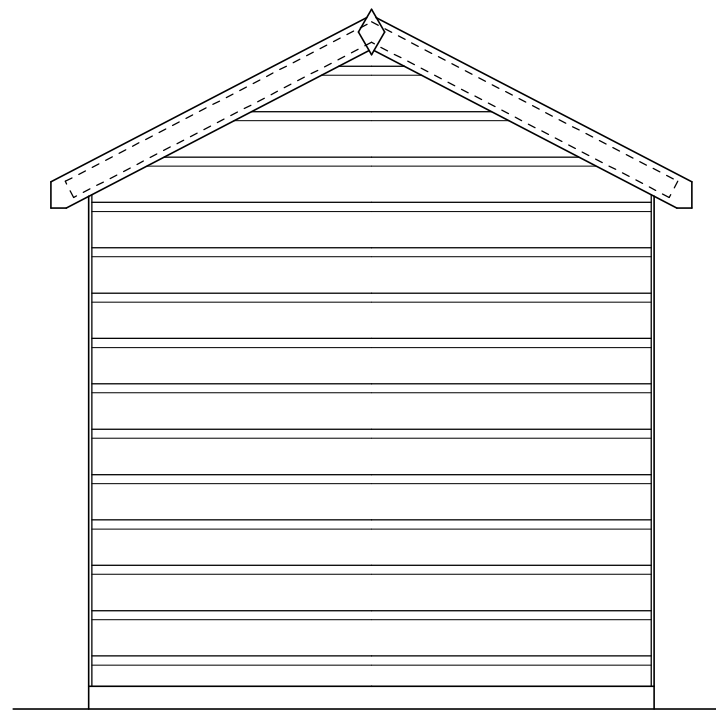
- Revision A Alterations to windows
- Revision B External materials specified on elevations and porch detail simplified
- Revision C Biodiversity requirements added to elevations

Drawing Title:- ERECT 3 DWELLINGS (2x2-STORY 3-BED AND 1x2-STORY 4/5-BED), A 2.1m HIGH WALL AND WIDEN EXISTING ACCESS, INVOLVING DEMOLITION OF OUTBUILDINGS AND FRONT BOUNDARY BRICK PIERS, LAND WEST OF 27-35 NEW STREET, DODDINGTON, PROPOSED SEMI-DETACHED HOUSE DESIGN DETAILS			
Client:- Mr and Mrs ADRIAN GARRETT, MARCH ROAD, WIMBLINGTON.			
Scale:- 1:50	Date:- JANUARY 2022	Drawing No:- CAD 566 / 3	Rev:- C

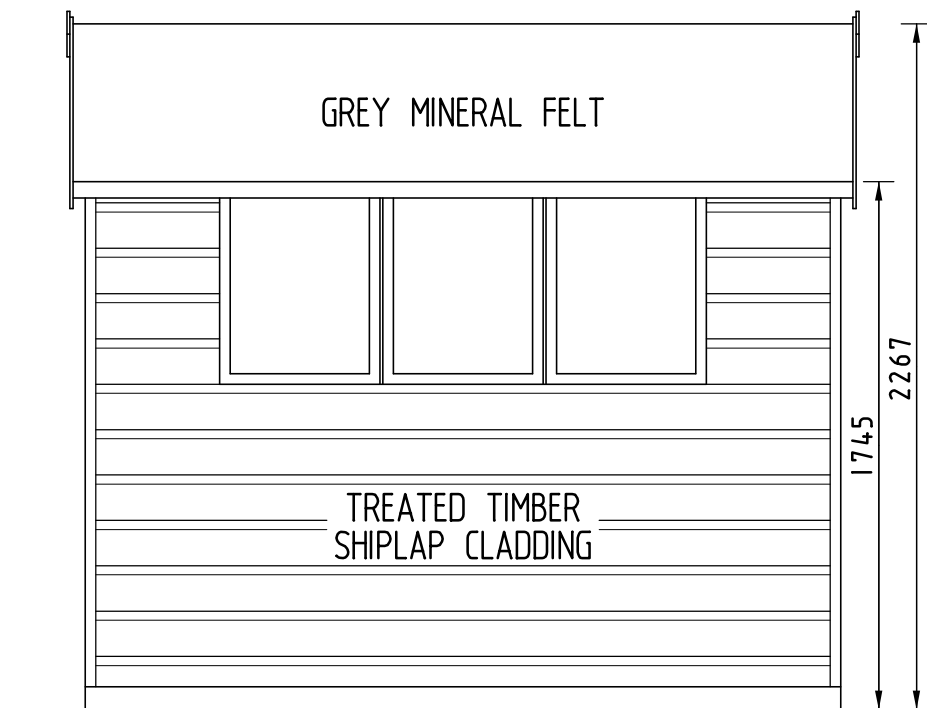
**Craig Brand** Architectural & Highway Design.  
9 Cricketers Close,  
MARCH, PE15 9RU.  
Tel: (01354) 656977.



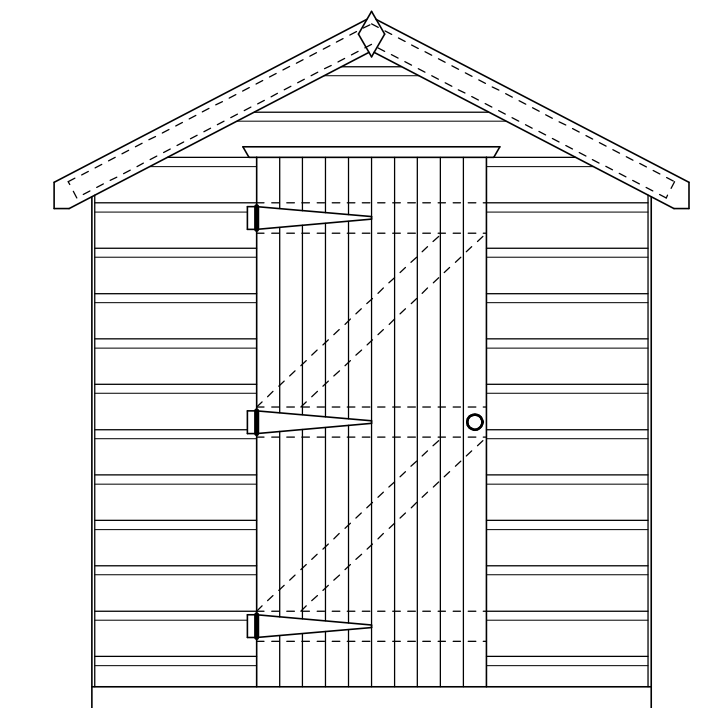
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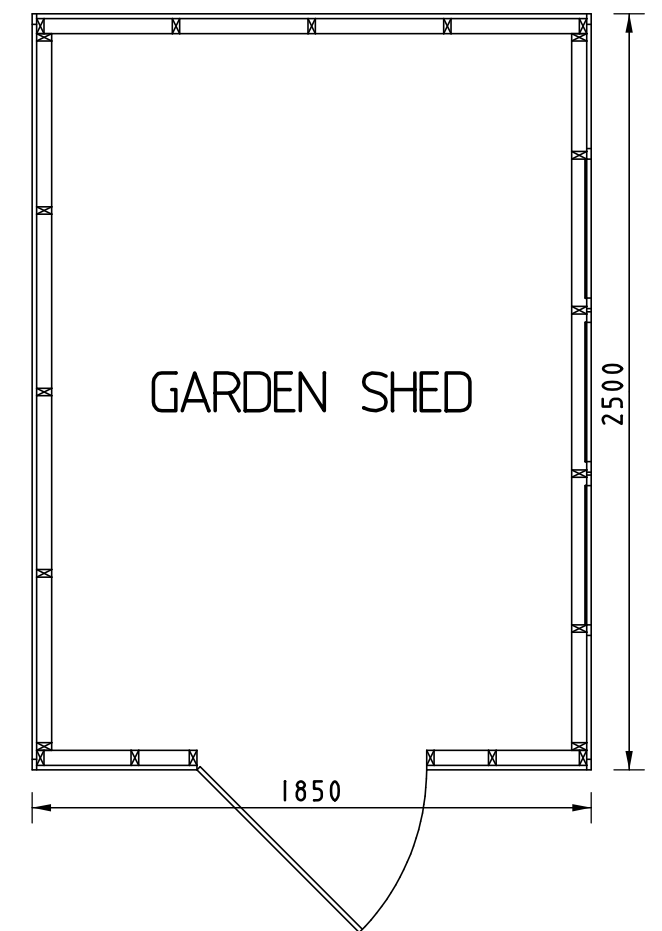
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SIDE ELEVATION



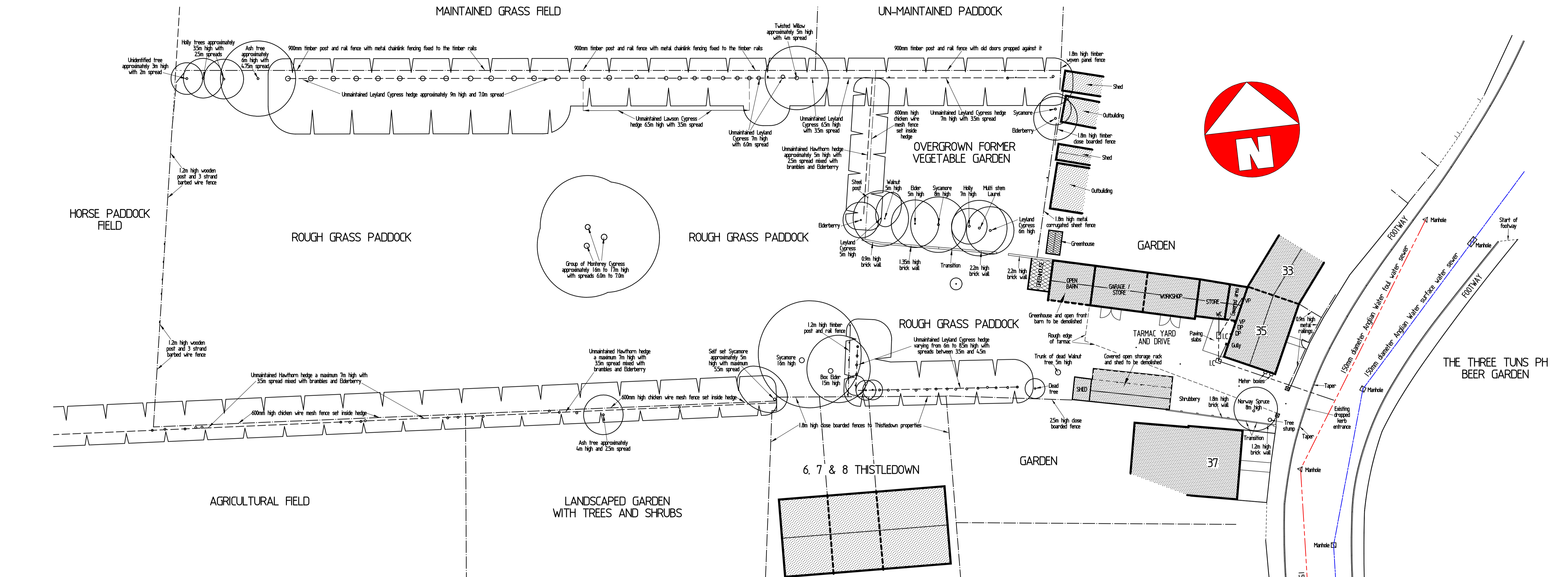
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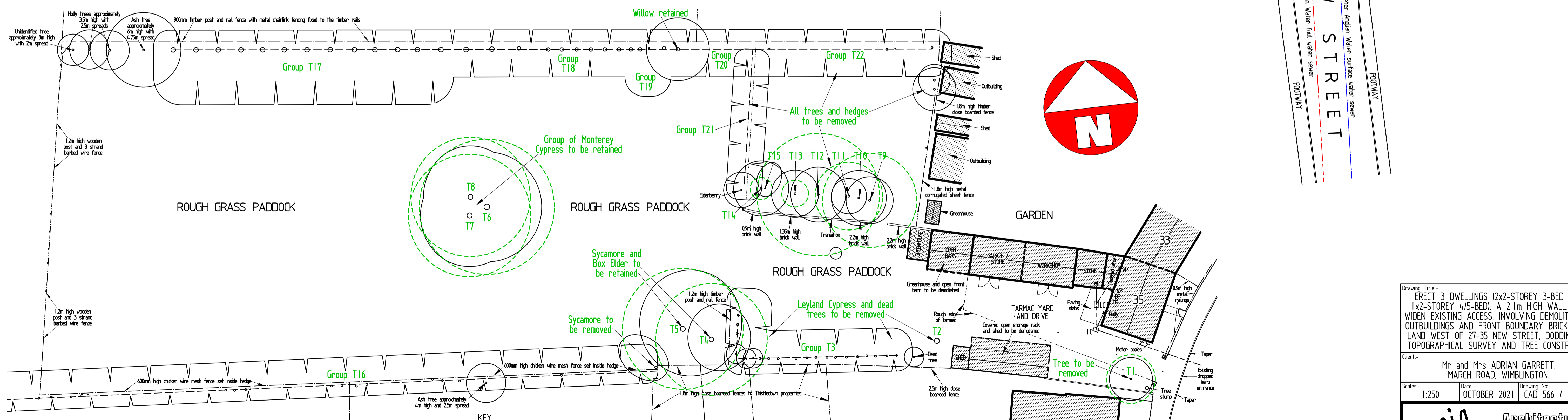
FLOOR LAYOUT PLAN

Drawing Title:- ERECT 3 DWELLINGS (2x2-STOREY 3-BED AND 1x2-STOREY 4/5-BED) A 2.1m HIGH WALL, AND WIDEN EXISTING ACCESS, INVOLVING THE DEMOLITION OF OUTBUILDINGS AND FRONT BOUNDARY BRICK PIERS LAND WEST OF 27-35 NEW STREET, DODDINGTON. GARDEN SHED DETAIL DRAWING			
Client:- Mr and Mrs ADRIAN GARRETT, MARCH ROAD, WIMBLINGTON.			
Scales:- 1:25 at A3	Date:- JANUARY 2022	Drawing No:- CAD 566 / 5	Rev:- A

**Craig Brand** Architectural & Highway Design.  
9 Cricketers Close,  
March, PE15 9RU.  
Tel: (01354) 656977.



TOPOGRAPHICAL SURVEY Scale 1:250



KEY  
 ○ ROOT PROTECTION AREA  
 TREE CONSTRAINTS PLAN Scale 1:250

Drawing Title:-  
 ERECT 3 DWELLINGS (2x2-STORY 3-BED AND 1x2-STORY 4/5-BED), A 2.1m HIGH WALL, AND WIDEN EXISTING ACCESS, INVOLVING DEMOLITION OF OUTBUILDINGS AND FRONT BOUNDARY BRICK PIERS LAND WEST OF 27-35 NEW STREET, DODDINGTON. TOPOGRAPHICAL SURVEY AND TREE CONSTRAINTS

Client:-  
 Mr and Mrs ADRIAN GARRETT,  
 MARCH ROAD, WIMBLINGTON.

Scales:- 1:250 Date:- OCTOBER 2021 Drawing No:- CAD 566 / 1 / A Rev:- A

**Craig Brand** Architectural & Highway Design.  
 9 Cricketers Close,  
 MARCH, PE15 9RU.  
 Tel: (01354) 656977.

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F/YR22/0764/F

**Applicant: Mr J Punton  
Wisbech Construction Ltd**

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

**Land North West Of Sunnyside, Coxs Lane, Wisbech, Cambridgeshire**

**Erect 4 x dwellings (2-storey 5-bed) with double garages**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 This is an almost identical scheme to that considered by Planning Committee on 9<sup>th</sup> February 2022, where Members resolve to refuse planning permission solely on highway grounds.
- 1.2 The revised proposal comes forward seeking to address matters of visibility, pedestrian access and highway mitigation however these technical details have not been accepted as workable solutions by the Local Highway Authority.
- 1.3 As the scheme does not address the issues which manifested themselves as a comprehensive highway reason for refusal there can be no other recommendation, in the interests of consistency, but to refuse the current scheme.

## **2 SITE DESCRIPTION**

- 2.1 The application site is an open section of former orchard land in the countryside beyond the settlement of Wisbech. There is an existing drain running along the site frontage. At the time of the officers site visit the land to the rear remains an orchard. The established hedgerow along the site frontage having been removed and herras fencing erected.
- 2.2 The property to the south-east of the site has no windows overlooking the site, and its double garage is located most closely to the shared boundary.
- 2.3 To the north-west is another residential dwelling, with its double garage and driveway located adjacent to the application site boundary. Four windows ranging from ground floor through to first floor units overlook the site.
- 2.4 The application site is located within flood zone 1.

### 3 PROPOSAL

- 3.1 The proposal is for the construction of four dwellings on the site, each with five bedrooms and an attached double garage, with generous gardens located to the rear. The scheme components are essentially identical to the proposal listed in the history section below. Save for the inclusion of a 'green pedestrian footpath' shown around the perimeter of the orchard to the rear of the application site within the 'blue land' which exits onto Barton Road. This footpath is circa 240 metres long and runs to the rear of the individual plots proposed by this development, Barton Green (No. 6) and those fronting Barton Road (Nos. 139 - 143) and exits between Nos. 137 and 139 Barton Road.
- 3.2 Each of the plots would be provided with a private access driveway over the drain to the front of the site, with a 9m easement provided at the front of the site from the line of the drain.
- 3.3 The site would be surrounded by 1.8m high fencing, which would also separate the gardens of the dwellings from each other. This fencing would reduce to 1.2m high within the front gardens of the properties.

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

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

### 4 SITE PLANNING HISTORY

F/YR21/1218/F	Erect 4 x 2-storey 5-bed dwellings with double garages	Refused 10.02.2022
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### 5 CONSULTATIONS

#### 5.1 Wisbech Town Council

*'Object, on the basis that:*

- *the proposal would constitute overdevelopment of the site*
- *the nature of the proposed development (more suited to urban areas) is out of keeping with the existing properties in the vicinity of the application site*
- *Cox's Lane is inadequate to serve residential development of the scale proposed by this application'*

#### 5.2 Cambridgeshire County Council Highways Authority

*'Highways recommend a refusal for this application. The proposal would lead to an intensification of use of an access onto Coxs Lane, which is a principal route and would cause interference with the safety and free flow of traffic on this highway.*

*The approach road, Coxs Lane, is considered to be inadequate to serve the development proposed, by reason of its restricted width and lack of passing places.*

*The proposed passing place, using the proposed shared accesses will not be*



*accepted. This proposal will add conflicts with the residents any time the access area is used as a passing lane. This will also obscure the forward visibility of the accesses. Suitable locations for passing places should be submitted.*

*Furthermore, a footway path is welcomed to the area because there are no suitable pedestrian routes. However, the route via the rear of the dwellings is questionable.*

*Will the proposed route be utilised? Should this granted, the footway will remain private and will also require secure by design approval. The footpath will have to be lit and safety of pedestrians taken into consideration.'*

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

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

*While there is no information to show the application site has previous development use, in the interests of human health and the environment, it would be prudent to have the 'Unsuspected Contaminated Land' condition in the event that planning permission is granted.*

*As the proposal seeks to construct 4 dwellings it would also be prudent to have a condition that covers construction hours so as to protect existing sensitive uses during the various phases of development.*

*'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.*

*Reason - To protect the amenity of the adjoining properties'.*

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

**Six letters of objection** have been received these all originate from residents of Cox's Lane and may be summarised as follows:

#### Character, design and residential amenity

- Backfill, Density/over development, design/appearance, loss of view/outlook, out of character/not in keep with area, visual impact
- *'This a beautiful lane with sporadic houses dotted along, this development would turn the lane into a housing estate'.*
- *'This is a farming area and building these houses is just not suitable on our Country Lane'*
- Overlooking/loss of privacy, proximity to property
- *'The proposed spacing of the 4 properties is far too close, creating a hideous terrace appearance - most definitely an inappropriate sight to be seen in the countryside! The proposed most NW house is so close to our property it will overshadow our house and reduce PRIVACY. However, should approval be given for 2 or 3 houses, we request the house adjacent to our home, Raftsund, have ALL windows on it's NW elevation be fixed and obscure glazed to prevent overlooking our home and SE boundary'.*

#### Access and highways

- Traffic or Highways and parking arrangements

- Lane is not built to take more traffic and there are no passing places
- No footways or street lighting
- Blind corner to negotiate before Barton Road
- Not just residents that use land there are also cars from our junction with Magazine Lane.
- No maintenance on the lane and rarely is it gritted in winter
- How will you segregate construction traffic from the public.
- Children use the road and during development there would be conflict
- *'Regardless of the school and nursing home being build on Barton Road - Barton Road is exactly that - a road, a very busy one. When diversions are in for any reason, or just due to heavy traffic, Coxs Lane cannot and does not have capacity to cope'.*
- *'The only thing this development would bring is noise, construction traffic, +8 long term cars to a lane that does not the infrastructure to cope with all this'.*
- Adverse impact on highway safety
- *'The access to Cox's Lane from Barton Road is extremely narrow. There is a dangerous blind sharp-bend approaching the proposed development which is unsuitable for the volume of works traffic and vehicles needed to construct the development and thereafter. The lane is not designed for passing of heavy vehicles. There is also a restricted view when turning right out of Cox's Lane onto Barton Road making it dangerous for higher volumes of traffic and larger vehicles to use'.*
- Earlier application was resisted on highway grounds and nothing has changed
- *'With the number of proposed bedrooms it is a fair assumption that there will be at least three cars, possibly more cars per household, thus increasing chances of an accident'.*
- *'The impact of the proposed development would make this even worse along with large lorries delivering building materials, making it a hazard for children playing and riding bikes. Most traffic does not even know Magazine Lane exists and do no slow down to a reasonable speed. I had to contact Highways myself to raise this concern'.*

#### Other matters

- Agricultural land
- Does not comply with policy, outside DAB
- Anti Social behaviour, noise, smell, waste and litter
- Devaluing property
- Drainage and Flooding
  - In consultation with the North Level Internal Drainage Board, the proposed development falls directly on a flood plain. The handling of drainage by the developers is in question
  - *'If allowing such development and the dyke is filled in, and a large inundation of water has to go somewhere, which also, due to the increased density of population, raises questions concerning sewerage of the area and of the relevant conservation of animal life in the vicinity. May we also point out this is a lane not a road!'*
- Environmental Concerns; *'The environmental impact would be harmful with further disturbance and destruction of wildlife habitats.*
- Local services/schools - unable to cope
- Wildlife Concerns. *'There is a lot of wildlife to appreciate down the lane, noisy construction and heavy traffic would push them away from their natural habitat'.*
- Likely disruption during construction
- Would set a precedent

- The developer has cleared the site prior to the planning application, notes 'issues' with how this was undertaken, concerned how 'considerate' they would be during construction
- *'The previous application for this development consisted of 5 houses, the drop to 4 houses does not actually change the infrastructure or access requirements for Coxs Lane'.*
- *'Those who support application are not residents of Cox's Lane and therefore will not be affected'*
- *Approving this development would set a precedent, we are aware there are others who live on the lane would welcome a favourable outcome ahead of submitting their own application to develop the area further'.*

**Six letters of support** have been received 2 originating from the same address in Barton Road (with one of these writers sharing a surname with the applicant); the remaining letters originate as follows - 2 x Barton Road, 1 x Magazine Lane, 1 x Elm Low Road and 1 x Leverington Common.

These letters may be summarised as follows:

**Design and character:**

- Backfill, Design/Appearance, Residential Amenity, Visual Impact
- The site has been overgrown for years, the developer, has cleared the overgrown site and improved visibility
- Development would be in keeping with surrounding area
- Delightful location for family homes
- Site is infill next to a new development of homes
- Would not harm residents
- A more viable plot than some of the infill plots in the town
- *'I personally support this application, it is in a lovely area, will look nice and fit in well next to the houses either side. More homes are certainly needed locally and with the location being within walking distance to town, schools, supermarkets etc I think it makes complete sense'*

**Highways and access:**

Access, Traffic or Highways (items selected but no details given)

**Other matters:**

- Agricultural land
- Would set a precedent
- Land not used for agriculture
- Doesn't cause loss of wildlife
- Would like to purchase one if they get planning
- Demand for properties in this area is extremely high, lack of new builds in the area. It will provide essential homes for families
- School is being built just up the road

*It is noted that the original application was accompanied by 6 letters of support which were discounted as these were not generated through the consultation exercise. Of these 6 households 4 of those who originally offered their support wrote again in response to the consultation.*

## 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: NPPF is a material consideration in planning decisions.

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

Para 11: Presumption in favour of sustainable development

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

Para 119: Promote effective use of land

Para 120: Opportunities and benefits of the reuse of land

Para 121: Be proactive about bringing forward redevelopment sites

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

Para 125: Where land is limited, avoid building at low densities

Para 126: Creation of high-quality, beautiful and sustainable buildings and places

Para 130: Well-designed development

Para 131: Incorporation of trees into development proposals

Para 134: Development that is not well-designed should be refused, especially where it fails to reflect local design policies.

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

Determining a Planning Application

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

**Context** C1 - Relationship with local and wider context

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

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

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

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

**Resources** R3 - maximise resilience

**Lifespan** L3 - A sense of ownership

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

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP8 – Wisbech

LP12 – Rural Areas Development Policy

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

## 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

LP32: Flood and Water Management

## 8 **KEY ISSUES**

- **Principle of Development**
- **Highway safety, access and mitigation**
- **Other considerations**

## 9 **BACKGROUND**

9.1 It is noted that an almost identical scheme was considered by Planning Committee on 9<sup>th</sup> February 2022. Whilst the Officer recommendation was one of refusal on a number of grounds, i.e.

- Unjustified development in an 'elsewhere' location
- Character harm due to a pattern of development more suited to a central urban area
- Failure to consider biodiversity impacts, lack of relevant survey
- Intensification of use of single track road which lacks footway and has a substandard junction with Barton Road would result in harm to highway and pedestrian safety;

the majority of these reasons fell away following member debate; with the Planning Committee resolving to refuse the application solely on highway grounds.

9.2 In their deliberation of the previous scheme member discussion indicated that they considered that the site was adjacent to the built form and could be considered as infill as there were dwellings either side.

9.3 In terms of highway considerations members also noted that a greater level of visibility may be achievable than that shown. They further considered that the road was lightly trafficked but were concerned regarding lack of passing bays, noting a lack of accident data to support highway safety argument. It was indicated that without measures to mitigate highway safety aspects they felt the scheme should be resisted but their recommendation for refusal focused on highway considerations.

9.4 The following refusal reason was appended to the decision as issued:

*Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe, and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. The proposal would result in the provision of four new dwellings access off a single-track road with no formal passing provision for vehicles. The main junction with Barton Road to the north providing access to the wider highway network is sub-standard and the proposed increased levels of traffic using this junction would result in harm to highway safety in the area. The narrowness of Cox's Lane serving the development site combined with the lack of pedestrian footpath alongside the road would bring pedestrian and vehicular traffic into conflict and would result in a harmful impact to pedestrian safety. All these impacts would be contrary to policy LP15 of the Fenland Local Plan (2014).*

## 10 ASSESSMENT

### Principle of Development

- 10.1 As summarised in the 'Background' section above the Committee did not consider that the site was an 'elsewhere' location and did not support the Officer recommendation to resist the scheme in respect of character and biodiversity matters. However, they did consider that the scheme presented did not allay concerns relating to highway safety noting that mitigation was not proposed as a component of the proposals.
- 10.2 Mindful of the above the consideration of this scheme, which in terms of form, character, layout and design is identical to the earlier application, must **solely** focus on highway matters.

### Highway safety, access and mitigation

- 10.3 The submitted Design and Access statement which accompanies the current application highlights that:
- 'This application is a resubmission of refusal F/YR21/1218/F, which is now accompanied by a speed survey and pre-app discussions with the local highways authority to overcome the visibility concerns. A pedestrian link from each plot to the existing footway network on Barton Road has also been provided to address all concerns raised by the previous submission'.*
- 10.4 Although the submission appears to imply that the highway matters had been addressed this is at variance to the comments generated by the formal consultation with the Local Highway Authority in respect of the application with CCC Highways maintaining their objection to the proposal.
- 10.5 It remains the case that the proposal would lead to an intensification of use of an access onto Barton Road which is a principal route and would cause interference with the safety and free flow of traffic on this highway. The Highways Officer explicitly indicates that Cox's Lane is *'considered to be inadequate to serve the development proposed, by reason of its restricted width and lack of passing places'*.
- 10.6 It is further identified that *'the submitted site layout appears to indicate that the proposed shared accesses could function as passing places however this is not*

*acceptable as it would add conflicts with the residents any time the accesses area is used as such. It would also obscure the forward visibility of the accesses.'*

- 10.7 In addition the LHA question the suitability of the footway shown noting its location and format. Officers would concur with the observations made in this regard noting that the footway route is not a direct one and would not benefit from natural surveillance, nor are any measures shown to ensure that it represents a safe option for its users. As such is unlikely to be a realistic option for householders as a viable footpath link as it would be more akin to a 'leisure' route. In addition, the proposed footpath does not address the key purpose of a footway alongside the highway which is to prevent conflict between vehicles and all pedestrian users of the road.
- 10.8 It remains the case that the scheme fails to address earlier concerns regarding highway safety and mitigation and accordingly the earlier reason for refusal remains relevant and appropriate as the scheme does not align with Policy LP15 of the FLP (2014).

### **Other Considerations**

- 10.9 Whilst not wishing to downplay or disregard the many valid observations made by local residents who seek to resist the further development of this site these matters have been previously considered by the Planning Committee and may not therefore reasonably be revisited, noting that the earlier decision of the Planning Committee was to resist the scheme on highway grounds alone.

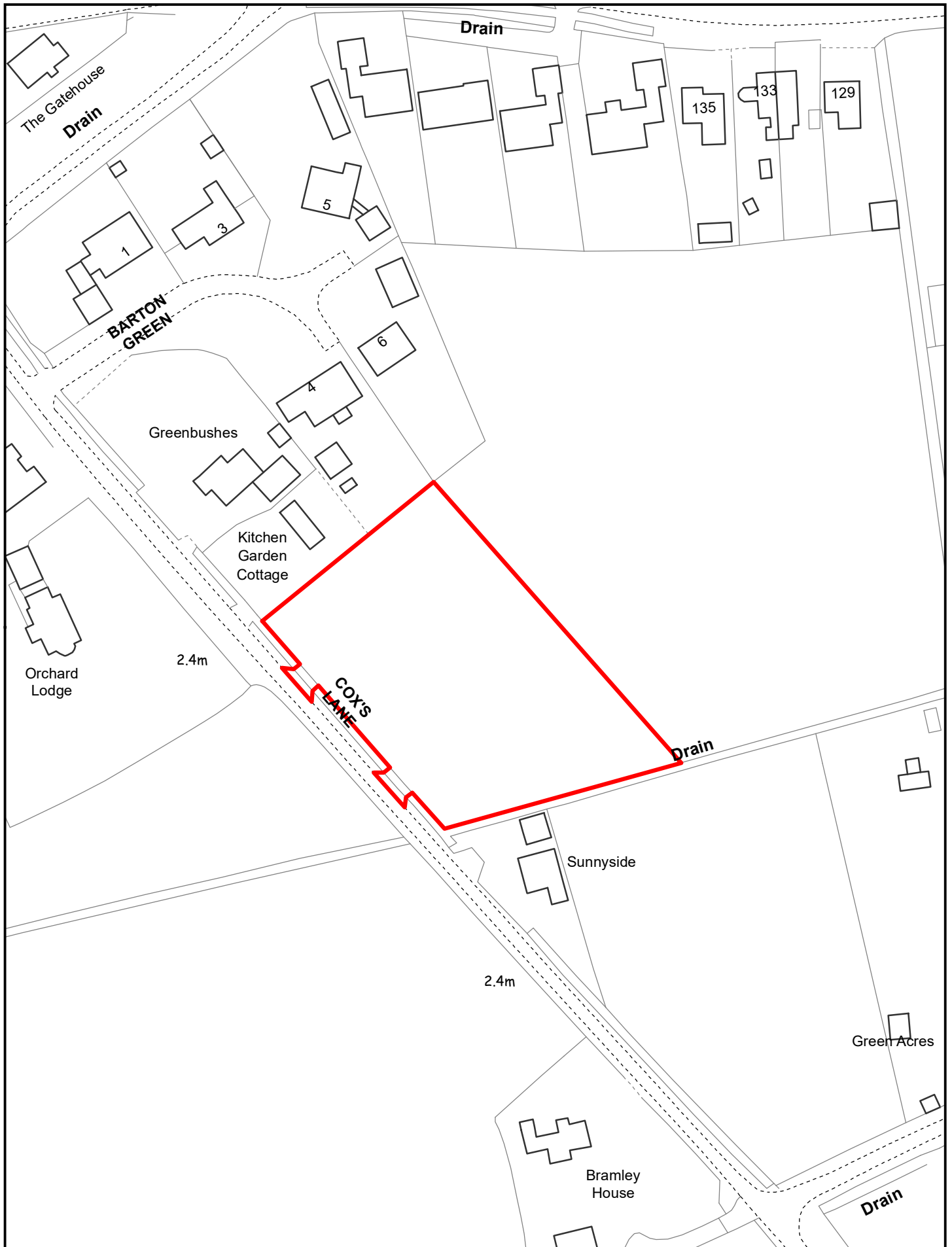
## **11 CONCLUSIONS**

- 11.1 Whilst the revised scheme has sought to address the highway issues highlighted in the earlier refusal they have failed to garner the support of the Local Highway Authority and as such there is no alternative but to maintain a refusal recommendation as per the earlier decision.
- 11.2 This is against the backdrop of the earlier Planning Committee decision in respect of F/YR21/1218/F

## **12 RECOMMENDATION**

**Refuse;** for the following reason:

1	Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe, and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. The proposal would result in the provision of four new dwellings access off a single-track road with no formal passing provision for vehicles. The main junction with Barton Road to the north providing access to the wider highway network is sub-standard and the proposed increased levels of traffic using this junction would result in harm to highway safety in the area. The narrowness of Cox's Lane serving the development site combined with the lack of pedestrian footpath alongside the road would bring pedestrian and vehicular traffic into conflict and would result in a harmful impact to pedestrian safety. All these impacts would be contrary to policy LP15 of the Fenland Local Plan (2014).
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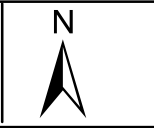
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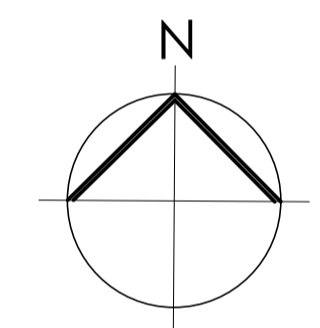
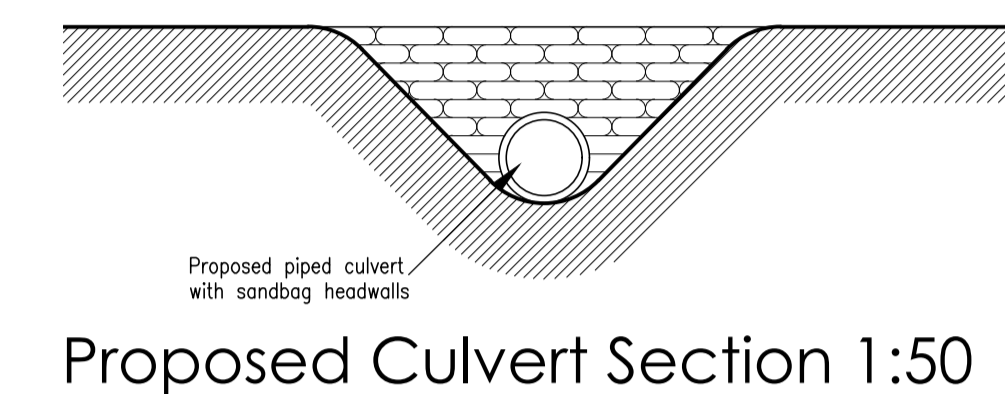
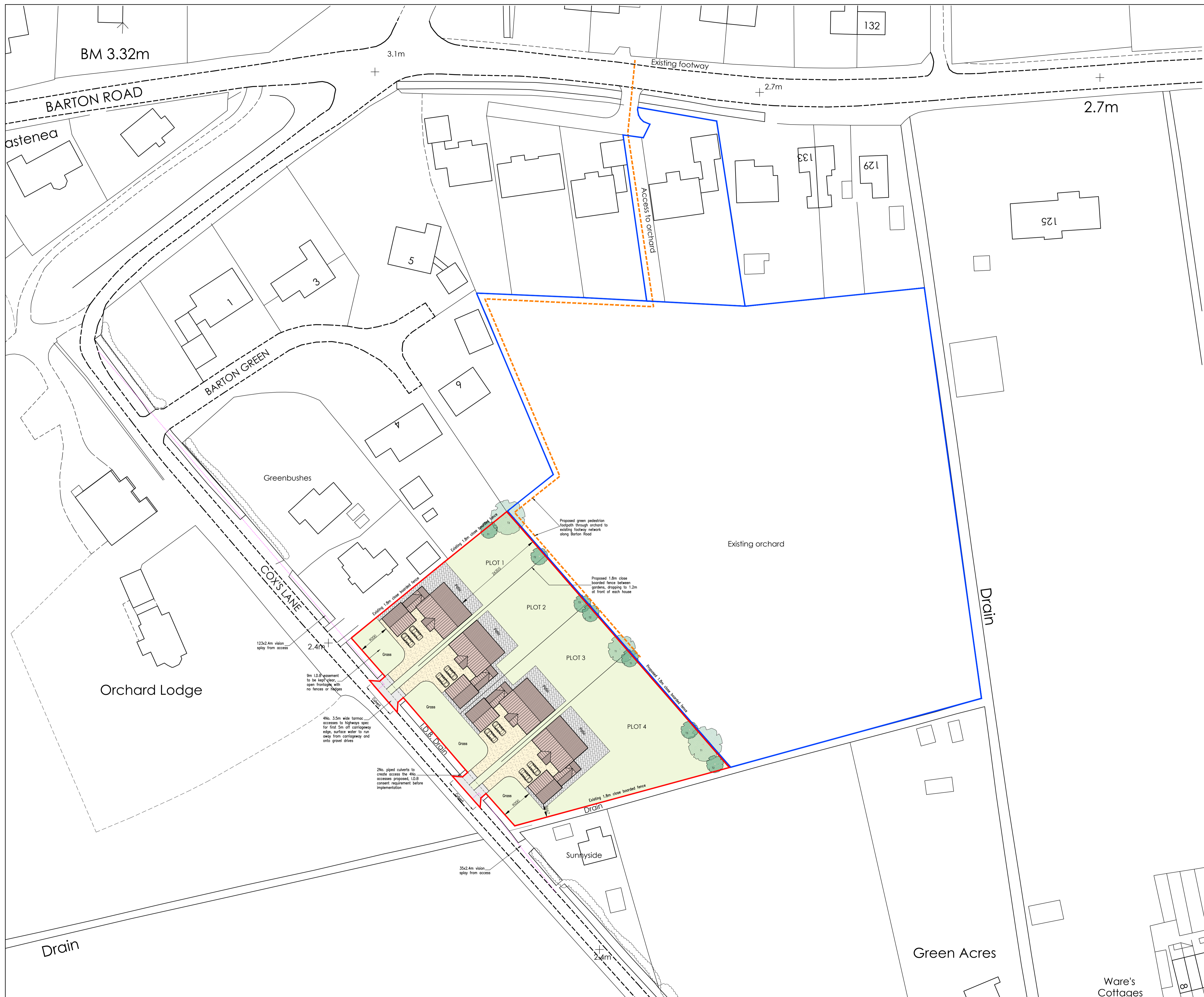
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**F/YR22/0764/F**

Scale = 1:1,250







A-  
REVISIONS



**PETER HUMPHREY ASSOCIATES**

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CLIENT  
WISBECH CONSTRUCTION LTD

PROJECT  
PROPOSED 4No. DWELLINGS

SITE  
LAND NORTH-WEST OF SUNNYSIDE  
COXS LANE  
WISBECH  
CAMBS  
PE13 4TD

DRAWING  
PROPOSED SITE PLAN

JOB NO.	PAPER SIZE	DATE
6412/01F	A1	SEPT 2021

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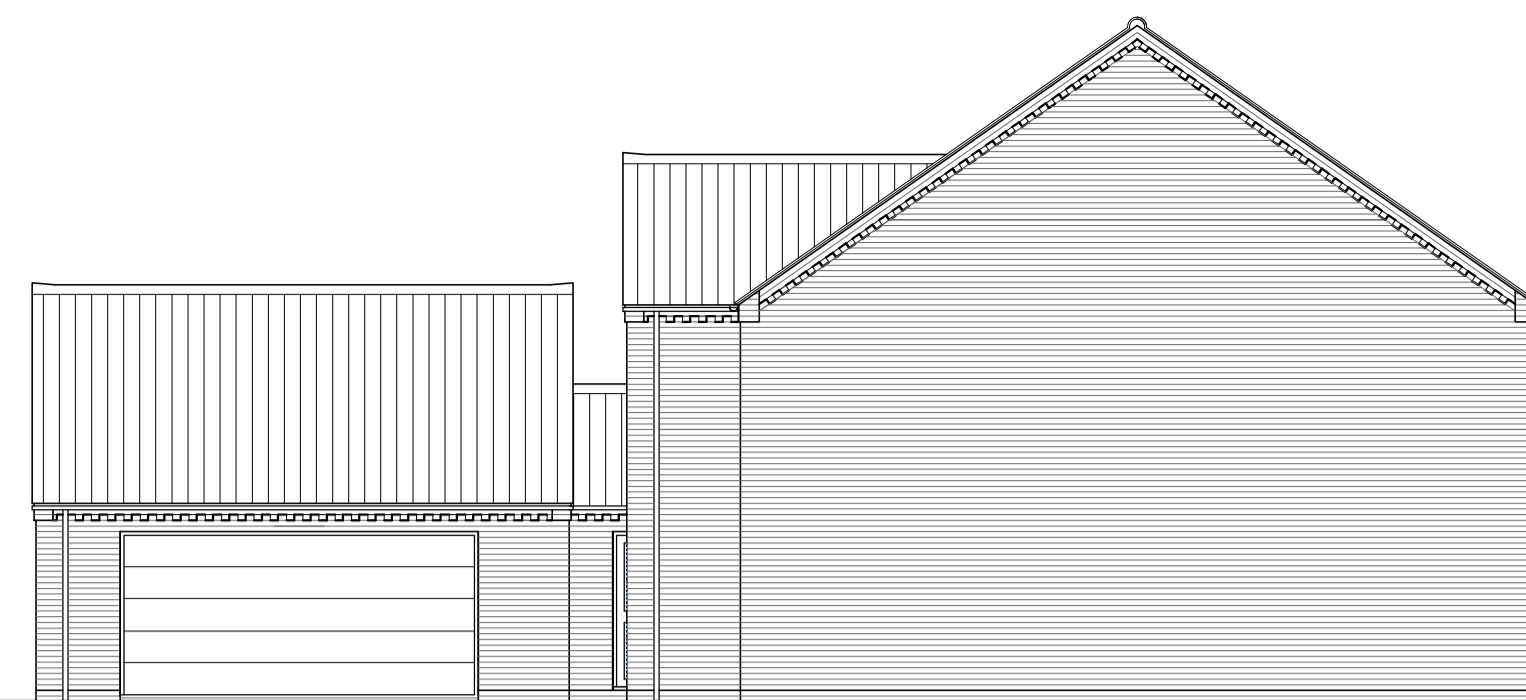
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Front Elevation 1:100

Plot 1 & 3 = As shown  
Plot 2 & 4 = Handed



Side Elevation 1:100



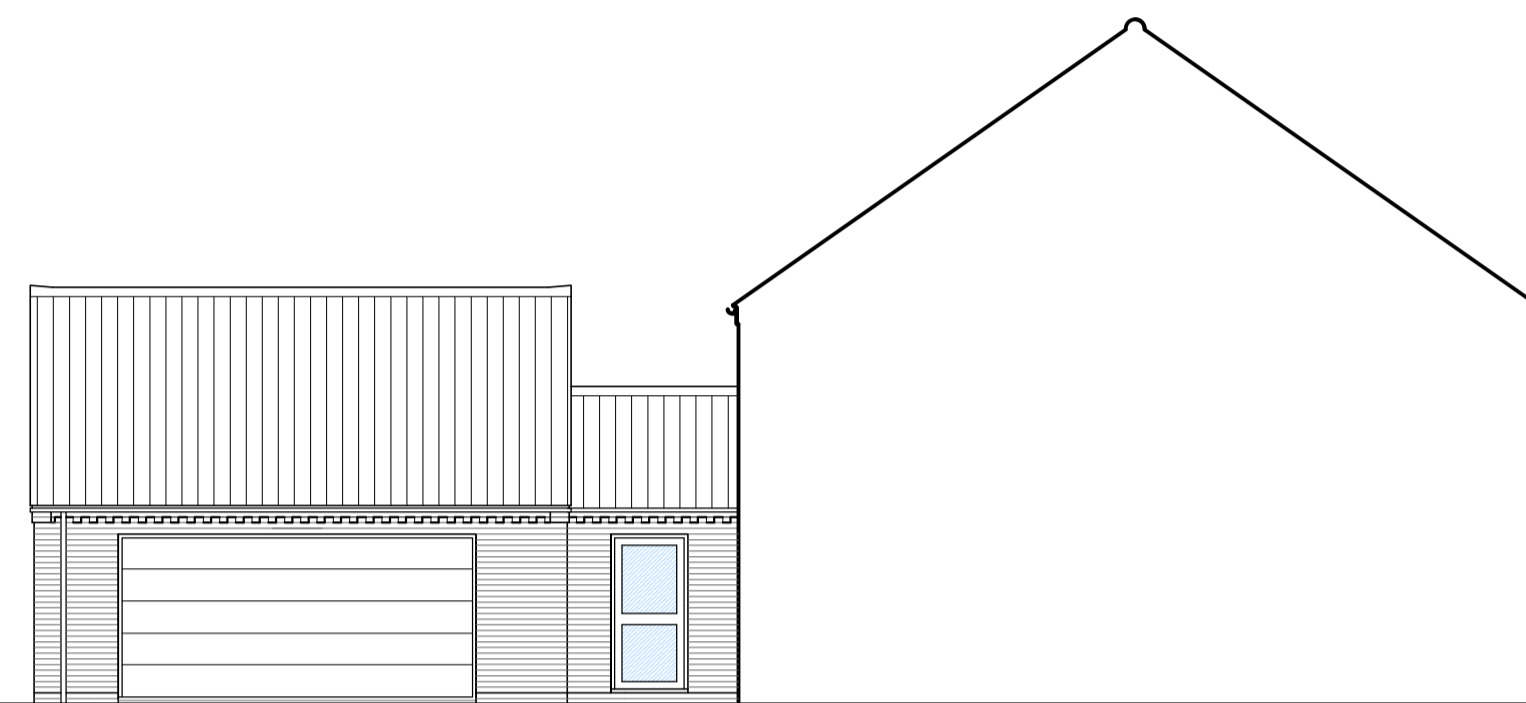
Rear Elevation 1:100



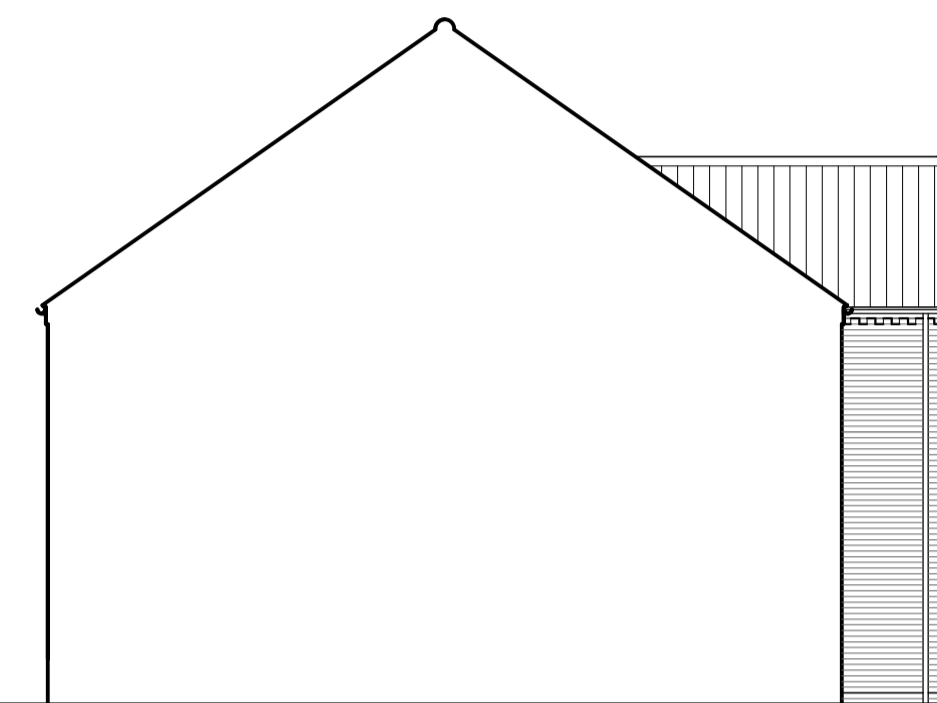
Side Elevation 1:100



Inner Front Elevation 1:100

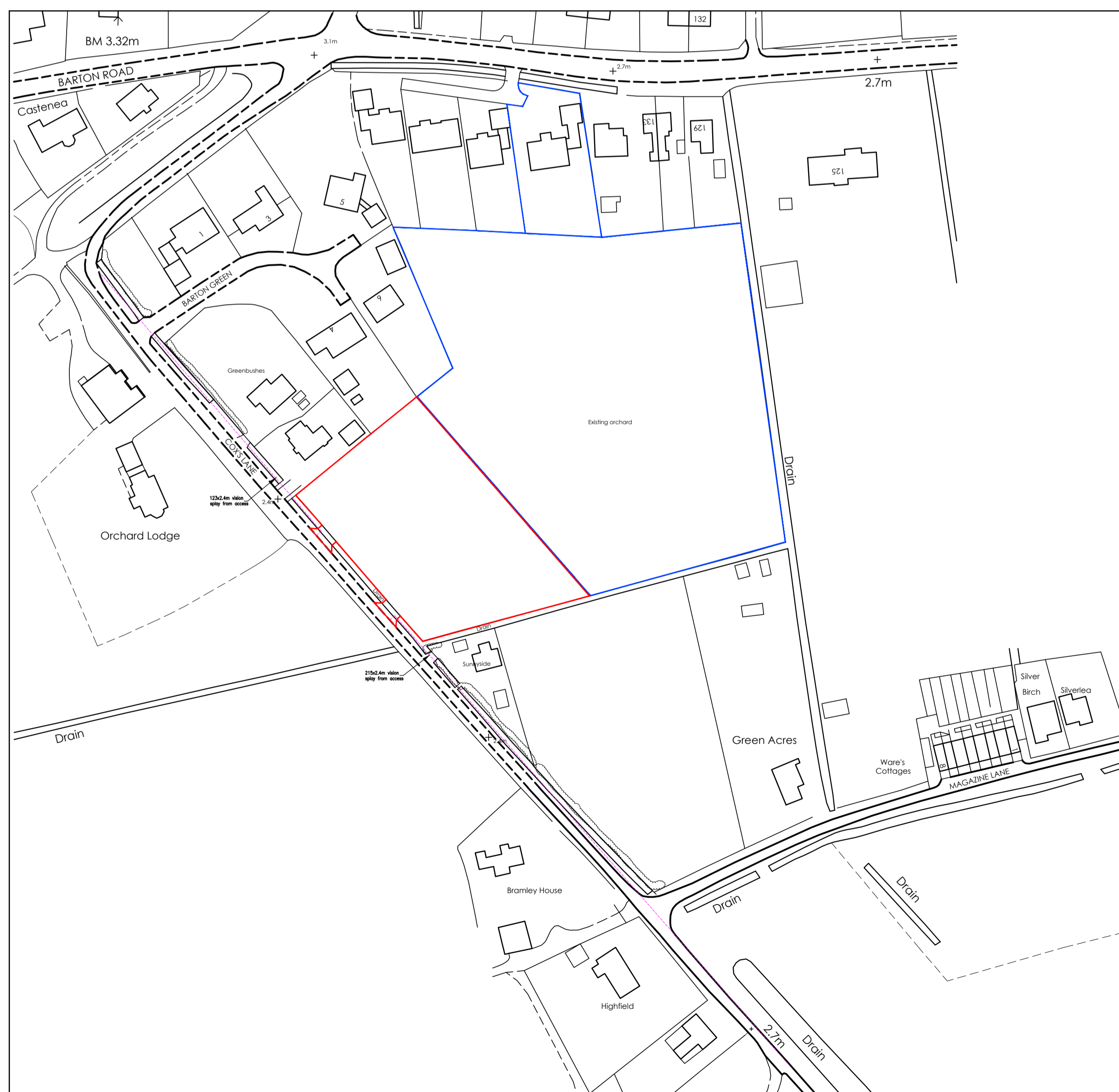


Inner Side Elevation 1:100



Inner Side Elevation 1:100

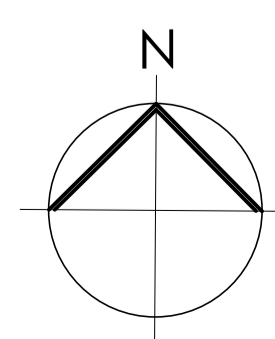
**MATERIAL SCHEDULE:**  
Walls: Handmade Reddish Antique Facing bricks.  
Roof: Heavy Moulded Old English Oak roof tiles.  
Windows: Cream UPVC casement with stone cills.  
Main door: Black UPVC.  
Garage door: Black.  
Handmade grade: Black UPVC.



Location Plan 1:1250 @ A1



Proposed Street Scene 1:200



A- REVISIONS		
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6412/03B	A1	SEPT 2021

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CLIENT  
**WISBECH CONSTRUCTION LTD**

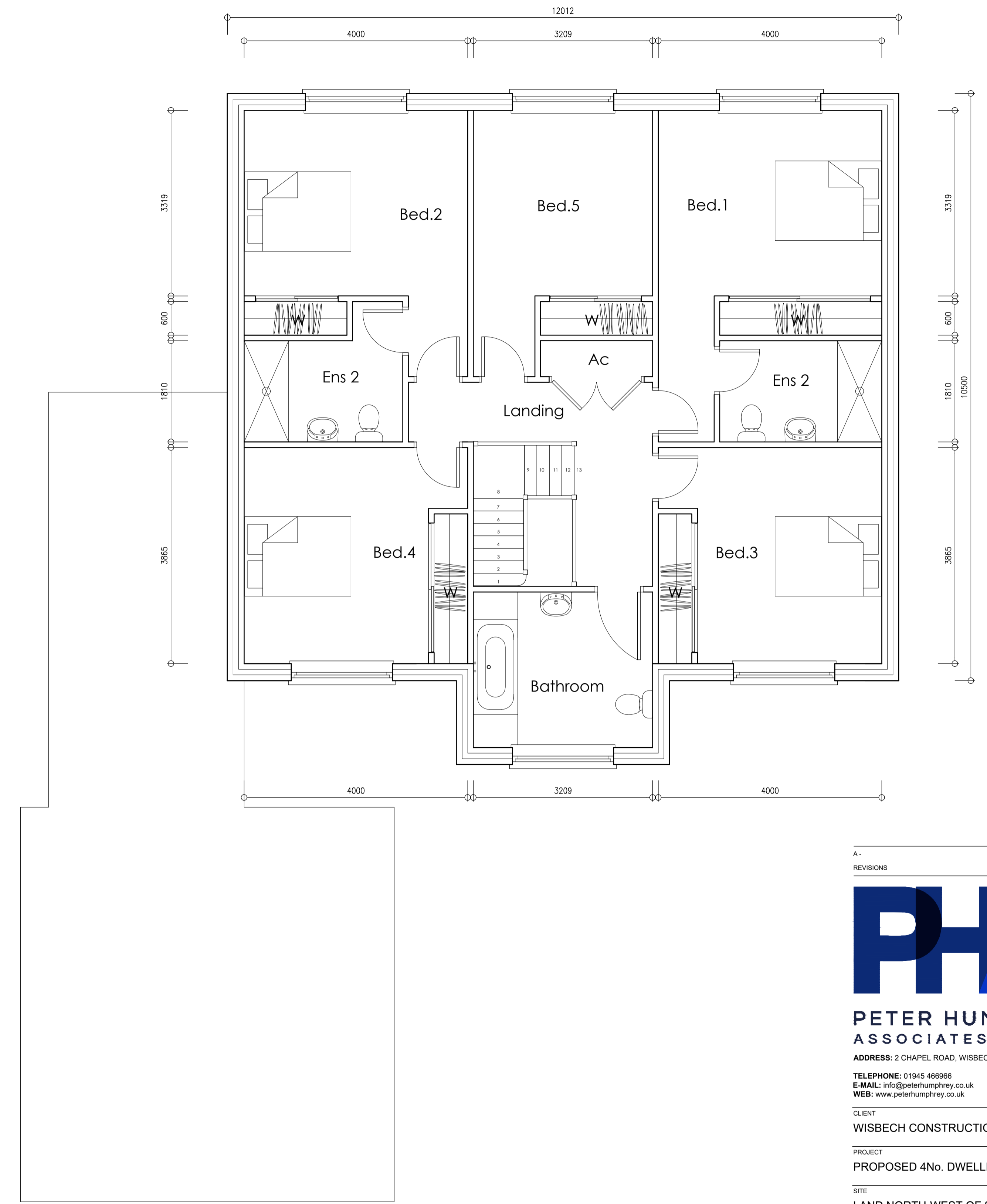
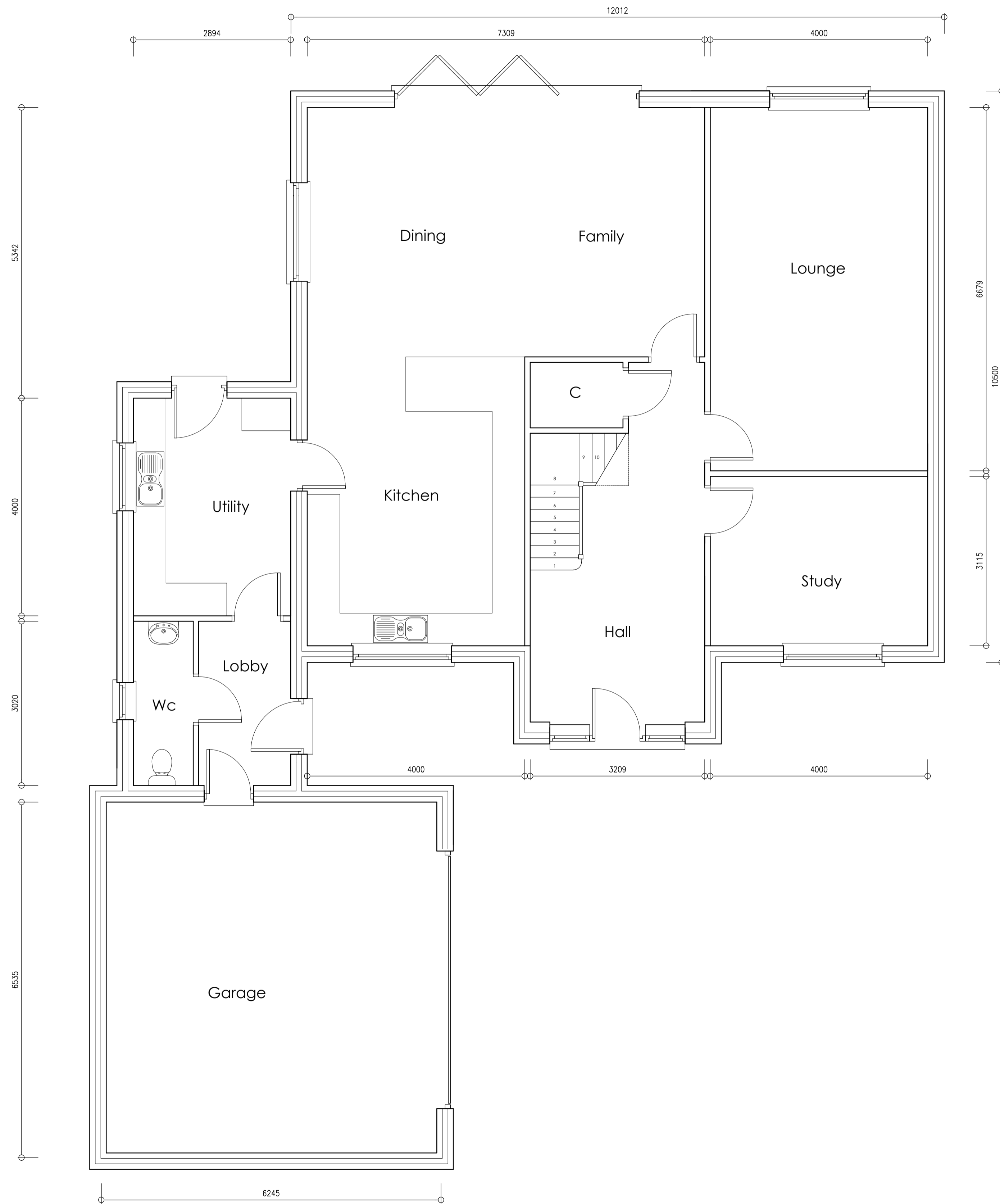
PROJECT  
**PROPOSED 4No. DWELLINGS**

SITE  
**LAND NORTH-WEST OF SUNNYSIDE  
COXS LANE  
WISBECH  
CAMBS  
PE13 4TD**

DRAWING  
**PROPOSED DWELLING PART 2**

**PETER HUMPHREY ASSOCIATES**

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Proposed First Floor Plan 1:50

Plot 1 & 3 = As shown  
Plot 2 & 4 = Handed

A-

REVISIONS

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CLIENT  
**WISBECH CONSTRUCTION LTD**

PROJECT  
**PROPOSED 4No. DWELLINGS**

SITE  
**LAND NORTH-WEST OF SUNNYSIDE  
 COXS LANE  
 WISBECH  
 CAMBS  
 PE13 4TD**

DRAWING  
**PROPOSED DWELLING PART 1**

JOB NO.	PAPER SIZE	DATE
6412/02	A1	SEPT 2021

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F/YR22/0078/F

**Applicant: Mr A Popat**

**Agent : Mr Liam Lunn-Towler  
Peter Humphrey Associates Ltd**

**92 Elm Road, Wisbech, Cambridgeshire,**

**Formation of 1 additional bedsit (1-bed) including alterations to existing bedsit/flats and installation of 5 no roof lights**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The scheme proposes an additional unit of residential accommodation through the subdivision of the existing premises which benefit from a certificate of lawfulness for 5 residential units.
- 1.2 The scheme has been amended to address matters of refuse collection and to obviate some of the concerns of the case officer regarding the 'amount' of accommodation, being reduced from 2 additional units to 1. However, it is considered that the further subdivision of the existing premises to form an additional unit of residential accommodation has a negative impact on the existing residential accommodation and that this will have significant adverse consequences for the likely residential amenity of future occupiers.
- 1.3 Furthermore, the proposal will result in four of the six units delivering accommodation under the minimum Gross Internal Areas prescribed in the Technical Housing Standards (THS), published 27<sup>th</sup> March 2015.
- 1.4 This clearly illustrates that the accommodation is unacceptable to deliver high levels of residential amenity as required by Policies LP2 and LP16 of the Fenland Local Plan and provides sufficient evidence base to resist the scheme as submitted.

## **2 SITE DESCRIPTION**

- 2.1 No 92 Elm Road is a terraced dwelling situated to the western side of Elm Road which provides an approach into the main town centre and runs parallel with Churchill Road. The character of the area is predominately residential and the dwelling sits within a terrace of 5 properties, all with small garden areas to the front.
- 2.2 To the west of the site is a premises in use as a Day Nursery, this is accessed via a separate driveway which runs to the south of the existing terrace of dwellings.

## **3 PROPOSAL**

- 3.1 Following the issue of a certificate of lawfulness for 3 flats and 2 bedsits in December 2021 this submission comes forward to propose an additional 1 bedsit making a total of 6 residential units within this 4-storey dwelling.
- 3.2 Originally the submission proposed a further 2 no. bedsit units, this increase being facilitated through alterations to Flats 4 & 5 situated on the 1<sup>st</sup> and 2<sup>nd</sup> floors of the property. Following negative feedback from the case officer the agent has revised the scheme and reduced the number of additional units to 1. However, it should be noted that no encouragement has been offered to this revision and the case officer has consistently maintained that anything over and above that permitted through the certificate of lawfulness would represent substandard accommodation in terms of residential amenity.
- 3.3 The certificate of lawfulness permitted the accommodation listed in columns 1 to 3, this accommodation being established through the passage of time with the applicant being able to demonstrate that the use had subsisted for 4-years in the case of the flats and 10-years in the case of the bedsits (noting that the latter units were not 'sufficiently self-contained' to qualify as single dwelling houses as such the 10-year rule applied). Column 4 indicates how it is now proposed to sub-divide the existing accommodation to deliver the additional residential unit.

Flat No.	Location within building	Type of accommodation [and extent of alteration proposed]	Existing gross internal area (GIA) and accommodation provided	Proposed gross internal area (GIA) and accommodation provided
1	Basement	1-bed self-contained flat with separate kitchen, living room and bathroom. [remains as per existing]	50 square metres	50 square metres
2	Ground floor (front)	Bedsit with sink and cooker in room and access to shared bathroom [en-suite and cooking facility introduced]	18.5 square metres	18.5 square metres
3	Ground floor (rear)	Bedsit with sink and shower and access to shared bathroom [en-suite and cooking facility introduced]	20 square metres	20 square metres
4	First floor	1-bed self-contained flat with shower in bedroom with separate kitchen and living room plus access to shared facilities.	50 square metres	Flat 4: 28 square metres (with storage area (2 square metres) accessed from landing)  To provide: 1 bedroom flat with

				separate kitchen/living room and ensuite shower room
				Flat 6: 19 square metres (with storage area (4 square metres) accessed from landing)  To provide: bedsit with ensuite shower room
5	Second floor	1-bed self-contained flat with separate en-suite (sink and WC only) with separate kitchen, store and living room plus access to shared facilities. [becomes 1 bedroom flat with en-suite and open plan kitchen/living room)	50 square metres	50 square metres

Full plans and associated documents for this application can be found at: [F/YR22/0078/F | Formation of 1 additional bedsit \(1-bed\) including alterations to existing bedsit/flats and installation of 5 no roof lights | 92 Elm Road Wisbech Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/planning/permissions/F/YR22/0078/F)

#### 4 SITE PLANNING HISTORY

F/YR21/1219/CERTLU	Certificate of lawfulness (Existing): Conversion of 1no dwelling to 3no flats and 2no bedsits (shared facilities)	Certificate Issued 17.12.2021
F/YR21/0225/F	Formation of 2 additional bedsit/flats (1-bed) including alterations to existing bedsit/flats and installation of 5 no roof lights	Application Withdrawn 26.04.2021
F/YR17/0628/F	Insertion of 2 x roof lights to front (east) roof slope of existing building	Granted 06.09.2017
F/YR17/0508/CERTP	Certificate of Lawful Use (Proposed): Installation of 2no velux rooflights to front (east) elevation	Application Withdrawn 21.06.2017

#### 5 CONSULTATIONS

- 5.1 **Town Council:** Initially objected, on the basis that the proposal would constitute overdevelopment of the site. On receipt of the re-consultation advising of the

proposed refuse collection arrangements to the site responded to maintain that objection.

On re-consultation (06.09.2022) Object, on the basis that the proposal would constitute overdevelopment of the site

(18.10.2022) In respect of the scheme reducing the number of units to 6 in total recommend *'that the application be supported'*

- 5.2 **Environment & Health Services (FDC):** *'The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination'*.

In respect of the re-consultation relating to refuse collection arrangements note that:

*'The Environmental Health team note the submitted additional information that has prompted the re-consultation and having studied these documents, they do not affect the recommendation of 'no objections' made previously by this service'.*

- 5.3 **Private Sector Housing – FDC:** The Private Sector Housing Team have no objections to this proposal.

Following re-consultation in respect of scheme revisions comment as follows: (12/09/2022) 'I can confirm that following our concerns with the original proposed layout, Andy Brown & I met with the owner and his agent to discuss suitable alternatives. Having further received confirmation of his intentions re fire doors and amenity provisions, we are satisfied that his revised plans would reduce the risk of harm to occupants and therefore we do not have any further comments.'

- 5.4 **Head of Environmental Services (Refuse Team):** Originally noted that there was no reference to waste collection arrangements and that it was understood that only one set of bins (general waste & recycling) were in place at this location, these are stored down the steps outside the basement flat, there appears to be space for more bins to be stored in this area however it would not be recommended that residents are required to transport these up the stairs to allow collection from the kerbside.

*I assume that as individual flats/bedsits they would each be paying council tax so appropriate numbers of bins could be arranged by the owner (i.e. not an HMO arrangement), however I have concerns how these could be stored and presented for collection.*

Discussions were ongoing outside the formal consultation arrangements and the outcome of these discussions is captured in the relevant section of the report below.

- 5.5 **Local Residents/Interested Parties:** Two letters of **objection** have been received from a neighbouring occupier (No. 94) which may be summarised as follows:



- Consider this would over-populate the house and raise the fire risk if no additional fire exit is installed. The landings appear to have been reduced and there is only one staircase to exit from all levels.
- Adding further rooms at the highest point of the house which include cooking facilities not only increases risks to the tenants but also to the neighbouring houses.
- Having additional occupancy would increase the noise for us on every level of our home which has been an issue in the past when tenancy numbers were up.
- Increased demand for parking, with on-street parking being extremely limited, may cause issues for pedestrian safety
- No obvious maintenance has been carried out since August 2016
- Consider that there are enough bed sit properties in the area and this house would benefit from housing couples and families to meet the need and shortage of homes
- Devaluation
- Existing level of occupation is enough

One letter of **support** has been received from a resident of one of the existing flats which form part of the host property; this may be summarised as follows:

*‘The proposed plans show an improvement to the layout of the building and will provide much needed extra housing without increasing the footprint of the building. Therefore, I support the application’.*

## **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 10 – Presumption in favour of sustainable development

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

Para 55 – conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.

Chapter 5 – Delivering a sufficient supply of homes

Para 124 – Good design is a key aspect of sustainable development;

Para 127 – Planning policies and decision should ensure developments are sympathetic to local character and history;

Para 130 – Planning Policies and decisions (f) ‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’.

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

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

## Determining a Planning Application

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

C1 – Understand and relate well to the site, its local and wider context

I1 – Respond to existing local character and identity

I2 – Well designed, high quality and attractive

I3 – Create character and identity

U1 – A mix of home tenures, types and sizes

H1 – Healthy, comfortable, and safe internal and external environment

H3 – Attention to detail: Storage, waste, servicing and utilities

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

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Meeting Housing Need

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

LP2: Spatial Strategy for the Location of Residential Development

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP22: Parking Provision

LP32: Flood and Water Management

## 8 **KEY ISSUES**

- **Principle of Development**
- **Character and visual amenity**
- **Residential amenity**
- **Highways**
- **Flood risk**
- **Refuse collection**

## 9 **BACKGROUND**

- 9.1 A Certificate of Lawfulness for the use of the premises as 3 flats and 2 bedsits with shared facilities was issued in late 2021. The certificate of lawfulness submission followed on from an earlier withdrawn proposal which sought to deliver an additional two flats and facilitate the installation of 5 no rooflights. The earlier application was withdrawn by the applicant who had been advised that given there was no planning history to support the existing use of the premises the expansion of the accommodation as proposed could not be considered as submitted.

- 9.2 It was suggested that they resubmit a full planning application to regularise the existing use and the proposed additional flats, along with the physical works to install the roof lights, however they sought first to regularise the use by way of the certificate of lawfulness to create a situation where they would apply solely for the additional 2 no. flats and the additional rooflights. With the proposed additional accommodation being subsequently reduced during the consideration of the application following negative feedback regarding the scheme.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The existing property is situated within the market town of Wisbech, which is identified within the settlement hierarchy (as outlined in Policy LP3) as being the one of the primary market towns and as such the main focus for housing and employment growth. Furthermore, Policy LP5 (Part C) promotes the need to deliver housing solutions which meet market expectations and the needs of all sectors of the community. The delivery of small units of residential accommodation within the sustainable location of Wisbech is therefore considered acceptable in principle.
- 10.2 This does not however override the need to ensure that the proposal complies with other relevant policy. In this regard matters of visual amenity, residential amenity (both for existing and proposed residents), highway implications, servicing and flood risk all require evaluation. It must be noted however that such assessment must be restricted to any additional impacts over and above the existing 5 flats/bedsits which are lawful in planning terms.
- 10.3 It is noted that the emerging policy framework would not require any different policy evaluation of this scheme noting the issues which require consideration closely align across the current and emerging plans.

### **Character and visual amenity**

- 10.4 Policy LP16 of the Fenland Local Plan seeks to deliver high quality environments which offer appropriate residential amenity, are acceptable in visual and character terms and make appropriate provision for servicing.
- 10.5 In this regard the main physical change proposed externally by the scheme relates to the insertion of 5 no. rooflights. These are to be located to either side of the existing dormer windows which feature to the front and rear roofscapes with a further rooflight contained within the south-eastern roof scape to illuminate the hall/stairs.
- 10.6 It is noted that planning permission has previously been granted for the insertion of two velux windows either side of the existing dormer to the front aspect of the property, albeit this permission is time expired. In assessing the earlier scheme it was noted that whilst the rooflights would interrupt the symmetry of the existing roofscape across the terrace of properties their impact would not be so significant as to render the scheme unacceptable. This remains the case in respect of this latest proposal with the additional rooflights not having so significant an impact on the existing location as to warrant unfavourable consideration, noting that 2 of the additional rooflights will be situated to the rear and one will be to the south-eastern side and therefore not readily visible.

- 10.7 There is also the additional impact in character terms relating to the provision of refuse bins and this is considered in the relevant section below; however again this assessment must be mindful of the existing use of the premises and that it is only the additional impact of bins to serve the additional residential unit now proposed which may be considered.
- 10.8 Notwithstanding the need to fully evaluate the refuse storage and collection arrangements to serve the property it is considered that in visual and character terms there would be no grounds to withhold consent in respect to Policy LP16 of the FLP.

### **Residential amenity**

- 10.9 Policy LP2 and Policy LP16 seeks to protect and provide appropriate levels of residential amenity for both existing and proposed residential occupiers; this includes those located within the host property and those within the immediate vicinity. Again, it must be noted that such evaluation must be restricted to the impacts of one additional unit as the existing flats/bedsits are deemed lawful through the issue of the certificate in December 2021.
- 10.10 The current accommodation provides 3 units which exceed Gross Internal Areas (GIA) specified in the Technical Housing Standards (THS), published 27<sup>th</sup> March 2015, i.e. 37 square metres GIA where a shower room is provided as opposed to a bathroom (1 bed – 1 person dwelling). The remaining two units permitted by virtue of the certificate of lawfulness represent accommodation which does not meet the THS at 20 and 18.5 square metres respectively.
- 10.11 As a consequence of this development the balance would tip from 3 THS compliant dwellings to only 2 and the non-compliant dwellings would increase from 2 to 4. This clearly evidences a reduction in the 'quality' of accommodation provided.
- 10.12 Whilst each unit of residential accommodation will benefit from natural light and independent facilities the shortfall in 'floorspace' will lead to a poor level of residential amenity for the future residents. Whilst the FLP does not contain any minimum standards regarding floorspace the Technical Housing Standards do offer a basis to conclude that at 18.5, 19, 20 and 28 square metres respectively the flats shown as Nos 2, 3, 4 and 6 all fail to meet these standards. Given that the THS post-date the adoption of the FLP (2014) it is considered entirely reasonable to use these as a 'baseline' figure against which to measure the acceptability of the floor space proposed.
- 10.13 It is acknowledged that 'micro-housing' has a place within the built environment representing as it does an affordable opportunity to live centrally without having to house-share, providing residents with their own front door and the opportunity to live independently of others. However, it is considered that the existing premises, as established by the certificate of lawfulness, already contributes such accommodation and that any additional units would reduce residential amenity to a level which would be at odds with Local Plan Policies LP2 and LP16.

### **Highways**

- 10.14 This scheme makes no provision for on-site car parking. Appendix A of the Fenland Local Plan allows for a reduced car parking provision and in special

circumstances a nil parking provision where sites are centrally located within Market towns and benefit from good public transport links.

- 10.15 The 'special circumstances' in this case are deemed to be optimising the floorspace of the premises to provide small scale residential accommodation within a sustainable location within one of the Primary Market Towns of the District.
- 10.16 Notwithstanding the residential amenity concerns highlighted above the delivery of an additional residential unit in this location must be given significant weight and the proposal aligns with the aims of Chapter 11 of the NPPF which promotes the effective use of land, and particularly Para 118 (d) which outlines the need to '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 [..].
- 10.17 It is considered there is appropriate justification for delivering this scheme with a nil parking provision and as such there are no matters to reconcile with regard to car parking provision or accessibility; the scheme is therefore considered compliant with Policies LP15 and LP16 of the FLP (2014).

### **Flood risk**

- 10.18 The site is located within a flood zone 1 area and as such is sequentially preferable for housing development accordingly there are no matters to reconcile with regard to flood risk and Policy LP14 of the FLP (2014).

### **Refuse collection**

- 10.19 Prompted by the formal consultation response of the Environmental Services Team Officers discussed opportunities for bin storage with the Operations Manager and the agent for the application.
- 10.20 The Operations Manager (OM) was able to confirm that the current arrangements were that the Basement flat had a set of bins which were stored in the front yard area and the remaining 4 flats used bags which were presented kerbside for collection. The OM further confirmed that *'there is sufficient space in the yard for storage and although they need to go out on the footpath for collection it is wide enough and is what the neighbouring properties do (88 Elm Road is also flats with individual bins). With the proposed 2 additional flats a further set of bins would be required to make 10 in total which will give enough capacity. Storing of bins in front gardens is not aesthetically ideal but there is nothing to stop this being done and is the best solution for the existing flats with the additional 2 having little impact'*.
- 10.21 Whilst the scheme has now been revised in terms of numbers this is of no consequence to the above advice which remains relevant, as such the requirement to provide appropriate refuse and recycling has been met and would not manifest itself as a reason for refusal. This also acknowledges that visually the impact of one additional set of bins would not be significant when viewed in the context of what would be permissible to serve the level of accommodation allowed for by virtue of the certificate of lawfulness.

### **Other matters**

10.22 It is acknowledged that there are no technical objections from consultees regarding the proposed additional unit and that the Private Sector Housing team (PSH) have worked with the applicant and are able to confirm that *'that his revised plans would reduce the risk of harm to occupants'*.

10.23 It should be noted that the case officer queried the initial 'no objection' response from PSH as they were concerned regarding the 'amount' of floorspace per unit post conversion. The PSH team responded as follows:

*'To clarify the position with the Private Sector Housing team although we formally have no objections to the proposal, this is as the plans indicate no legislative reason why we should object, but it would be right for us to raise concerns. The plans do not show a true representation of how they would be lived in as they do not show items such as wardrobes, fridges, freezers and other items we would all expect to have in this kind of scenario. The representation of the cooker and sink also are extremely small. As a minimum we would normally require 300mm worktop to either side of a hob to prevent accidental burns and a reasonable amount of space to prepare food. Concern should be raised that ample food preparation and food storage space is not available (or represented) to prevent food safety becoming an issue. Given the space is currently so restricted then burns and scolds are also more likely. Due to the limited space it is likely that tenants will use the escape routes to store items. This would require robust management to prevent the escape route from being compromised and the Fire Safety Order from being breached. In reality most people do not live frugal lives with limited amounts of possessions and the plans show a limited amount that represents that reality. The likelihood that these flats as proposed presenting safety issues, where we may have to take action in the future, is high.'*

10.24 It is not doubted that refinement of the scheme in terms of the existing accommodation delivered, i.e. the provision of enhanced bathroom facilities and clarification of kitchenette facilities is to be welcomed as this will clearly enhance the residential amenity of the existing occupants. However, the creation of an additional unit within the building envelope is seen as retrograde in terms of residential amenity by virtue of sub-standard 'amount' of floorspace. This is considered to the detriment of the accommodation delivered by virtue of the certificate of lawfulness which it is argued already stretches the capacity of the building to provide small units of residential accommodation.

## **11 CONCLUSIONS**

11.1 This is an established mid terrace dwelling situated on the outskirts of the town centre with good accessibility. It already contains by virtue of an established use 5 residential units across its 4 floors.

11.2 Two of the current units of accommodation within the authorised 'planning unit' are bedsits and fall below the standards outlined in the Technical Housing Standards (THS), to allow for further subdivision would result in 4 of the units being below the THS.

11.3 Whilst the FLP (2014) does not set space standards for residential accommodation the THS do provide an evidence base as to what is considered an appropriate level of floorspace for a single occupancy home. The shortfall demonstrated across the 4 units is such that the scheme proposals are clearly

at odds with FLP (2014) policies LP2 and LP16 in that the proposal to introduce a further residential unit will adversely impact on the established flats at a level which would result in the substandard units being more prevalent within the scheme as opposed to a limited component of the same.

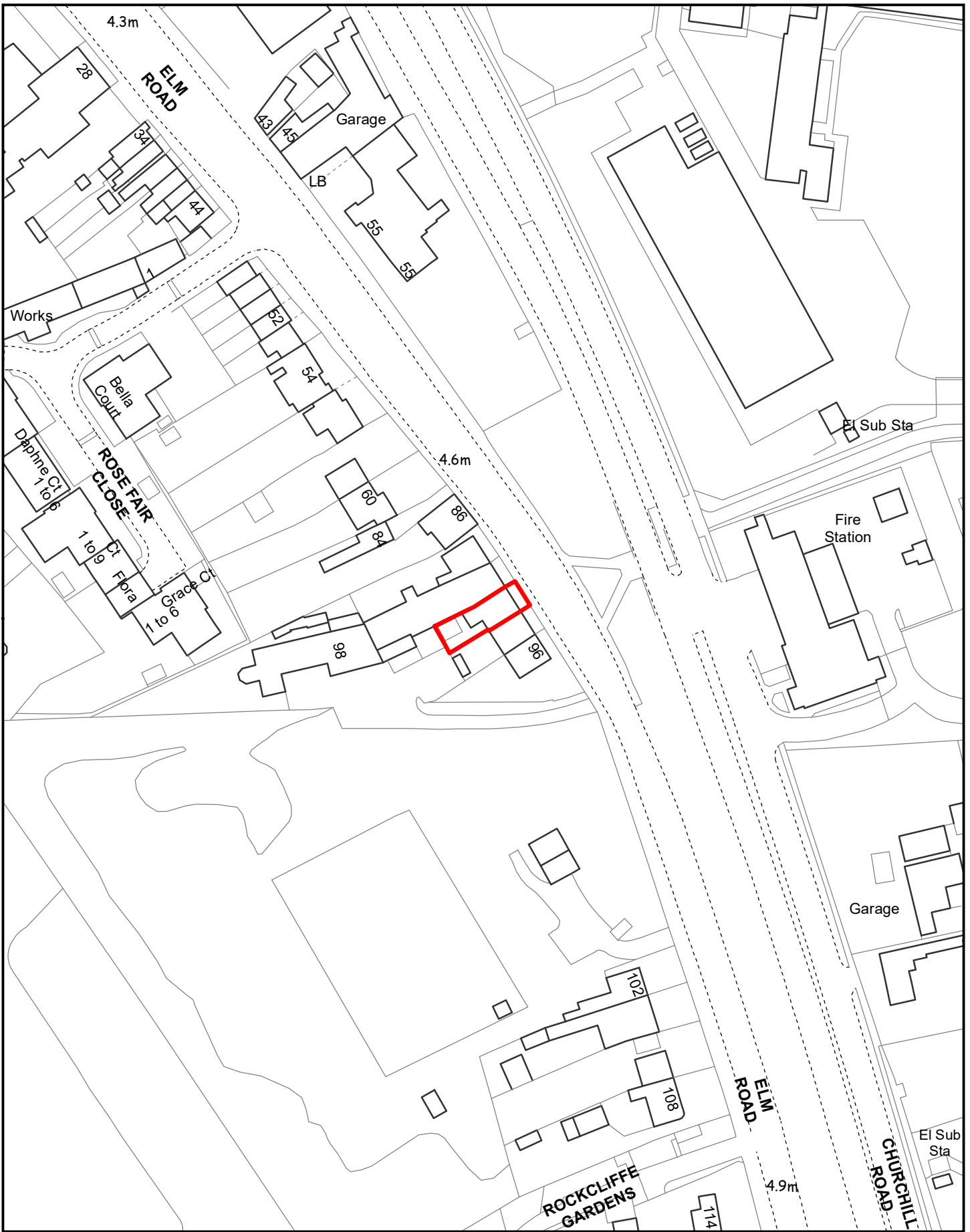
- 11.4 Although the Private Housing team have noted that they have no objections to the scheme and that the revisions shown to the individual units will 'reduce the risk of harm to occupants' an absence of harm does not in itself override the more fundamental policy considerations which seek 'high quality living environments'
- 11.5 Similarly a workable refuse collection scheme does not tip the balance to approve a further unit in a property which already contains 5-units of which two provide floorspace below that promoted in the TSH

## 12 RECOMMENDATION

**Refuse;** for the following reason:

### Reason for refusal

1	Policies LP2 and LP16 of the Fenland Local Plan (2014) seek to provide high levels of residential amenity for both existing and future occupiers, with this being reinforced by the National Design Guide and the National Planning Policy Framework. It is considered that the further subdivision of the existing premises to form an additional unit of residential accommodation has a negative impact on the existing residential accommodation and will have significant adverse consequences for the likely residential amenity of future occupiers. Furthermore, the proposal will result in four of the six units delivering accommodation under the minimum Gross Internal Areas prescribed in the Technical Housing Standards (THS), published 27 <sup>th</sup> March 2015. This clearly illustrates that the accommodation is unacceptable to deliver high levels of residential amenity as required by Policies LP2 and LP16 of the Fenland Local Plan and provides sufficient evidence base to resist the scheme as submitted.
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Created on: 04/02/2022

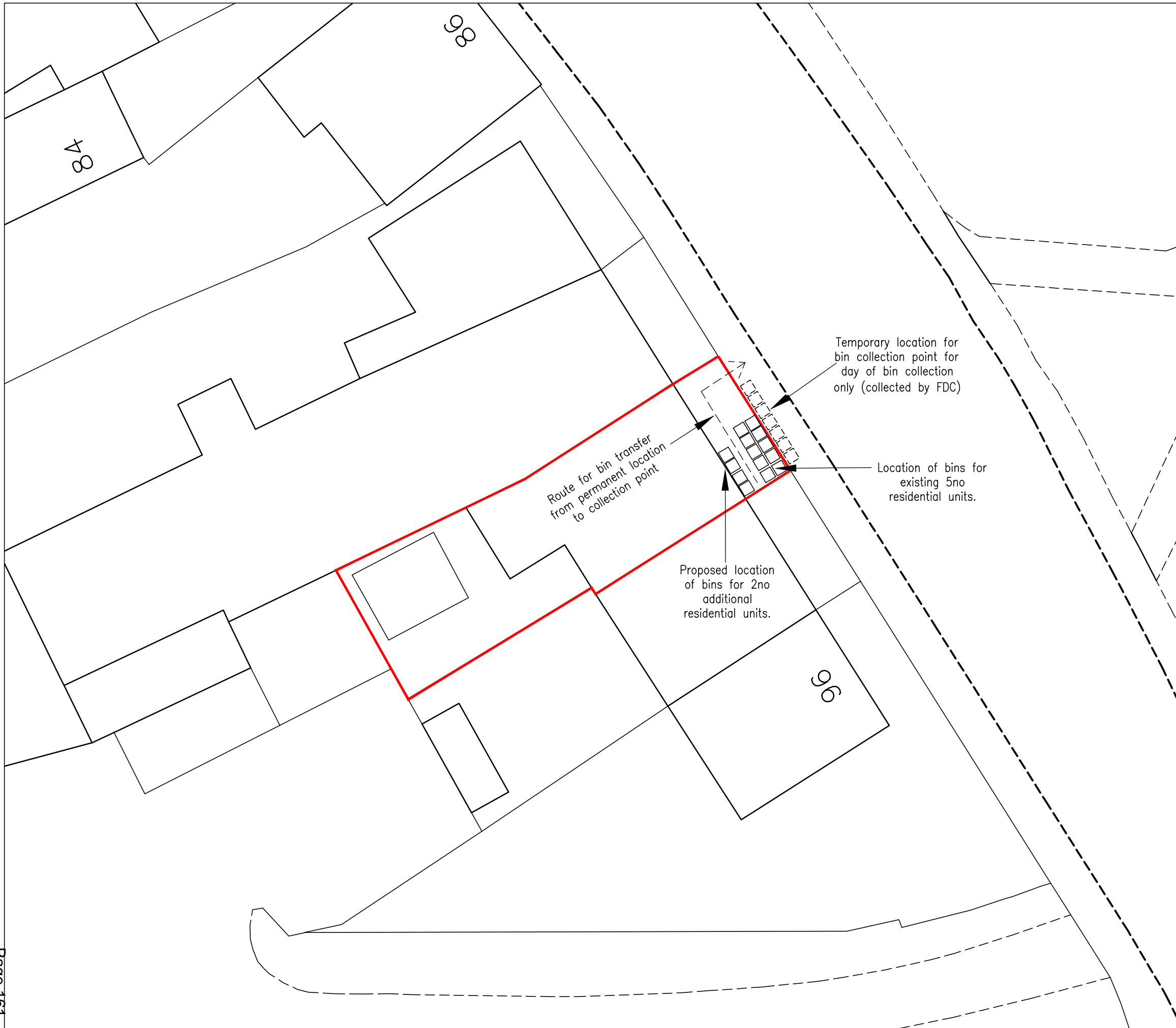
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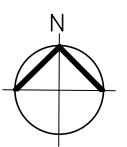
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Proposed site plan 1:200 

REVISIONS



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CLIENT  
 MR A POPAT

PROJECT  
 PROPOSED COU

SITE  
 92 ELM ROAD  
 WISBECH  
 NORFOLK  
 PE13 2TB

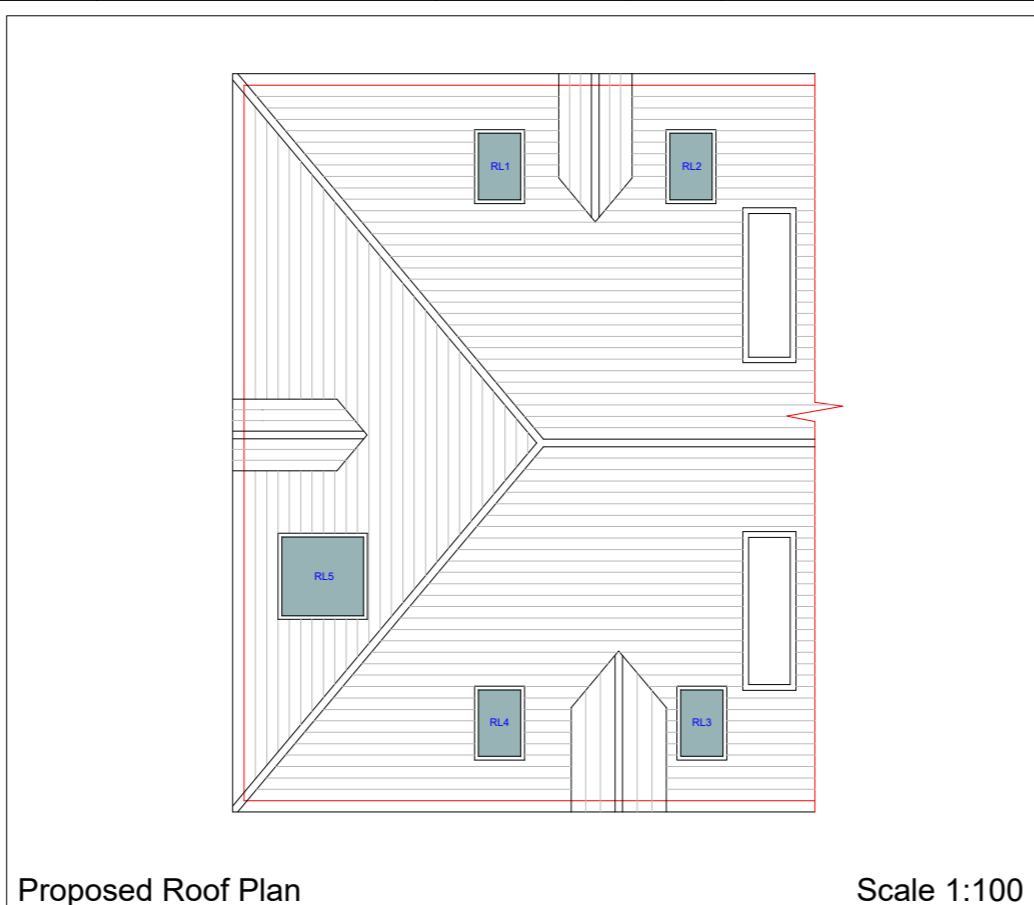
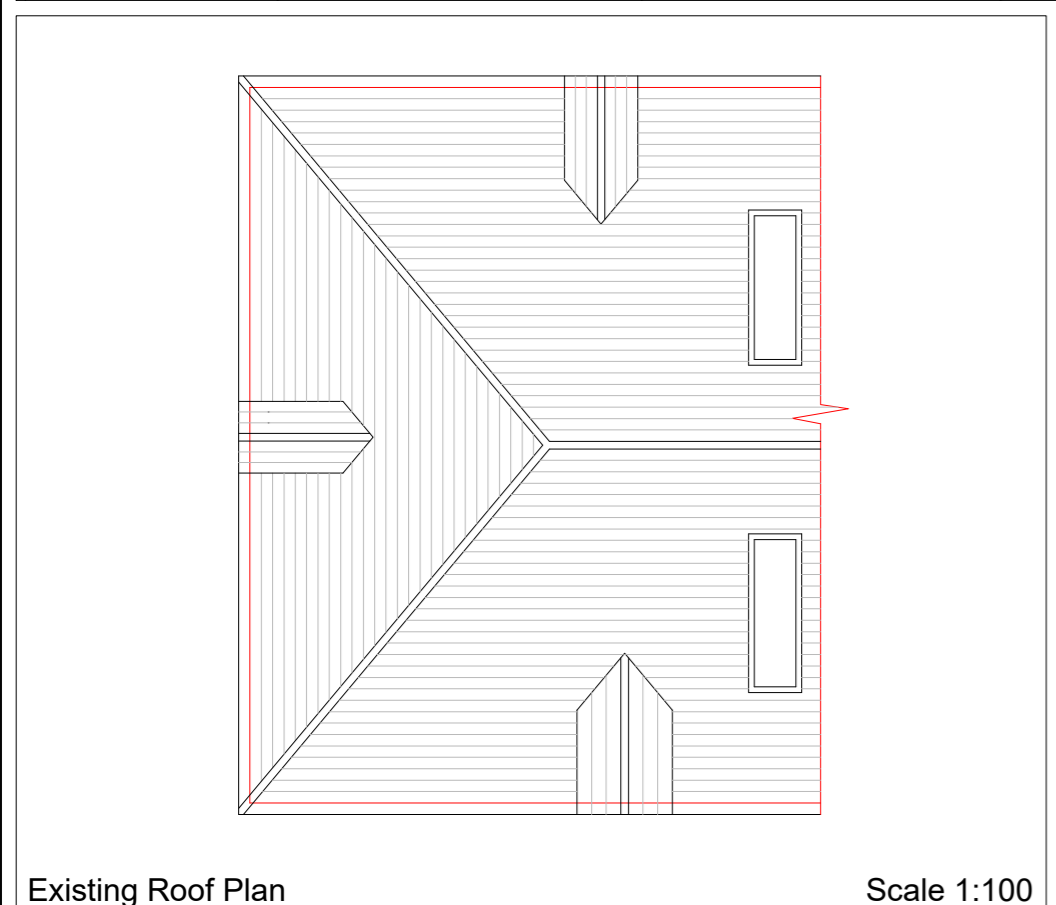
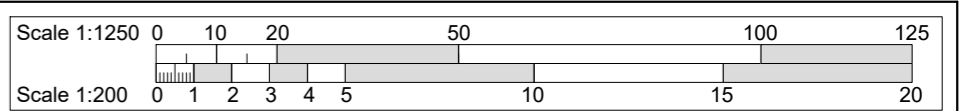
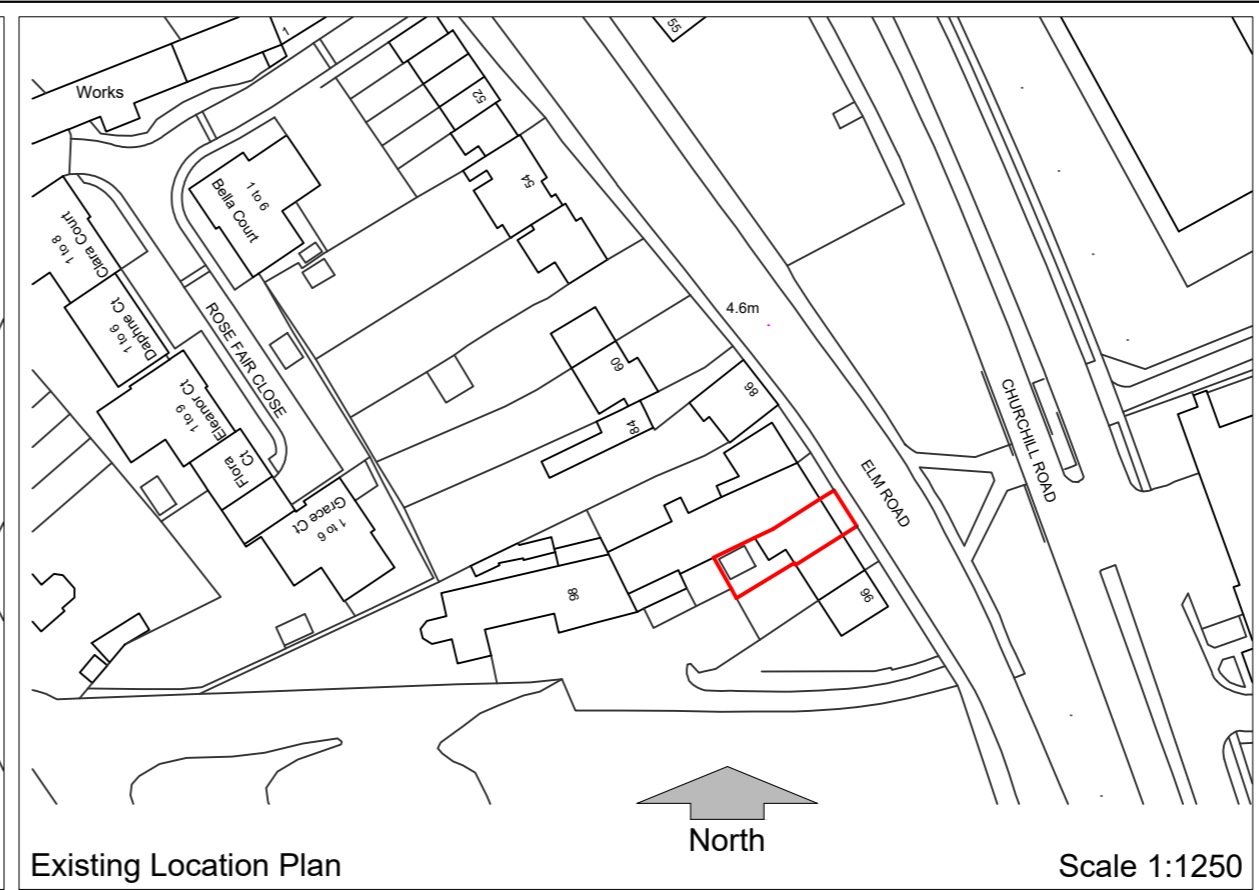
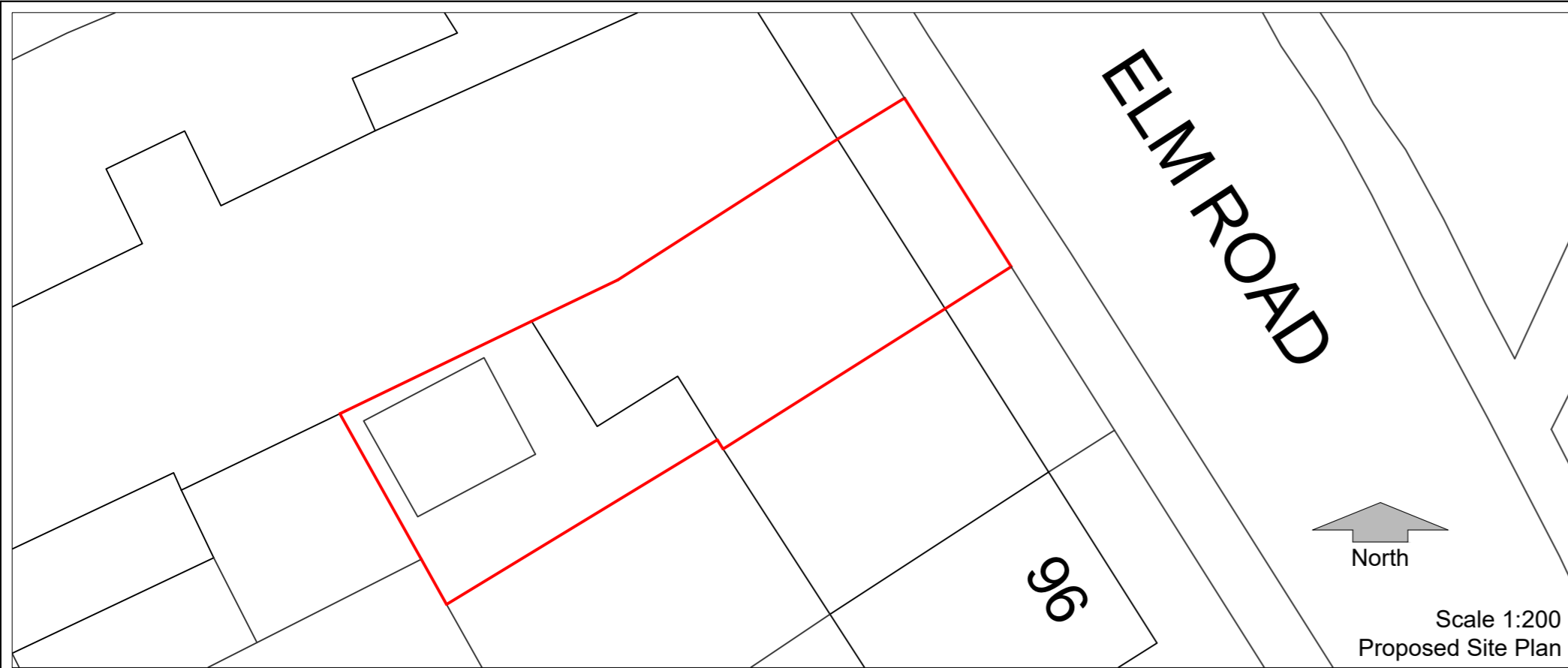
DRAWING  
 PROPOSED SITE PLAN

JOB NO.	PAPER SIZE	DATE
6268/PL01A	A3	MAY 2021

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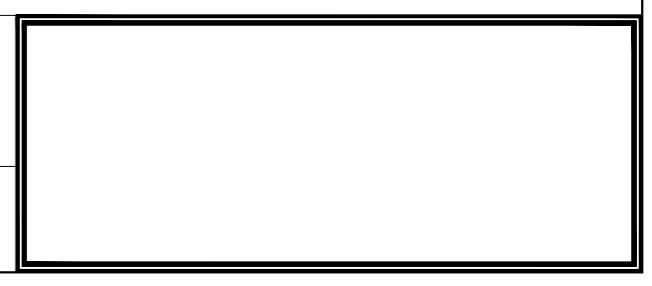
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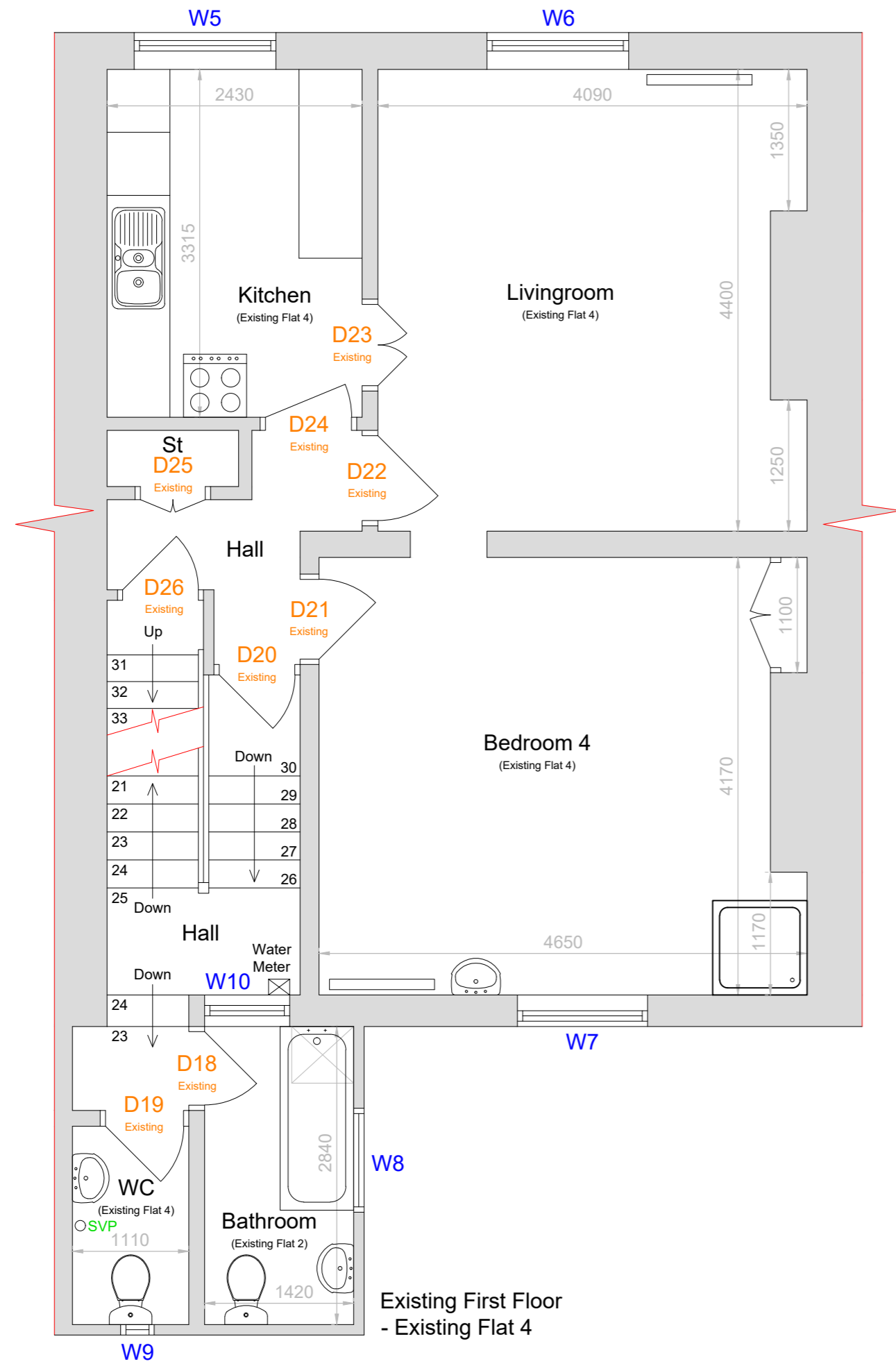
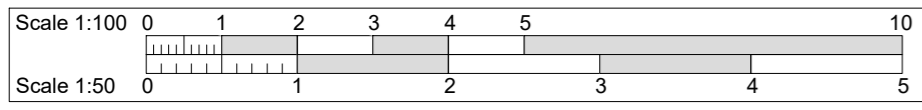


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Rev	Description	Name	Date	Drawn:	Checked:	Approved:
A	Existing & Proposed Roof Plans Added	MA	25.02.21	MA		
				Scale @ A2:	Date:	Job No:
				As Above	24.02.16	103
				Drawing No:		Revision:
				103-07		A

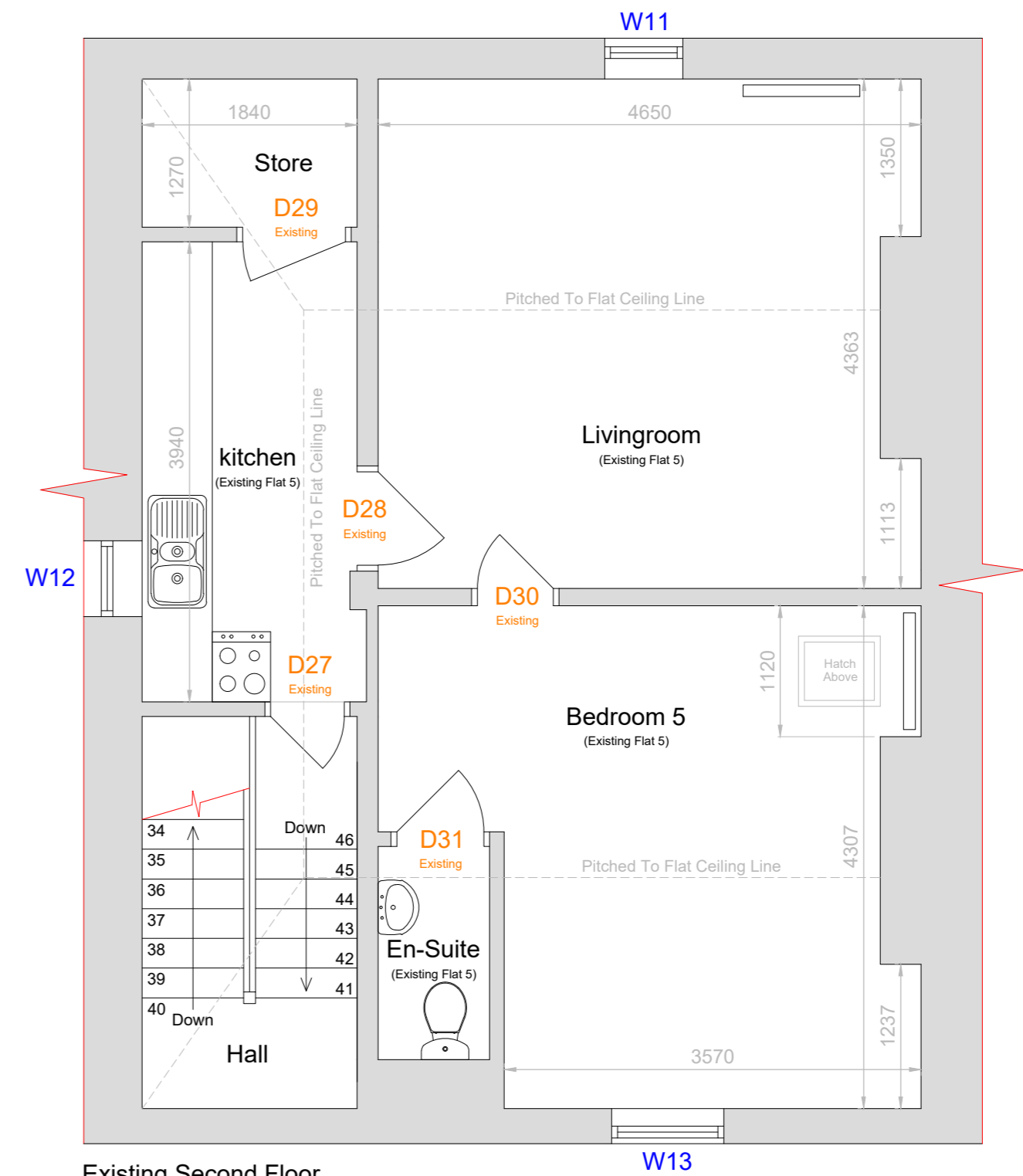
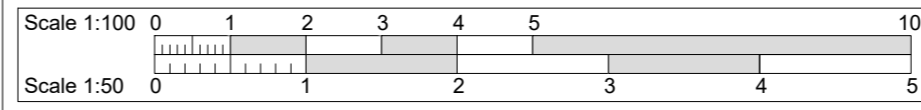
Project Title: 92 Elm Road, Wisbech, Norfolk, PE13 2TB  
 For: Mr Alpesh Popat  
 Drawing Title: Existing & Proposed Site & Location Plans & Roof Plans





Existing First Floor Plan

Scale 1:50



Existing Second Floor  
- Existing Flat 5

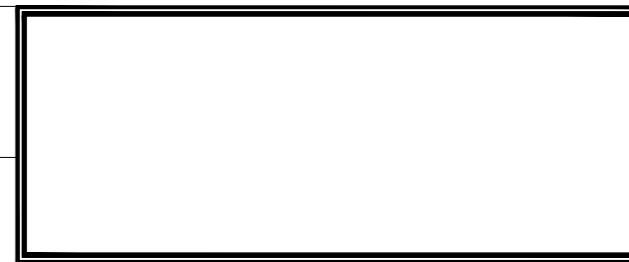
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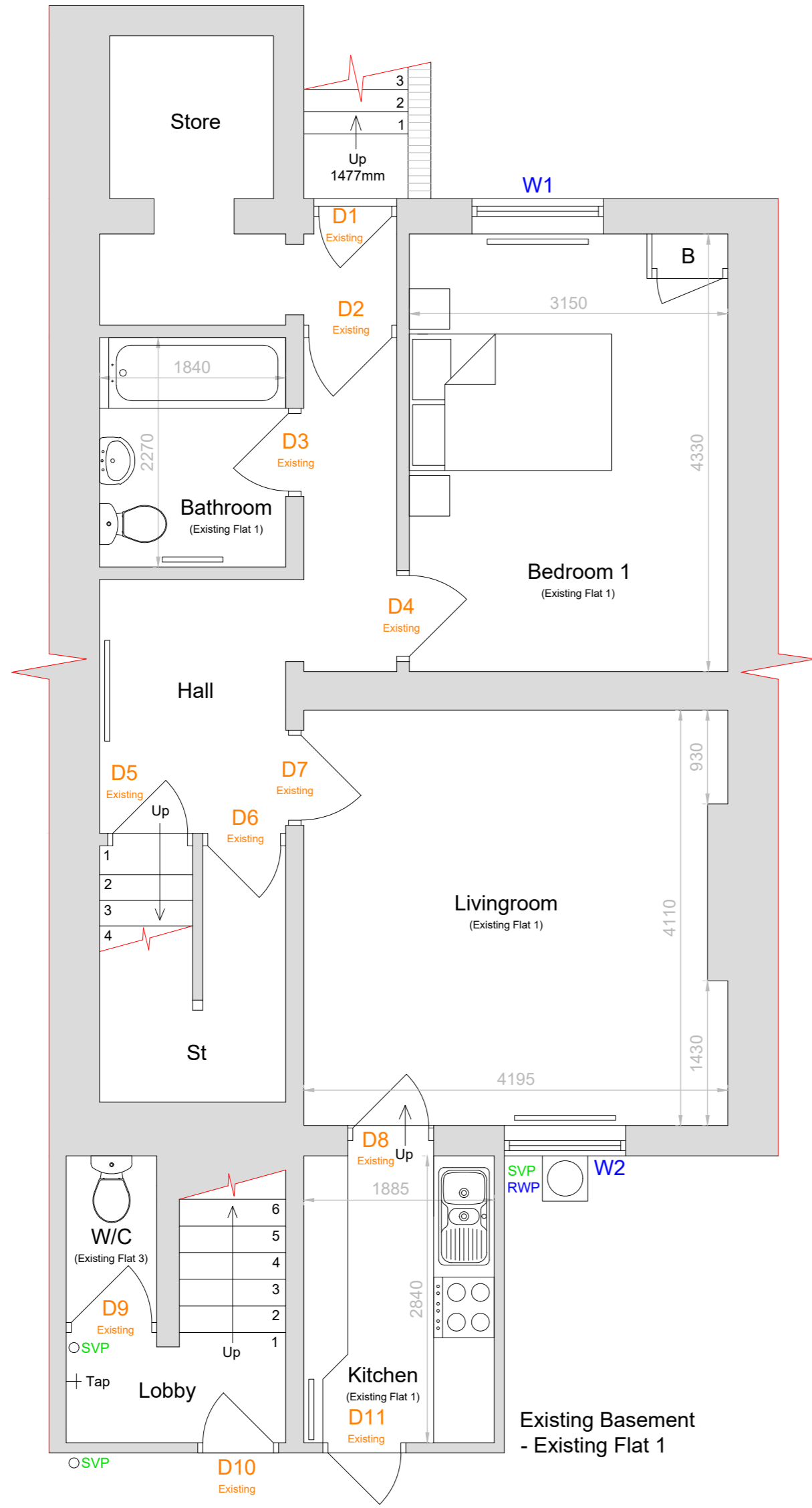
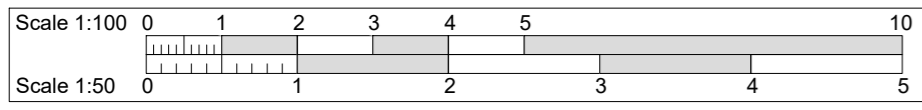
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Drawing No: 103-02	Revision:	

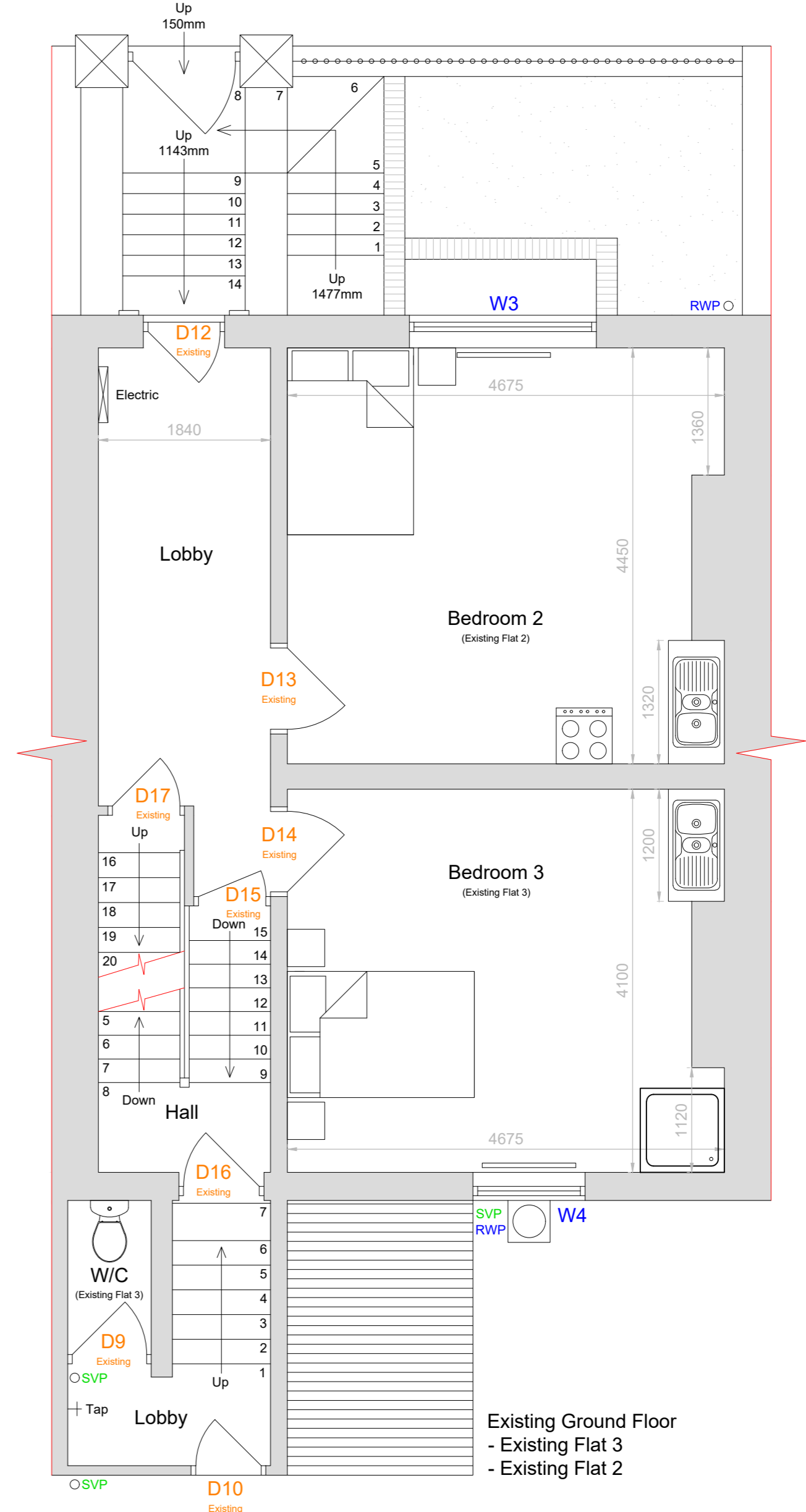
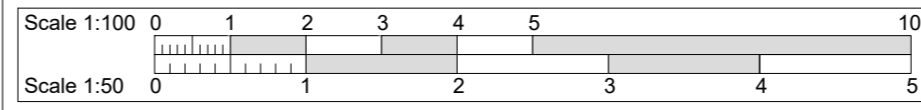
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For: Mr Alpesh Popat  
Drawing Title: Existing First Floor & Second Floor Plans





Existing Basement Floor Plan

Scale 1:50



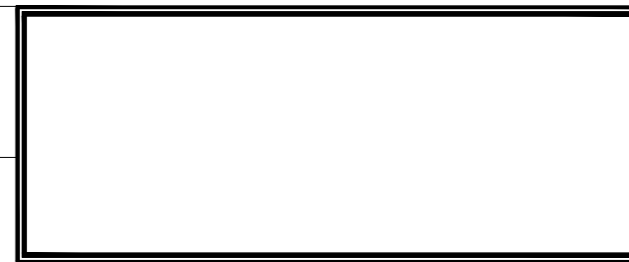
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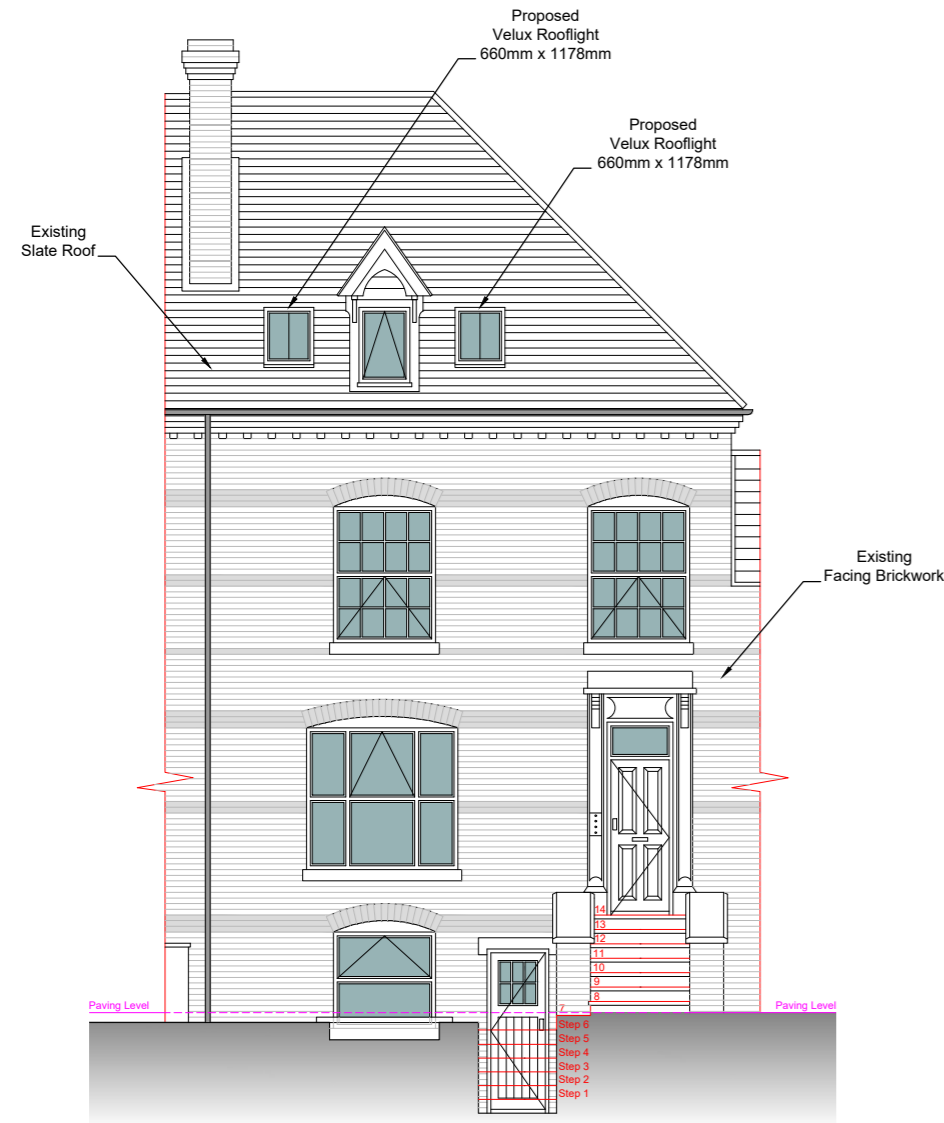
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				As Above	24.02.16	103	Drawing Title: Existing Basement & Ground Floor Plans
				Drawing No:	Revision:		
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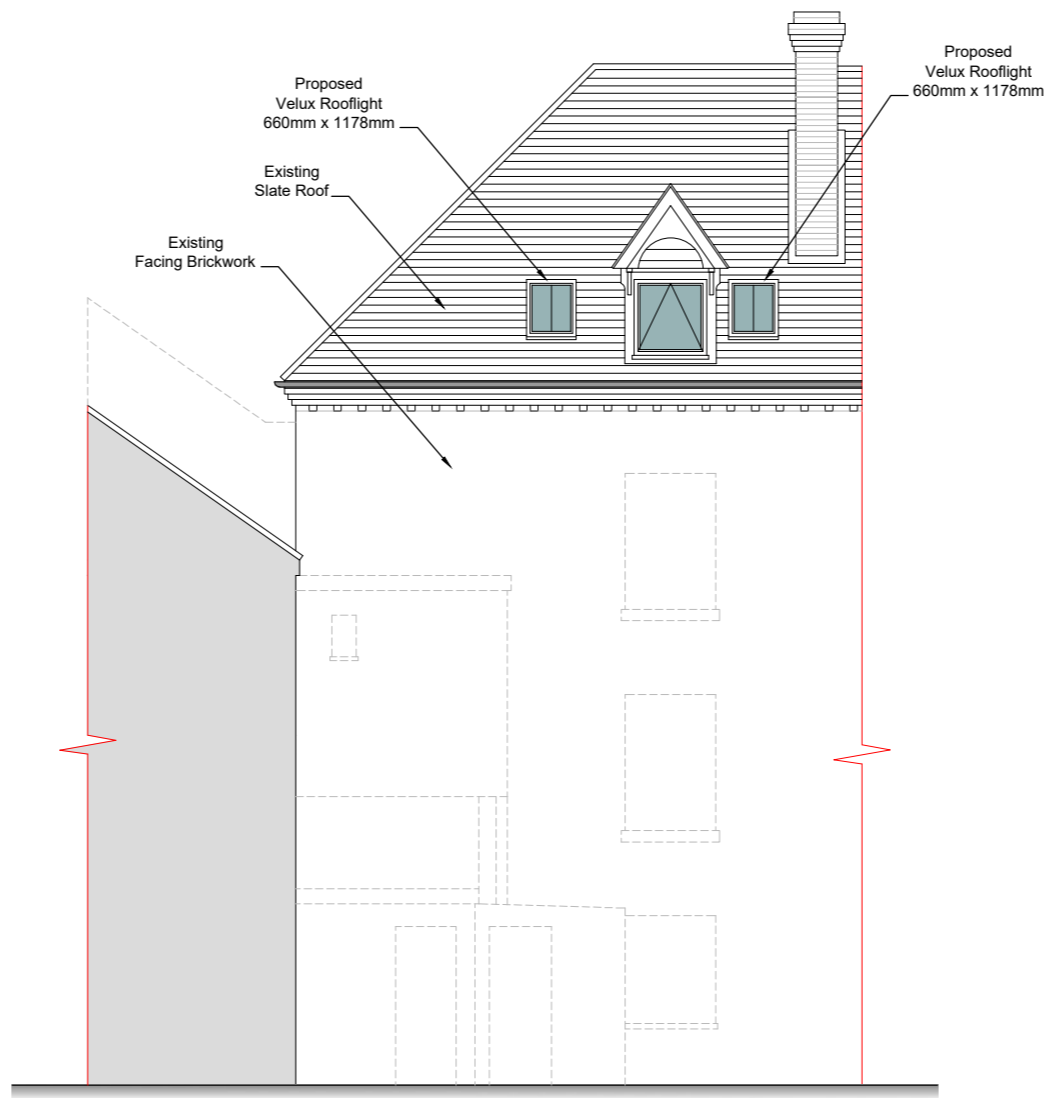
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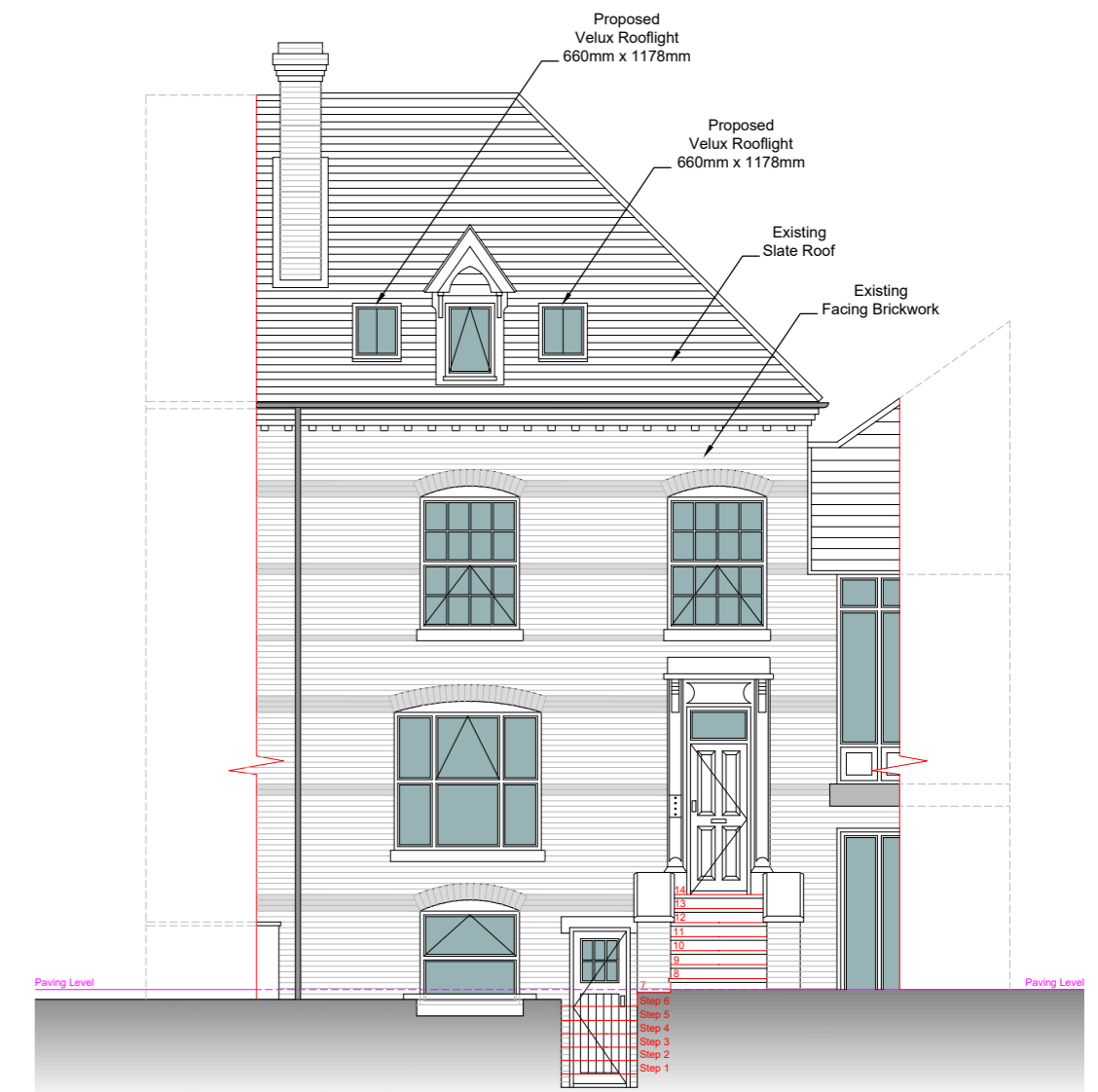
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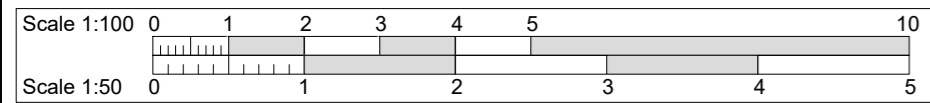
Proposed West Elevation

Scale 1:100



Proposed East Elevation / Street Scene

Scale 1:100

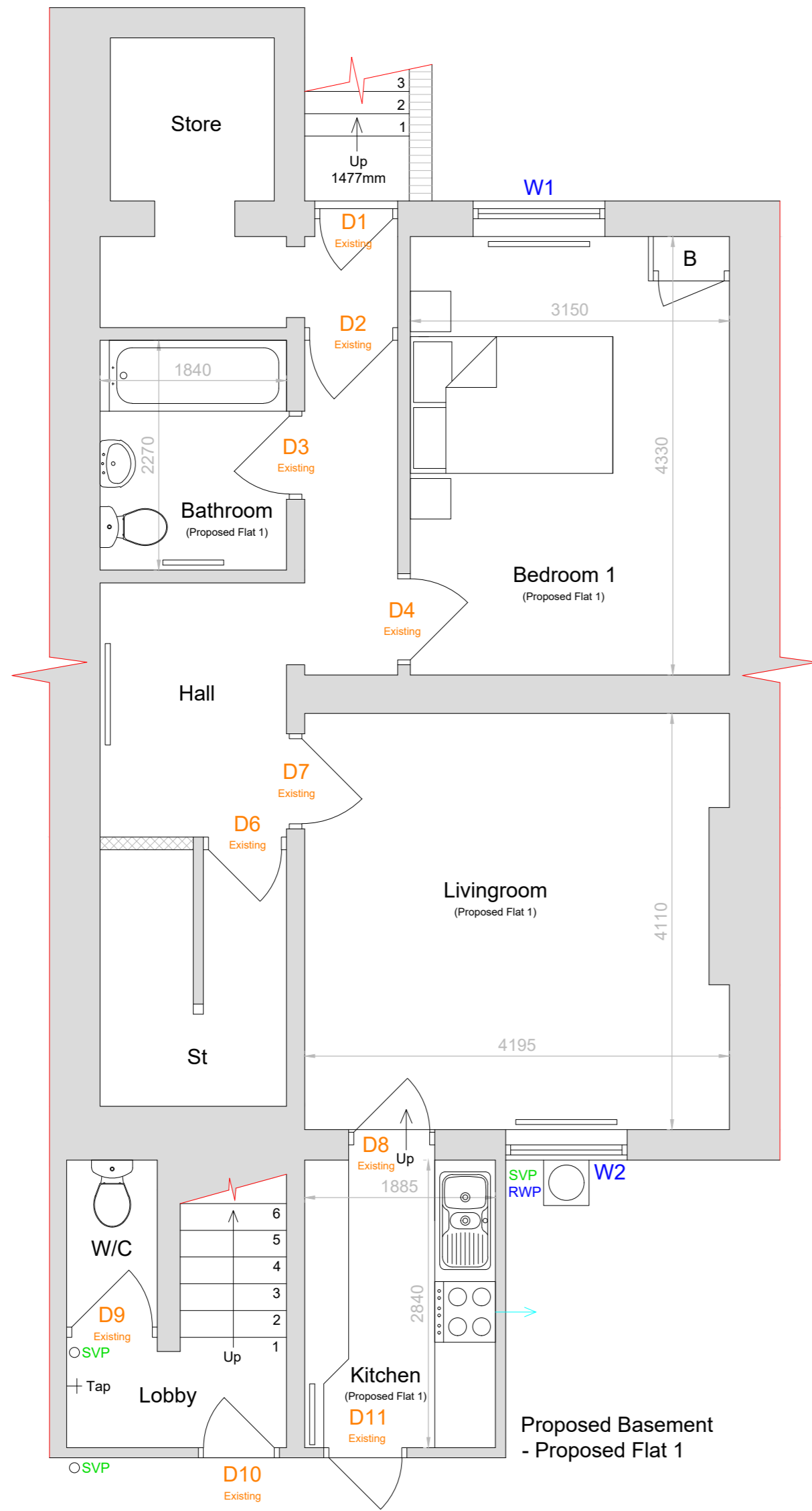
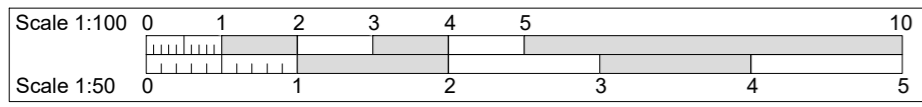


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Rev	Description	Name	Date	Drawn:	Checked:	Approved:
A	Proposed East Elevation / Street Scene Added	MA	25.02.21	MA		
B	Proposed West Elevation Added	MA	01.02.21			
				As Above	24.02.16	103
				Drawing No:		Revision:
				103-06		B

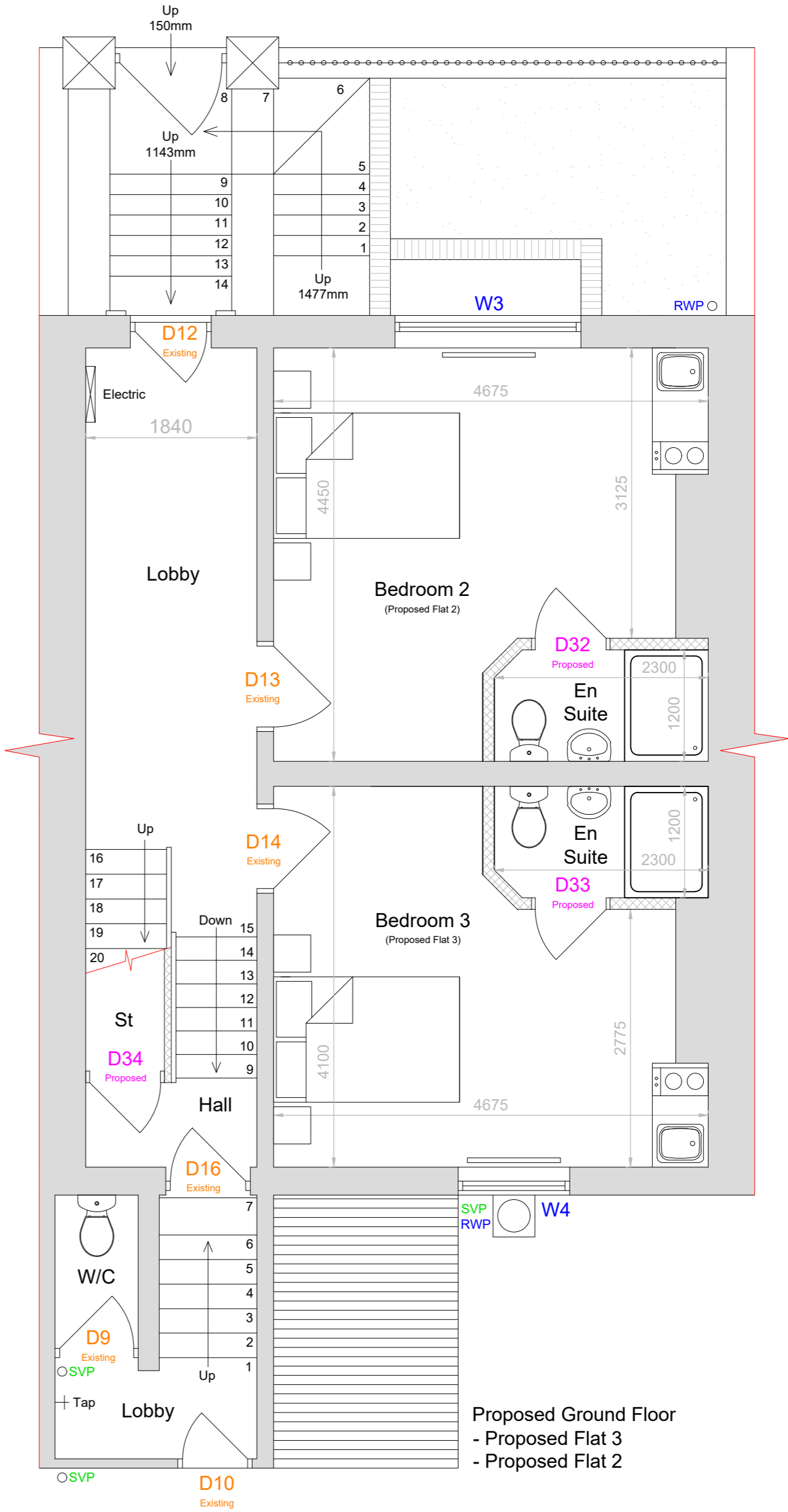
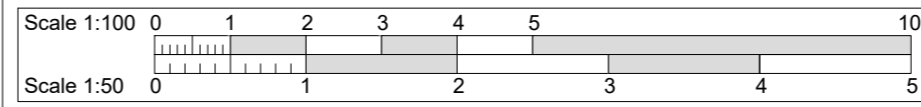
Project Title: 92 Elm Road, Wisbech, Norfolk, PE13 2TB  
 For: Mr Alpesh Popat  
 Drawing Title: Proposed Elevations & Street Scene





Proposed Basement Floor Plan

Scale 1:50



Proposed Ground Floor Plan

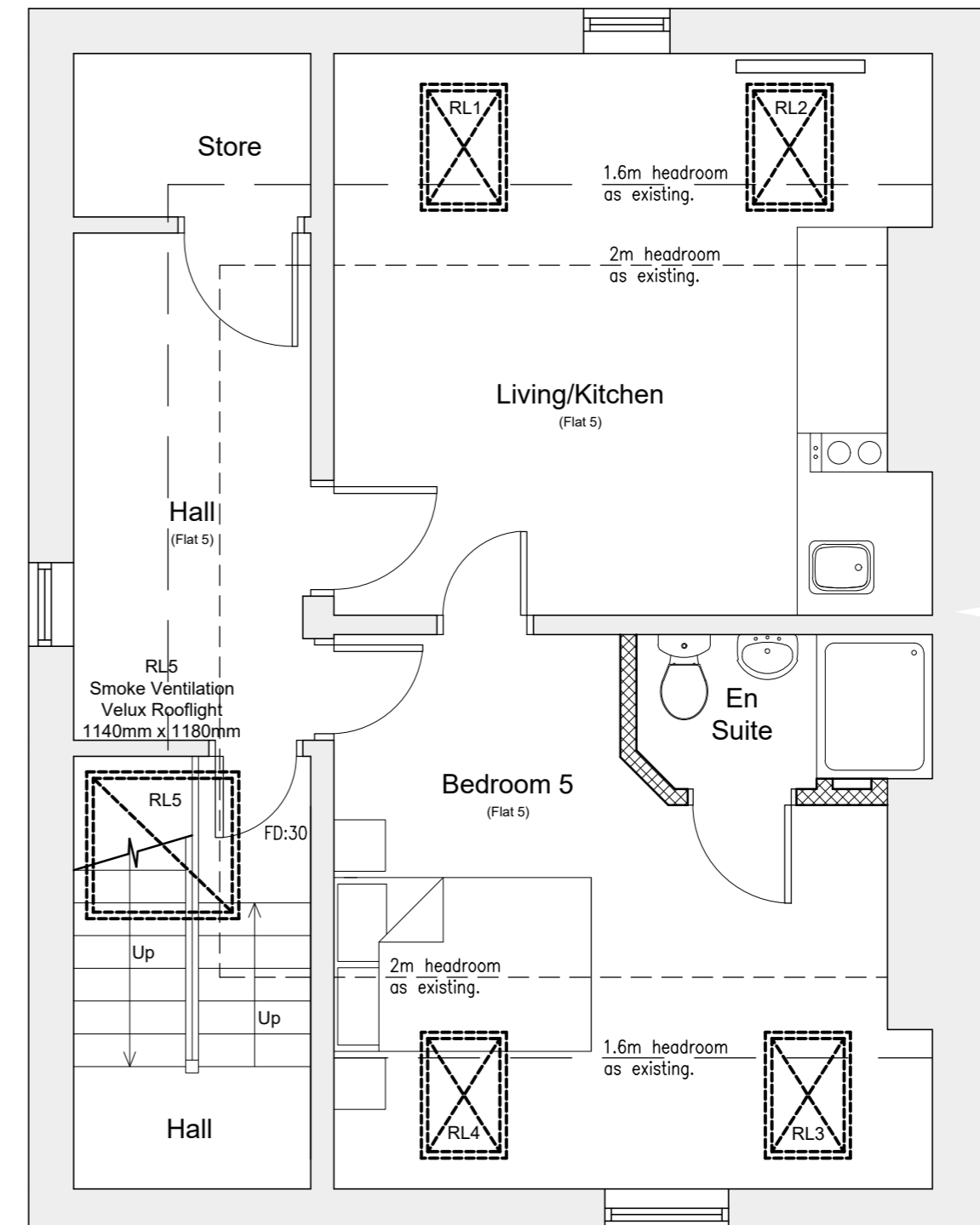
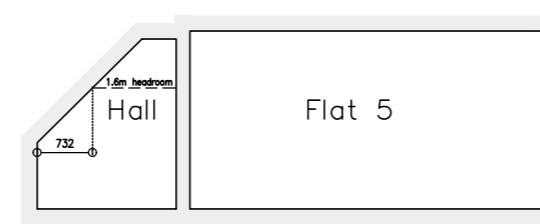
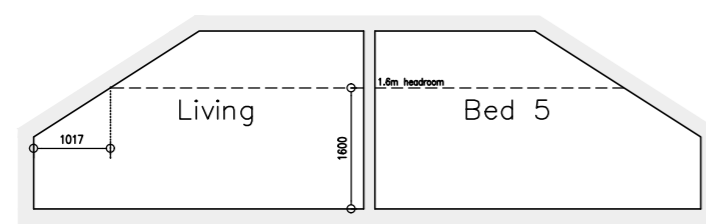
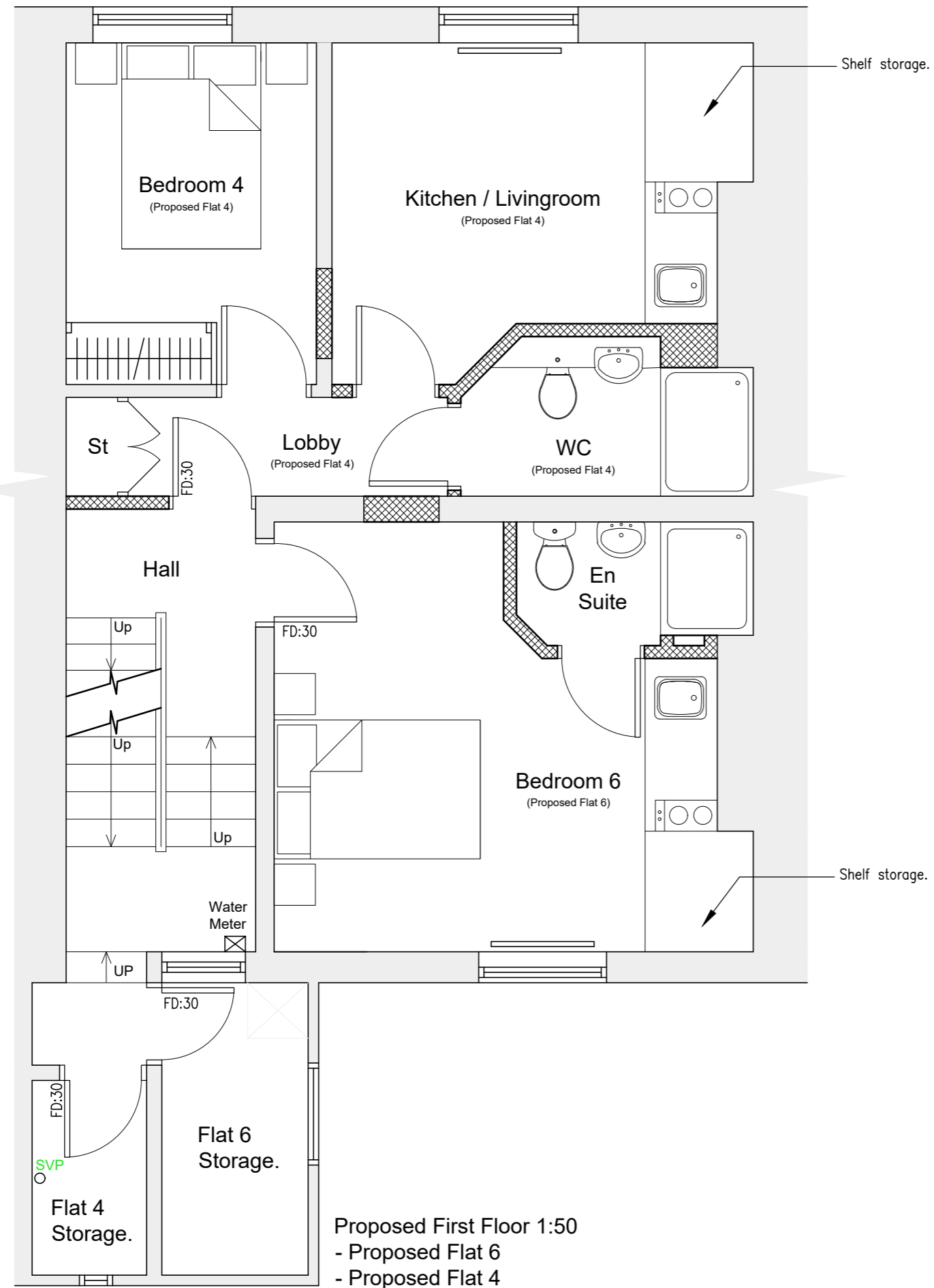
Scale 1:50

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Rev	Description	Name	Date	Drawn:	Checked:	Approved:	Project Title:
A	Proposed Plans / Layout Amended	MA	04.02.21	MA			92 Elm Road, Wisbech, Norfolk, PE13 2TB
				Scale @ A2:	Date:	Job No:	For: Mr Alpesh Popat
				As Above	24.02.16	103	Drawing Title: Proposed Basement & Ground Floor Plans
				Drawing No:	Revision:		
				103-04	A		

Project Title: 92 Elm Road, Wisbech, Norfolk, PE13 2TB  
 For: Mr Alpesh Popat  
 Drawing Title: Proposed Basement & Ground Floor Plans





REVISIONS		
JOB NO.	PAPER SIZE	DATE
6268/PL02B	A2	SEPT 2022

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Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.

CLIENT  
MR A POPAT

PROJECT  
FORMATION OF 1NO ADDITIONAL FLAT

SITE  
92 ELM ROAD  
WISBECH  
CAMBRIDGESHIRE  
PE13 2TB

DRAWING  
FIRST & SECOND FLOORS

**PETER HUMPHREY ASSOCIATES**

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

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**F/YR21/1037/F**

**Applicant: Mr & Mrs Aldin**

**Agent : Mrs Alex Patrick  
Alexandra Design**

**Land South Of Millcroft, Mill Lane, Gorefield, Cambridgeshire**

**Change of use of land for 2 traveller pitches and keeping of horses/farm animals associated with occupation of the traveller pitches to include stationing of 2 static caravans and 1 tourer, erection of timber shed, stable/tack room, 1.2 metre post and rail fencing and construction of vehicular access and 1.5 max metre high earth bund**

**Officer recommendation: Grant**

**Reason for Committee: Gorefield Parish Council do not support contrary to recommendation and number of objections exceeds 6.**

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## **1 EXECUTIVE SUMMARY**

1. This is an application for change of use of land to accommodate two static mobile homes and associated development on land south of Millcroft, Mill Lane, Gorefield. The site lies within the countryside.
2. The existing policy framework surrounding the development is such that the Local Planning Authority is unable to demonstrate that it has an adequate supply of sites for the accommodation of the gypsy and traveller community. The application is accompanied by sufficient information to demonstrate that the proposed occupants satisfy the definition of gypsies and travellers within the Planning Policy for Traveller Sites (2015) document and on that basis the principle of the development is considered to be acceptable.
3. Impact on character is considered acceptable due to the proposed small number of mobile homes which will be set well back from Mill Lane and the existing landscaping together with additional planting which, together with any external lighting is subject to conditions.
4. The proposed access, turning and parking is acceptable subject to conditions required by the local highway authority.
5. Although the site is located in Flood Zone 3, the EA has not raised objections and due to a lack of other suitable alternative sites in areas at lower risk of flooding, the sequential test is passed. There are sufficient community benefits to this site being permitted to pass the exceptions test.
6. In all other respects, the proposal is considered to be acceptable and subject to the conditions to be imposed complies with policy LP5 of the local plan (which also reflects other policies of the plan)

## **2 SITE DESCRIPTION**

- 2.1 The site comprises a roughly rectangular parcel of land that was formerly grassland and was contiguous with the land to the north which contains a large stand of trees and the residential property named Millcroft at the junction of Mill Lane and Bird's Drove. The application site has been severed from this land in terms of land ownership and measures approximately 64 metres in length from front to rear (east to west) and on average 35 metres in width (north to south). The site lies in open countryside and is typical of the patchwork of paddock/pastureland/horticulture parcels associated with sporadic residential properties in the area and is interspersed with larger flat arable fields.
- 2.2 The nearest residential properties to the site are Millcroft just to the north, Greenacre opposite and Oakwood opposite to the southeast. There are approximately 22 residential properties located within a 0.5 km radius of the site. The settlement of Gorefield is approximately one mile to the north of the site. Wisbech St Mary is a similar distance away to the south. The site is located outside of a settlement boundary and is therefore located in the countryside.
- 2.3 The site has a vehicular access off Mill Lane. There is a small strand of trees to the south of the access and the site boundaries contain sporadic trees and hedgerows. There is a parcel of land beyond the rear of the application site, to the west that is in the ownership of the applicant and at the time of the case officer's visit, was being used for grazing.
- 2.4 The site lies within flood zone 3 which is the area at greatest risk of flooding

## **3 PROPOSAL**

- 3.1 The proposal is at least in part retrospective. The land has been occupied by the applicants as a traveller site and works have been carried out to create a vehicular access, hardstanding area, bunding, stables and fencing. The submitted plans show that the front part of the site would contain a log style cabin mobile home and a further mobile home erected on a hardstanding area with a hardcore drive leading from the vehicular access off Mill Lane. There is a timber shed to the south and a stable block containing two stables and a tack room to the north. Details of the visual appearance of the proposed mobile homes has not been provided. From the site plan they would measure approximately 15m long x 6m wide and 14m long x 6m wide. There is a 1.5 metre earth bund to part of the northern boundary. The boundaries are shown with 1.2-metre-high post and rail fencing. Within the application site but to the rear of the area where the mobile homes are to be stationed are two paddocks. To the rear of the paddocks is a further area edged blue on the plan (in the same ownership as the applicant) which is labelled as sheep paddock.
- 3.2 The application provides information about the proposed occupiers of the site who are three adults; Mr and Mrs Martin and Cindy Aldin and Mr Aldin's elderly mother Mrs Muriel Aldin.

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

## **4 SITE PLANNING HISTORY**

4.1 There is no planning history at the site

## **5 CONSULTATIONS**

### **Gorefield Parish Council**

Cannot support due to the site being in open countryside, impact on the environment and disruption to wildlife habitats

### **FDC Traveller Liaison Officer**

Confirms that the proposed occupiers of the site meet the definition of travellers or gypsies as set out in the national Planning Policy for Traveller Sites.

### **Environment Agency**

No objection. Whilst the site is within the undefended area of flood zone 3, the site is shown to be unaffected by a breach or overtopping of the flood defence in the 0.0% (1 in 1000 year plus climate change). The agent has acknowledged this and has stated the finished floor levels of the mobile homes shall be a minimum of 0.3 metres above ground level. It is for the local planning authority to be satisfied the sequential test set out in the NPPF (paragraph 162) is passed.

### **CCC Highways**

The most recent plan has resolved previous comments and as such there are no objections subject to conditions to ensure no surface water run-off onto the road, any gates to be set in 5 metres from the edge of the highway and hung to open inwards and a minimum of 5 metres of the vehicular access from the highway shall be surfaced in a metalled and sealed surface.

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

Objections have been received from 11 individuals from 7 households who raise the following issues;

- Agricultural land
- Does not comply with policy
- Out of character/not in keeping with area
- Would set a precedent for further traveller sites and more pitches on this site as there is plenty of space
- There is a covenant on the land restricting use for residential purposes and no commercial vehicles at the site
- Devaluation of property
- The boundary line is still incorrect (with regards to what has been sold and the official title plan)
- The development will have a detrimental effect on the view and outlook from our property (Oakwood) and from Mill Lane in general
- There was a peaceful countryside view but already before a decision is made on the planning application, we can see a number of large vehicles, a large digger, a touring caravan and awning and other items of a site being lived on.
- Access. Mill Lane not suited to an increase in traffic
- Density/over development

- Design/appearance
- Light pollution
- Noise
- Overlooking/loss of privacy
- Trees
- Visual Impact. Will alter the nature of Mill Lane
- Wildlife concerns – due to lighting and loss of trees and general disturbance
- If granted there should be a restriction on the number of residents permitted to live on the site
- In the winter months the upper floor windows of our house will directly overlook the site (Greenacres)
- The site entrance is approximately 40 yards from our farm entrance (Greenacres)
- Mill lane is a quiet country lane with few properties along it and we moved here to the quietness and likely lack of development – this development will have a severe impact on our quality of life.
- Can the Council ensure that the intended occupiers do meet traveller status
- We note the reference in the application to health issues in connection with the applicants. We all have health issues and the effect of this planning application could have on my future health.
- Smell
- I have tried for several years to obtain planning permission for a house on one of my father's fields. I cannot afford to buy in Gorefield where I grew up and keep being turned down for different reasons. I am asking for the same consideration for locals.

### **Representations**

- Right Hon Stephen Barclay forwarded one of the neighbour's concerns and asked to be kept up to date on the application.

## **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).

The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:

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

## **7 POLICY FRAMEWORK**

### **7.1 Planning Policy for Traveller Sites August 2015**

Policy B – Planning for traveller sites

Policy C – Sites in rural area and the countryside

Policy H – Determine planning application for traveller sites

Policy I – Implementation

## 7.2 National Planning Policy Framework (NPPF)

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

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

Para 11: Presumption in favour of sustainable development

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

Para 80: Avoid the development of isolated homes in the countryside unless specified exceptions apply

Para 119: Promote effective use of land

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

Para 159: Development should be directed away from areas at highest risk of flooding.

Para 161: Need to apply the sequential and exceptions tests.

## 7.3 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

## 7.4 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local 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 Residential Development

LP5 Health and Wellbeing

LP7 Design

LP8 Amenity Provision

LP14 Gypsies and Travellers and Travelling Showpeople

LP18 Development in the Countryside

LP20 Accessibility and Transport

LP22 Parking Provision

LP24 Natural Environment

LP25 Biodiversity Net Gain

LP27 Trees and Planting

LP32 Flood and Water Management

## **8 KEY ISSUES**

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

## **9 BACKGROUND**

9.1 There is no relevant planning background to this site

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The site is outside the built-up area of a settlement and therefore, in planning policy terms it is in an area which is considered to be in the countryside whereby local plan policies for 'Elsewhere' locations apply. Except on statutorily designated Green Belt land (not applicable anywhere in Fenland) the Planning Policy for Traveller Sites (PPTS) published in August 2015 is not opposed in principle to Traveller sites in the countryside. It does however state in Policy H (paragraph 25) that Local Planning Authorities (LPAs) should "very strictly limit" new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.
- 10.2 Furthermore, paragraph 25 states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure. In its recent decisions the Council has accepted that planning permission can be granted on sites in the countryside, acknowledging that the identified need will not be met by land within existing towns and villages.
- 10.3 Policy A within the PPTS sets out at c) that local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions. Policy B states that in producing their Local Plan, local planning authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. They should identify a supply of specific, deliverable sites, or broad locations for growth, for years 6 – 10 and, where possible, for years 11 – 15. To be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable with realistic prospect that development will be delivered on the site within 5 years. To be developable, sites should be in a suitable location for traveller site development and there should be reasonable prospect that the site is available and could be viably developed at the point envisaged. The last Gypsy and Traveller Needs Assessment (GTANA) was carried out in 2013 and this identified a need for 18 pitches up to the year 2026. Since then, at least 42 pitches have been granted. However, the GTANA is not up to date and there is presently no evidence of what the need is in Fenland for gypsy and traveller pitches. A new GTANA was commenced in 2019 but this is not yet

completed and there is no available up to date empirical evidence, at the time of writing this report that could assist with this issue.

- 10.4 Policy LP5 Part D of the local plan states that there is no need for new pitches as per the findings of the Fenland GTANA update in 2013. However, an appeal decision received in April 2020 (APP/D0515/C/19/3226096) identified that there was an unmet need within Fenland which was a matter of common ground between the LPA and the appellant.
- 10.5 Policy H of the PPTS re-affirms the provision of Section 38(1) of the Planning and Compulsory Purchase Act 2004 i.e. that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Fenland Local Plan identified no need for pitches (policy LP5) in Fenland based on the evidence contained in the GTANA of 2013 and no pitches were allocated. The GTANA of 2013 and the subsequent policy position in LP5 of there being no need for pitches, is now out of date. Policy LP5 goes on to state that the Council will be prepared to grant permission for sites in the countryside, provided that there is evidence of a need as identified in the local assessment, that the occupiers meet the definition of Gypsy and Travellers or Travelling Showpeople and that the criteria set out in policy LP 5 (a) to (f) are met. The lack of an up to date needs assessment based on up-to-date evidence and the PPTS which was published in 2015 are material considerations to weigh alongside the development plan policy. It is clear that at present, the Council would not be able to sustain an argument that there is no need for pitches within Fenland and nor can it be confirmed with evidence that there is an identified need. Therefore, it is not reasonable, at present, to refuse traveller site applications on the premise that there is no need.
- 10.6 Policy LP5 states that permission for sites in the countryside would depend on evidence of a need for such provision. However, this policy conflicts with the PPTS (post Local Plan adoption) Paragraphs 11 and 24, which endorse criteria-based policies where there is no such need, and Paragraph 25 which expects sites to be located in the countryside, albeit with restrictions, but without any precondition of evidence of need.
- 10.7 Recently, it was confirmed that the waiting list for a pitch on a Council run traveller site exceeded 40 persons.
- 10.8 The Council's Traveller and Diversity Manager, is satisfied that the occupiers of the site (Mr and Mrs Aldin and Mr Aldin's mother) all meet the PPTS definition of a Gypsy or Traveller.
- 10.9 With regard to the keeping of horses on the land, the application sets out that the horses belong to the intended occupiers of the site. The application is not for a livery business and any approval shall be conditioned to ensure that the horses being kept are those owned by the occupiers. The application has been assessed on this basis including potential traffic generation.
- 10.10 Given the lack of up-to-date evidence as to the need for pitches and that the applicant/occupiers meet the definition of Gypsies and Travellers, the principle of the development in this countryside location is acceptable. Regardless of need, policy LP5 requires proposals to also meet the criteria set out within the policy and this is applicable whether up to date need is identified or not and shall be applied on a case-by-case basis. Despite there being a degree of tension/conflict between the application of criteria based policy to determine applications in

paragraphs 11 and 24 of the PPTS (ie apply where there is no need) and policy LP5 (apply whether there is a need or not), the criteria set out in Part D of policy LP5 generally reflect other policies of the local plan and concern issues of acknowledged importance such as visual appearance, flood risk, impact on the environment and amenity. They also generally reflect issues referred to in the PPTS. Compliance with this criteria is considered in the following sections of this report but in terms of the principle of the development, the proposal is acceptable.

## **Character and Appearance**

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

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

10.12 Policy LP 16 requires all new development to;

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

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

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



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

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

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

10.16 Fenland District Council has five local landscape character areas. The largest of these is The Fens in which the application site is located. The Fen area is characterised as follows;

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

The site and its surroundings is fairly typical of this description although in addition to the above there are blocks or groups of trees within the local setting and the stretch of Mill Lane at this location is bound by hedgerows whereas in other locations, especially to the south it is more open to the fields.

10.17 There are sporadic residential properties along Mill Lane and these are well spaced out and separated by areas of fields. There is no uniform or prevailing style of dwelling.

10.18 It appears from images captured on Google streetview (dating from 2009) that the vehicular access to the site was formerly a field entrance of an unsurfaced nature and enclosed with a five-bar gate and hedging. It is not known how much this had been preserved over the years but the works to facilitate the use of the land as a traveller site have involved the entrance being widened and surfaced with hardcore such that the entrance is far more open and visible to Mill Lane. However, this is a relatively small area of the total frontage and is only visible upon near approach to the site. The proposed mobile homes and tourer, (especially pale coloured or white vans) will be visible within the site and likely from some distant views between vegetation, especially during the winter months. However, it is considered that they are no more visible than some of the existing properties along Mill Lane. The objectors have commented that landscaping has been removed from the site and it would appear that this may be the case. However, the case officer when visiting the site, advised that no further additional

planting take place prior to the application being determined in case the planting proved to be unsuitable.

- 10.19 It is considered that the proposed development does not significantly harm the character of the area and that a mix of planting which may include some evergreens and some native hedgerow/tree species could help to screen any long-distance views of white caravans. The proposed log cabin style mobile will likely be of a colour/materials that will be in keeping with the landscape as is the case with the stable block. If the number of pitches were larger than that proposed, the impact on character might be more significant, however, the application is for 2 mobile homes only and a condition can be imposed which limits the number of mobile homes and tourers on site at any one time to two statics and one tourer, in order that the character and appearance of what is a countryside setting is preserved.
- 10.20 There is also a balance to be struck with criteria (c) of policy LP5 of the local plan and with paragraph 26 (d) of the PPTS which advise against having too much hard landscaping or high walls or fences around a site. The applicant does not propose solid walls, fencing or gates and it is considered that this would be inappropriate to the character of the area therefore, permitted development rights will be removed in this regard.
- 10.21 As such, it is considered that the proposal is acceptable in terms of its impact on character and appearance of the area, subject to some additional landscaping which can be conditioned. It would therefore comply with policy LP5 (a) and (e) and with paragraph 26 (b) and (d) (with regard to character), to which local planning authorities are required to attach weight.

### **Impact on Settled Community**

- 10.22 Policy L5, Part D criteria (e) states that the site should enable development which does not have any unacceptable adverse impact on the amenities of occupiers of other nearby properties. Policy C of the PPTS states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Policy H states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure.
- 10.23 This matter was recently addressed in a decision on application F/YR21/0487/F regarding provision of 10 plots at Land South of Greenbanks, Garden Lane, Wisbech St Mary. Reference was made to appeal decision APP/L2630/C/20/3250478 in South Norfolk where the Inspector determined that the nearest settled community was a different concept to nearest settlement. In that case the nearest settled community consisted of a scatter of houses and farms that lay within 1km of the site. In that instance, the pattern of development within 1km of the site consisted of a scatter of houses and farms. In the case of the Greenbanks site it was considered that a 0.5km radius was appropriate for gaging impact on the nearest settled community. A 1km radius would have included the outlying parts of Wisbech St Mary which had a very different settlement pattern, density and character to the development in the countryside in which the application site was situated. It is considered that this is also the case with regard to this application. The local planning authority has referenced this Norfolk appeal decision and used a 0.5km radius in recent assessments of traveller applications located away from main settlement boundaries where the

character has been deemed quite different from the sporadic housing in the vicinity of similar proposed sites.

- 10.24 There are approximately 22 scattered existing residential properties within a 0.5 km radius of the site. There are no other traveller sites within this area. It cannot be said therefore, that the proposed site containing two mobile homes will cause domination of the nearest settled community. In this regard it is considered that the application complies with policies C and H of the PPTS. In addition, although there are residential properties nearby, they are of a sufficient distance from the site that there will not be an adverse impact through overlooking, loss of privacy, loss of light etc and that the proposal also complies with policy LP5 Part D (e).

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

- 10.25 The site is proposed to be served by a 4.5 metre wide driveway that widens out slightly at the point of access off Mill Lane. Visibility is good in both directions. An amended visibility splay and vehicle tracking plan was received and the local highway authority has raised no objections to the proposal subject to conditions. Subject to imposition of conditions, the proposal will comply with policy LP5 Part D (d). Adequate on-site parking and turning space is provided. The local highway authority has raised no comments regarding the suitability of Mill Lane for caravans but Mill Lane is a typical narrow Fen road and there are residences, businesses etc that are served off such roads the area and the comings and goings associated with two mobile homes will not be significant.
- 10.26 The appeal Inspector in his decision to allow the The Spinney traveller site (at Horsemoor Road, Wimblington), commented as follows;
- “Nothing in the NPPF or PPTS that says traveller sites have to be accessible by means other than a private car. In fact, both recognise that the lifestyle of travellers must be factored into the planning balance.”
- 10.27 Given that sites for travellers and gypsies in the open countryside can be acceptable in principle, it would be unusual to find such sites served by pavements. Gorefield village is just over a mile away to the north and has a primary school as does Wisbech St Mary, just over a mile to the south. Notwithstanding this the current applicants do not propose that children live at the site. The site is only accessible by private car and potentially cycling but this is considered to be acceptable in this instance. The Council has and is granting planning permission for dwellings in locations that are likely to be only served by a private car.
- 10.28 The application form states that there will be no connection to a foul drainage system and that a soakaway is proposed for surface water and a cesspit is proposed for foul drainage. This is likely to be acceptable given the countryside location. To ensure that drainage is provided in the correct manner it will be conditioned. Given the presence of dwellings in the near vicinity, a water supply will be possible.
- 10.29 It is considered that the site has adequate pedestrian and vehicular access, is within a short drive to the nearest settlements where schools and services are located and is or is capable of being served by mains water and adequate foul and surface water drainage. The application is therefore in compliance with policy LP5, Part D (b), (d) and (f).

## Flood Risk

- 10.30 The Environment Agency has confirmed that the site lies within the undefended flood zone 3 and therefore based on the table 1 – 3 of the National Planning Policy Guidance, highly vulnerable development ie permanently occupied mobile homes, would not be acceptable. However, the submitted FRA shows that the site is unaffected by a breach or overtopping of the flood defence in the 1 in 1000 year plus climate change scenarios. The submitted FRA acknowledges this and proposes that the finished floor levels of the mobile homes be set at a minimum of 0.3 above the surrounding ground levels. Therefore, the EA has no objection to the proposal. This could be subject of a condition to ensure the finished floor levels are set at this minimum height.
- 10.31 It is still for the local planning authority to apply the sequential test. Paragraph 162 of the NPPF requires development in flood risk areas to not be permitted if there are reasonably available alternative sites, appropriate for the development in areas at a lower risk of flooding. The EA state that avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places least reliance on measures such as flood defences, flood warnings and property level resilience.
- 10.32 In determining the appeal that granted permission for the Spinney site at Horsemoor Lane, Wimblington, the Inspector stated;
- With regard to the sequential test, the Development Plan does not identify any deliverable land for gypsy sites and there are no “reasonably available” appropriate sites with a lower risk of flooding. The site-specific FRA demonstrates that the proposal would be safe from flooding for the lifetime of the development. However, to provide additional assurance and safeguards, the production of a Flood Plan for evacuation of the site can be required by condition.”*
- In this instance, as requested by the EA, their consultation response may be appended to any approval granted as an informative rather than imposing a condition.
- 10.33 The Fenland Local Plan does not identify any deliverable land for gypsy sites. This, coupled with the fact that the majority of the land outside of towns and villages will lie within flood zones 2 or 3, lead to a conclusion that there are no reasonably available sites with a lower risk of flooding. It is therefore considered that the sequential test will be passed.
- 10.34 Wider community sustainability benefits - The District’s sustainability objectives are outlined under 2.4 of the FLP and, relevant to this application includes the aim to thrive in safe environments and decent affordable homes (6.1) and redress inequalities related to age, gender, disability, race, faith, location and income. In respect of the proposal, it would assist in addressing a shortfall of accommodation needs for the Traveller community where an inadequate supply of housing currently exists.
- 10.35 Taking the above into account, it is considered that with regards to flood risk, the proposal is acceptable and complies with policy LP5, Part D (a) of the local plan. It is recognised that the PPTS, paragraph 13 (g) advises local planning authorities not to locate sites in areas of high risk of flooding, but the local circumstances of Fenland district must be taken into account, given the

amount of land in the district that is at a higher risk of flooding. As already stated, the Inspector for the Spinney site took a pragmatic view on this matter.

## **Other Issues**

### 10.36 Noise

The proposal is for residential occupation. It cannot be assumed that occupation by travellers will be any more noisy than occupation as any other residential property. There are mechanisms in place for dealing with any statutory noise nuisance.

### 10.37 Precedent

The site is a large area of land for two mobile homes but the application does not propose additional pitches. Planning permission would be required for additional pitches as the proposed condition will limit the number of mobile homes on site to the two applied for and will also restrict the number of tourers to a maximum of two at any time.

### 10.38 Devaluation of Property

This is not a planning matter

### 10.39 There is a covenant on the land

This is not a planning matter. This is a private legal matter between those who sold the land and the owners (the applicants in this case)

### 10.40 Agricultural Land

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

### 10.41 Lighting

Details of any external lighting shall be conditioned so as to reduce any impacts on wildlife and the character of the area

## **Personal Circumstances**

10.42 There are some personal circumstances that would need to be weighed in the planning balance if the application were finely balanced or were being considered for refusal. As this is not the case it is not necessary to consider these further.

## **11 CONCLUSIONS**

11.1 In conclusion, the existing policy framework surrounding the development is such that the Local Planning Authority is unable to demonstrate that it has an adequate supply of sites for the accommodation of the gypsy and traveller community. The application is accompanied by sufficient information to demonstrate that the proposed occupants satisfy the definition of gypsies and travellers within the

Planning Policy for Traveller Sites (2015) document and on that basis the principle of the development is considered to be acceptable.

- 11.2 Impact on character is considered acceptable due to the proposed small number of mobile homes which will be set well back from Mill Lane and the existing landscaping together with additional planting which, together with any external lighting is subject to conditions.
- 11.3 The proposed access, turning and parking is acceptable subject to conditions required by the local highway authority.
- 11.4 Although the site is located in Flood Zone 3, the EA has not raised objections and due to a lack of other suitable alternative sites in areas at lower risk of flooding, the sequential test is passed. There are sufficient community benefits to this site being permitted to pass the exceptions test.
- 11.5 In all other respects, the proposal is considered to be acceptable and subject to the conditions to be imposed complies with policy LP5 of the local plan (which also reflects other policies of the plan).

## 12 RECOMMENDATION

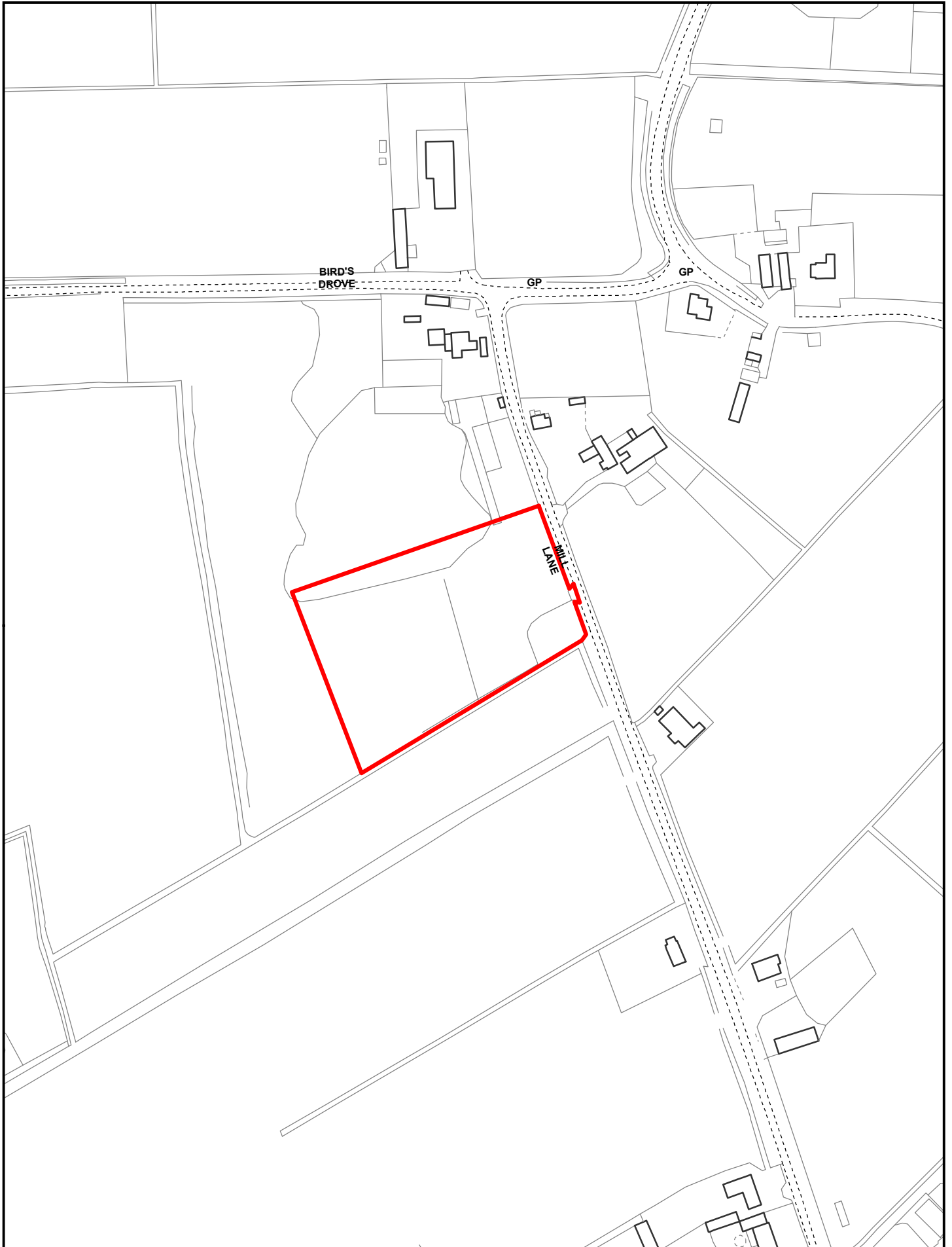
**Grant** subject to conditions

1	<p>The site shall not be occupied by any persons other than gypsies and travellers as defined in annex 1 of the Planning Policy for Traveller Sites (DCLG August 2015)</p> <p>Reason: The application is only approved due the applicants meeting the definition and to clarify what is hereby approved.</p>
2	<p>No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than two shall be static caravans) shall be stationed at the site at any time. They shall only be stationed within the area denoted as parking and turning as shown on the approved site plan 131/PL01B.</p> <p>Reason: To clarify what is hereby approved and to ensure that the stationing of caravans does not have an adverse impact on the character or appearance of the area in accordance with policy LP5 of the Fenland Local Plan</p>
3	<p>No more than one commercial vehicle shall be kept at the site and shall not exceed 3.5 tonnes in weight.</p> <p>Reason: To control commercial activity at the site and the visual appearance of the land in accordance with policy LP5 of the Fenland Local Plan</p>
4	<p>No commercial activities shall take place on the land, including the storage of materials or the stabling of horses other than those belonging to the occupants of the site.</p> <p>Reason: To control commercial activity at the site and in the interests of the visual appearance of the land and area in accordance with policy LP5 of the Fenland Local Plan.</p>
5	<p>Within 3 months of the date of this permission, the vehicular access,</p>

<p>parking and turning shall be completed (in accordance with approved site plan 131/PL01B) and constructed to include provision of a metalled sealed surface for a minimum length of 10 metres from the existing carriageway edge.</p> <p>Reason: In the interests of highway safety.</p>
<p>6 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 shall be retained in perpetuity</p> <p>Reason: To prevent surface water discharging onto the highway in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan.</p>
<p>7 Within two months of the date of this permission details (including a drawing) of a landscape scheme shall be submitted to the local planning authority for approval. The details shall include a range of planting, including native species to both assist with screening of caravans and biodiversity. The details shall include species, size, spacing and planting specifications. The approved scheme shall be implemented in full in the first planting season available following approval of the details. Should any of the plants die, become diseased or removed for any reason, they shall be replaced in the next planting season with a replacement of similar size and species.</p> <p>Reason: In the interests of the visual appearance of the site and area and biodiversity in accordance with policies LP5, LP16 and LP19 of the Fenland Local Plan.</p>
<p>8 No external lighting shall be erected on the site or on the land edged blue on the approved site plan 131/PL01B unless details of the lighting have first been submitted to and approved by the local planning authority. Such lighting shall only be erected in full compliance with the approved details.</p> <p>Reason: In the interests of preserving the rural character of the area and in the interests of wildlife in accordance with policies LP5, LP16 and LP19 of the Fenland Local Plan.</p>
<p>9 With the exception of the post and rail fencing shown on the approved site plan 131/PL01B, and notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no other gates, fences, walls or other means of enclosure shall be erected on the site or on the land edged blue on the approved location plan, unless planning permission has first been obtained from the local planning authority.</p> <p>Reason: In the interests of the visual appearance of the site in accordance with policy LP5 of the Fenland Local Plan.</p>
<p>9 Within two months of the date of this permission full details of the foul drainage and surface water drainage of the caravans and site shall be submitted to the local planning authority for approval. The approved drainage shall be installed in full within three months of the date of the drainage details being approved by the local planning authority and shall be retained as such thereafter. The drainage of the caravans and site shall only be undertaken in complete accordance with the approved details.</p>

Reason: To ensure safe and proper drainage of the site in the interests of health and prevention of pollution in accordance with policies LP5 and LP16 of the Fenland Local Plan





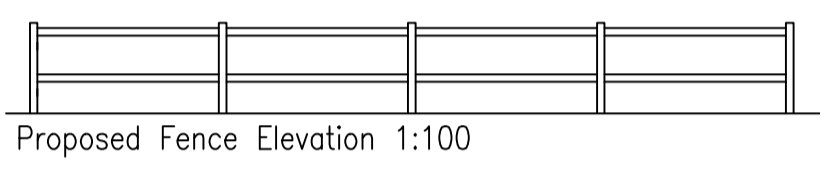
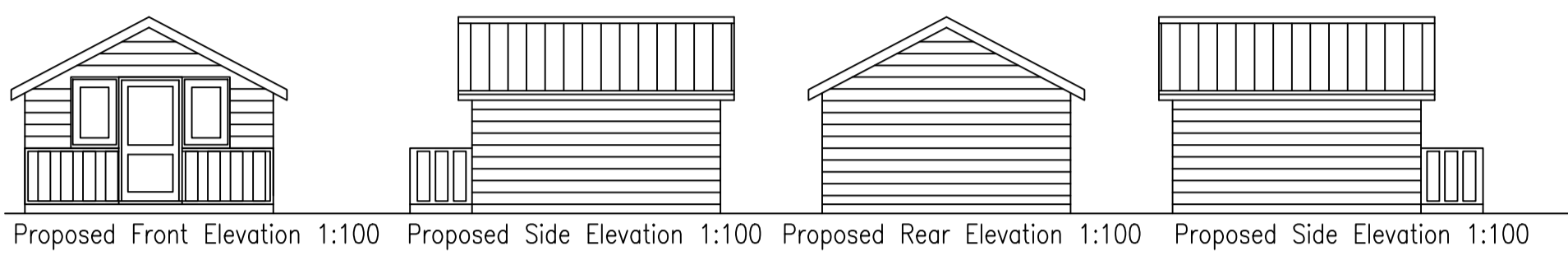
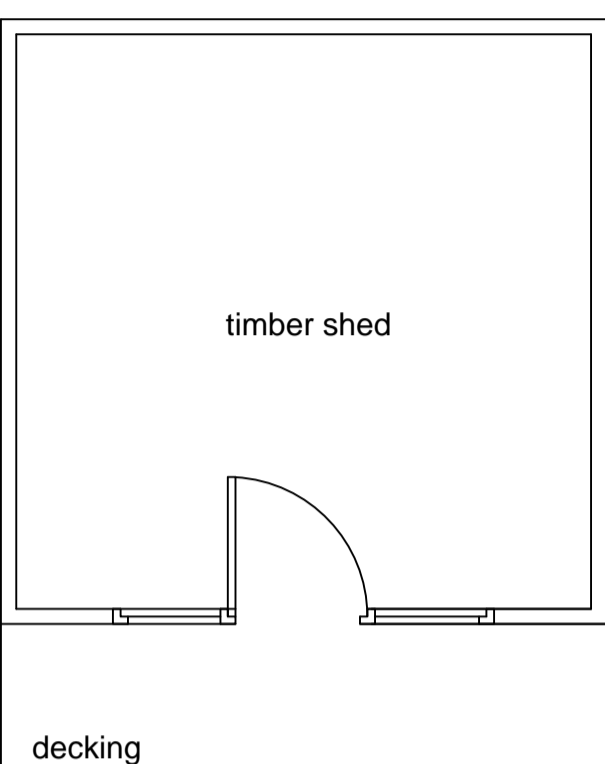
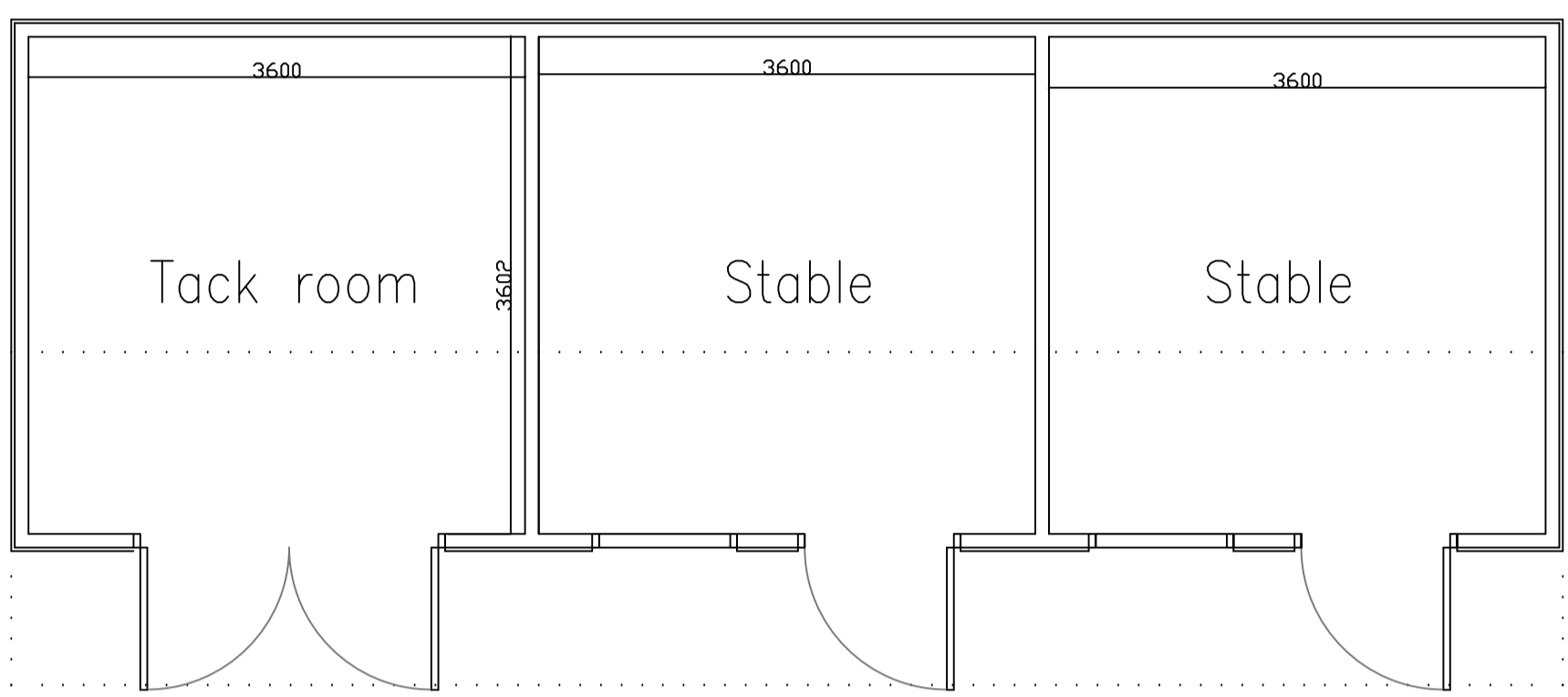
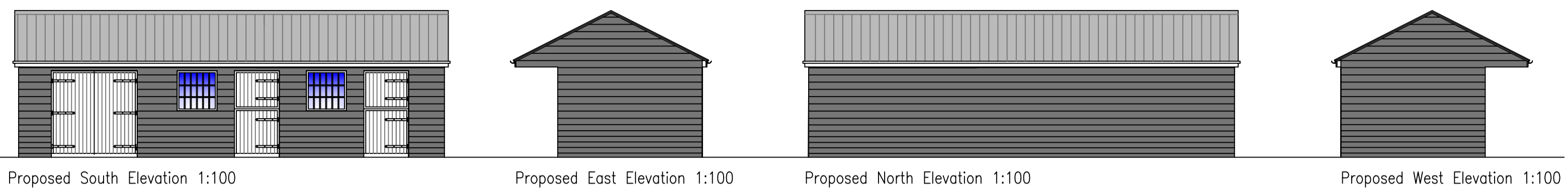
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**F/YR21/1037/F**

Scale = 1:2,500

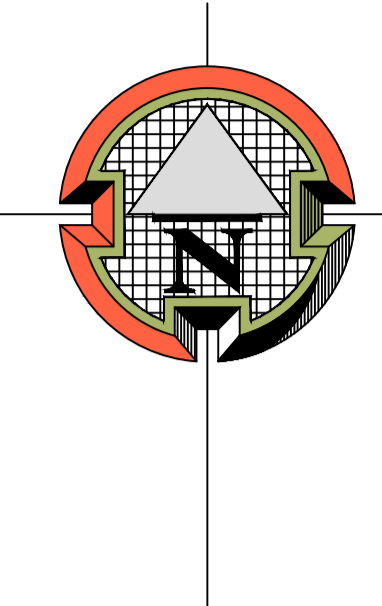




Asphalt Access Area Section Detail 1:20

LAYER	SPECIFICATION	THICKNESS
1. surface course	SMA 6 surf 40/60 to section D3 of PD 6691(4)(5)(11), min PSV50 to give texture depth of 0.6-0.1 SHW clause 921 table 9/3. (measured by sand patch method)	25mm
2. binder course	AC 20 dense bin to BSEN13108-1 and PD6691 with 50 pen binder.	90mm
3. sub-base	Granular sub-base type 1 to clause 803(1) certified as nonfrost susceptible, spread evenly on the foundation and compacted. compact to clause 802(1) to achieve a min CBR value of 30%. formation to be treated with an approved weed killer prior to laying sub-base.	365mm

General Notes:  
 -Dimensions on all drawings are shown in "mm".  
 -The contractor, sub-contractor and supplies must verify all dimensions before commencement of any works on site.  
 -This drawing is to be read in conjunction with any relevant engineers and specialist sub-contractor drawings and specifications.



Landscaping Key (hard and soft)

- Lawn area
- Driveway/Parking/Courtyard permeable loose gravel or similar to aid surface water drainage
- Entrance threshold

Native hedgerow retention  
 Hedgerow planted with a balanced mix of:  
 • Common Hawthorn

Asphalt Access Area construction detail

- Refer to BS EN 13108-1 for material spec for asphalt concrete.
- Refer to BS EN 13108-4 for material spec for hot rolled asphalt.
- Refer to BS EN 13108-5 for material spec for stone mastic asphalt.
- Refer to BS 594987 for transport, laying and compaction of all asphalts.
- Bond coats to be used in accordance (no.4) to be applied on all kerb and edging faces along with gully and cover frames. Bond coats to be applied on top of base and binder courses. Joints in binder and base course to be over banded.
- Construction thicknesses based on CBR value. CBR testing must be undertaken.
- If CBR value is less than 2.5% special engineer measurements will be required.
- If sub-grade is deemed to be frost susceptible sub-base thickness to be thickened to provide min. construction depth of 450mm.
- Footpath sub-base to be thickened to 150mm under vehicular crossings.
- SMA to be gritted whilst material is hot-1-2kg per m2 applied by roller mounted hopper.

Revisions:

Reference: 131/PL01/B	Pages: 1
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Scale:  
as shown

Project:  
Proposed Gypsy and Traveller site

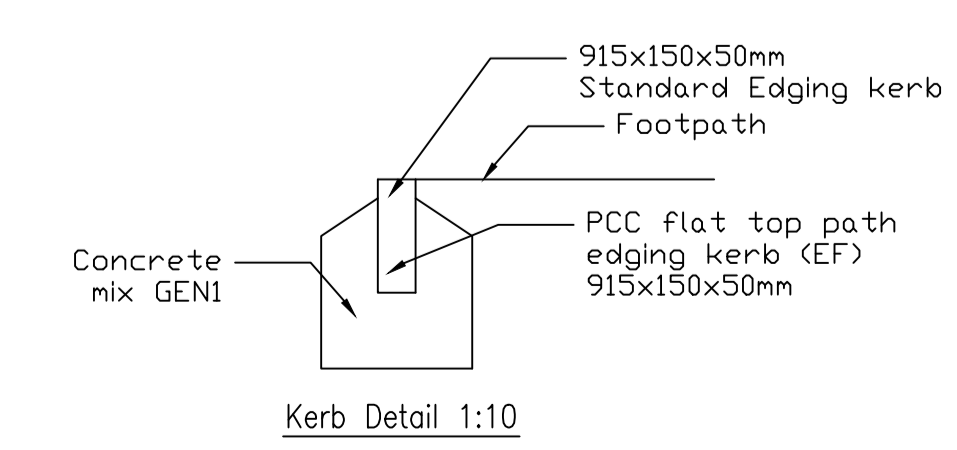
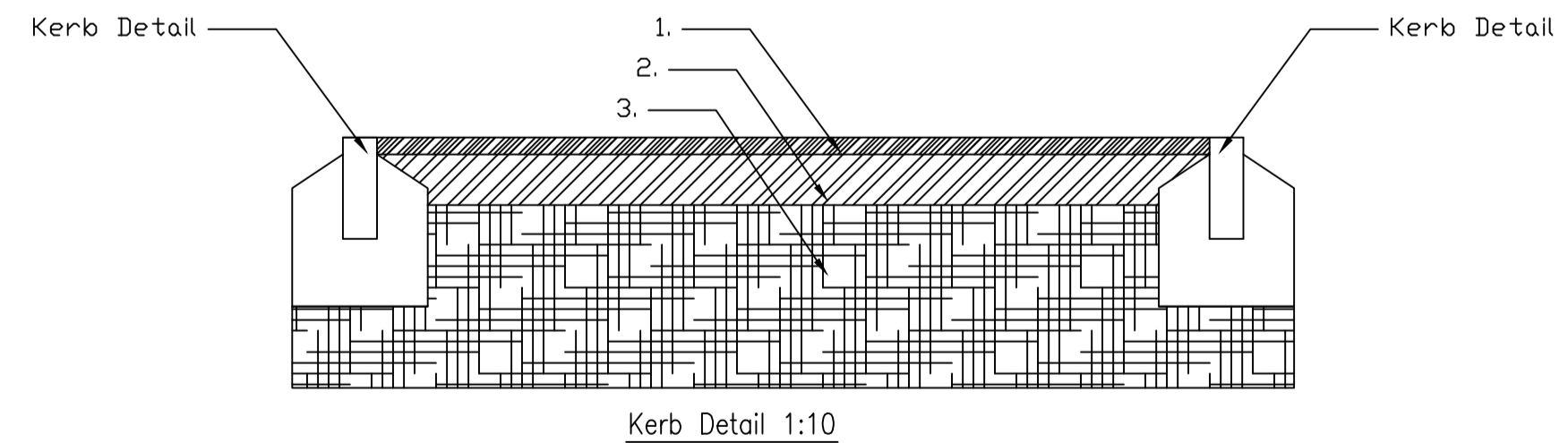
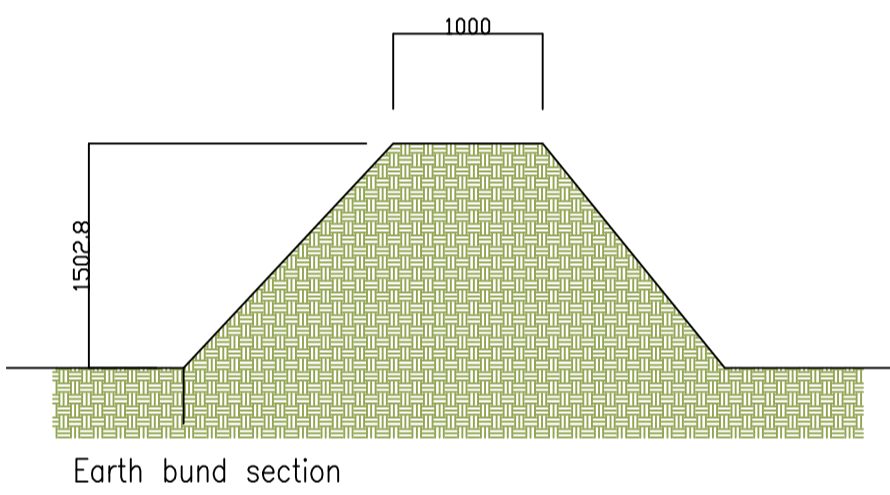
Site Address:  
 Land south of Mill Croft  
 Mill Lane  
 Gorefield

Client:  
 Mr and Mrs Aldin  
 Land south of Mill Croft  
 Mill Lane  
 Gorefield



Southfork Farm  
 Seadyke Bank  
 Murrow  
 Cambridgeshire  
 PE13 4SD

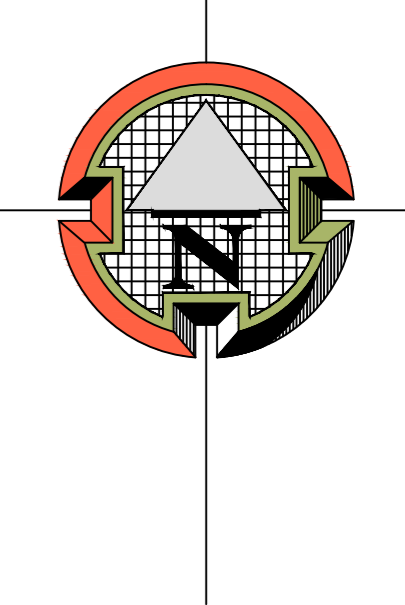
T: 07891175649  
 E: info.alexandradesign@gmail.com





Visibility Splay (2.4m x 215) 1:2500

General Notes:  
 -Dimensions on all drawings are shown in "mm".  
 -The contractor,sub-contractor and supplies must verify all dimensions before commencement of any works on site.  
 -This drawing is to be read in conjunction with any relevant engineers and specialist sub-contractor drawings and specifications.



Landscaping Key (hard and soft)

- Lawn area
- Driveway/Parking/Courtyard permeable loose gravel or similar to aid surface water drainage
- Entrance threshold

Native hedgerow retention

Hedgerow planted with a balanced mix of:  
 • Common Hawthorn

Asphalt Access Area construction detail

1. Refer to BS EN 13108-1 for material spec for asphalt concrete.
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3. Refer to BS EN 13108-5 for material spec for stone mastic asphalt.
4. Refer to BS 594987 for transport,laying and compaction of all asphalts.
5. Bond coats to be used in accordance (no.4) to be applied on all kerb and edging faces along with gully and cover frames. Bond coats to be applied on top of base and binder courses. Joints in binder and base course to be over banded.
6. Construction thicknesses based on CBR value. CBR testing must be undertaken.
7. If CBR value is less than 2.5% special engineer measurements will be required.
8. If sub-grade is deemed to be frost susceptible sub-base thickness to be thickened to provide min. construction depth of 450mm.
9. Footpath sub-base to be thickened to 150mm under vehicular crossings.
10. SMA t be gritted whilst material is hot-1-2kg per m2 applied by roller mounted hopper.

Revisions:

Reference: 131/PL02/B	Pages: 2
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Scale:  
as shown

Project:  
Proposed Gypsy and Traveller site

Site Address:  
Land south of Mill Croft  
Mill Lane  
Gorefield

Client:  
Mr and Mrs Manning  
Land south of Mill Croft  
Mill Lane  
Gorefield



Southfork Farm  
Seadyke Bank  
Murrow  
Cambridgeshire  
PE13 4SD

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F/YR21/1343/O

**Applicant: Mr M Henson**

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

**Land East Of 137, Upwell Road, March, Cambridgeshire**

**Erect up to 9no dwellings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

**Reason for Committee: March Town Council's comments and the representations received contrary to Officer recommendation.**

## 1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission with all matters reserved for residential development of the site for up to 9 dwellings.
- 1.2 The site sits at the transition between the existing built form of March and the open countryside and is more closely associated with the undeveloped rural landscape. Although Policy LP3 identifies March as being a suitable location for housing growth, and Policy LP9 allocates land for new urban extensions to March, given the existing characteristics of the site, the proposal would detrimentally change the overall character of the area.
- 1.3 The introduction of 9 dwellings (illustrated in a linear orientation) with new vehicular accesses from Upwell Road along with the likely changes needed to the drainage of the highway in this location would diminish the openness and rural nature of the area. It would represent urban sprawl in this particular location. This would be contrary to Policy LP16 of the Fenland Local Plan 2014 and DM3 of the High Quality Environments SPD. This would also be contrary to Policy H2 (f) of the March Neighbourhood Plan.
- 1.4 The Highways Officer has concerns about the visibility splays achievable on site due to the important trees present in the highway verge along the length of Upwell Road, and also highway drainage. Officers share these concerns. While the details of the accesses are reserved (i.e. specification/ construction etc), the points of access are indicated. At present, there has been no demonstration that visibility clearance is achievable for each access. The proposal therefore is of concern with regard to highway safety, which would be contrary to Policy LP15 of the Fenland Local Plan 2014
- 1.5 Furthermore, Plots 6, 7, 8 and 9 would be wholly within Flood Zone 3. Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Similarly, Local Plan Policy LP14

recommends the adoption of the sequential approach to flood risk from all forms of flooding and this is reinforced by the Cambridgeshire Flood and Water SPD. For the reasons set out in the report, Plots 6-9 are considered to fail the Sequential Test and Exception Test which would be contrary to Local Plan Policy LP14, the SPD and the NPPF

- 1.6 The recommendation is to therefore to refuse the application for the three reasons set out above.

## **2 SITE DESCRIPTION**

- 2.1 This 0.9ha site is located on the southern side of the B1099 extending into the open countryside. It is located adjacent to no. 137 Upwell Road extending eastwards to approximately 50m west of Horse Moor Drain.
- 2.2 The land is in agricultural use (Grade 3). The site is within Flood Zones 1, 2 and 3. There is an existing farm access onto the site from Upwell Road. The mature trees lining both sides of Upwell Road, along with the green verges and the deep drainage channel are key characteristics of the area resulting in a verdant character to the area.

## **3 PROPOSAL**

- 3.1 The application seeks Outline planning permission for up to 9 dwellings. All matters (access, layout, scale, appearance and landscaping) are reserved for future consideration. The applicant has provided an indicative plan to show how the dwellings might be arranged within the site. The illustration shows a linear development with all properties accessed directly off Upwell Road. A 2m wide footpath is also shown across the frontage (including 137 Upwell Rd).
- 3.2 With regard to Flood Zones, Plots 1, 2 and 3 would be within Flood Zone 1. With Plot 4, the dwelling would be located in Flood Zone, however part of the rear garden would be in Zone 2. With Plot 5 the dwelling and garden would mainly be in Flood Zones 2 and 3. Plots 6, 7, 8 and 9 would be wholly within Flood Zone 3.
- 3.3 Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=R21Q6CHE0D800>

## **4 SITE PLANNING HISTORY**

None

## **5 CONSULTATIONS**

- 5.1 **March Town Council**  
Recommend approval

- 5.2 **CCC Highways**  
**16.12.2021**

*The proposals will create multiple individual access points as an extension to the built up area but on a part of Upwell Road where the national speed limit applies. The development will result in additional turning and stopping movements leading to an increase risk of high speed collisions. The site will also result in servicing and*

*deliveries being made from the road side which again where national speed limit applies will lead to risk and inconvenience to users of the highway.*

*I object to the proposals.*

*The indicative plan has also not shown visibility splays and I have a concern that the trees that front the site will be a constraint to providing access at the reserved matters stage if you are minded to grant planning permission. The footway is below standard width and this would be expected to be 2m.*

### **17.10.2022**

*To the best of my knowledge this is still a de-restricted section of highway meaning the applicant needs to demonstrate 2.4m x 215m visibility splays for each access, not 2.4m x 43m. And it is not advised to have direct dwelling access onto 60mph roads for the reasons stated by Phil in his original response.*

*If they wish to design the accesses for 30mph speeds, then a Traffic Regulation Order (TRO) to restrict the speed needs to be granted prior to the determination of a planning application. You could try to condition this, but it might fail the six tests for conditions as it is outside of the developer's gift to implement, and I can't provide any certainty a speed limit change would be approved.*

*A TRO is subject to consultation, but my own hunch is that a 30mph limit would be difficult to implement, even with the development, as there is no frontage on the north side of the road. For more information on the TRO process, the applicant should speak to CCC's Policy & Regulation team [Policy.andRegulation@cambridgeshire.gov.uk](mailto:Policy.andRegulation@cambridgeshire.gov.uk)*

*Also, the canopy of the trees set behind the new footway appear to obstruct the 43m visibility splay, let along the 215m splays, noting visibility needs to be kept free from obstruction between a height of 0.6m and 2m above surface level of the carriageway.*

*While not an objectional comment, the applicant should also give some thought as to how they would drain Upwell Road. At present the carriageway drains over-edge into the soft verge. By constructing a footway, the ability to drain (half) the carriageway is removed and additional impermeable area is added (the footway). Our working assumption is that any existing highway drain is operating at capacity so this likely means a new / enlarged positive drainage system is needed, i.e., gullies, and it is unclear where this could outfall to. This is a detailed highways matter which could be addressed post planning, but the cost of an acceptable solution could impact upon the scheme viability.*

*This is a long way of saying, I don't think enough has been done to remove the objection originally recommended.*

### **18.10.2022**

*I have spoken to our Policy and Regulation team, and they have provided me a copy of the order restricting the speed limit.*

*It's difficult to tell for certain, but it looks like the first two, maybe three plots fall within the 30mph limit. These plots can have a 2.4m x 43m visibility splay to the west, but given proximity to the limit change, need to have 2.4m x 120m splays to the east (appropriate splays for 40mph). Other accesses need 2.4m x 120m in both*

directions. The splays must be free from obstruction between 0.6m and 2m, which may restrict tree locations.

As before, if the applicant wishes to design for a 30mph limit for the entire length of frontage, the speed limit needs to be in place prior to determination of the planning application.

If this isn't acceptable to the applicant, they can base visibility splays on observed 85<sup>th</sup> percentile speeds. Given the long frontage, an ATC (survey point) is needed at either extent and one or two points in the middle to capture variations in speeds as vehicles leave / enter March.

### 5.3 Environment Agency

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

#### Advice to LPA

In accordance with paragraph 162 of the National Planning Policy Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk. Our national flood risk standing advice reminds you of this and provides advice on how to do this. The IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

#### Advice to Applicant

The site is located in an area served by the public foul sewer. Foul drainage from the site must be connected to the public foul sewer with the prior consent of the service provider.

### 5.4 FDC Environmental Health

Although in my opinion the proposal will not have an adverse impact on the local noise climate, I note the proximity of this development to nearby existing residential dwellings. Therefore, in the event that planning permission is granted, I recommend the following condition be applied:

**HOURS OF CONSTRUCTION WORK** Demolition/ground works/construction work shall not take place outside the following hours: Monday to Friday 07.30-19.00 hrs Saturdays 07.30-13.00hrs. There shall be no such work on Sundays or Public Holidays

Reason: to prevent harm being caused to the amenity of the area Consequently, there are no objections to this outline proposal receiving consent, subject to the above condition being attached to any consent

### 5.5 Local Residents/Interested Parties

#### **Objectors**



One letter of objection was received from a resident of Upwell Road March.  
Concerns include:

Access

*Does not comply with policy*

Drainage

Environmental Concerns

Flooding

Outside DAB

Trees

Wildlife Concerns

*Comment: The application form at Q12 "is your proposal within 20metres of a watercourse" has been answered no and it should have been yes as there is a ditch running along the front of the proposed site. The biodiversity form at Q2 "Does the proposal affect or is it within 5m of a river, stream, ditch, canal or lake?" and Q6 "Does the building and associated working area of your proposal directly affect any derelict (brown-field) land, allotments, woodland or linear features e.g. hedgerows, ditches or rows of trees?" have been answered incorrectly in the same manner as there is a ditch run along the whole of the proposed site. If the ditch is not taken into consideration this could have an adverse effect on the wildlife and also have flooding implications for the other residents of Upwell Road as I believe the surface water of the other properties fronting Upwell Road is drained by this ditch*

### **Supporters**

Twelve letters of support have been received from residents of March living in: Upwell Road; Station Road; West End; Creek Road; Binnimoor Rd; Mill Hill Lane; and Chantry Farm. Comments about the development include:

- It will compliment other development in Upwell Road;
- The design and layout are suitable for the area;
- Provide local employment;
- Well considered;
- It will improve the area, the approach to March and add interest;
- Close to amenities; and
- Town boundaries should be expanded.

## **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**

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

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

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

Context

Identity

Movement

Nature

### **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  
LP9 - March  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP19 – The Natural Environment

## 7.5 **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19<sup>th</sup> October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local 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 Part B Settlement Boundaries;  
LP1 Part C Frontage Infill Development; and  
LP32 Flood and Water Management.

## 7.6 **March Neighbourhood Plan 2017**

H2: Windfall Development

## 7.7 **Supplementary Planning Documents/ Guidance:**

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

## 8 **KEY ISSUES**

- **Principle of Development**
- **Impact on the Character and Appearance of the Area**
- **Indicative Accesses**
- **Flood Risk**

## 9 **ASSESSMENT**

### **Principle of Development**

9.1 Policy LP3 of the Fenland Local Plan 2014 defines March as a Market Town where (along with the other market towns) the majority of the district's new housing growth should take place. Although Policy LP3 identifies March as being a suitable location for housing growth, and Policy LP9 allocates land for new planned urban extensions to March, the site sits at the transition between the existing built form of March and the open countryside. Therefore, it is considered to be more closely associated with the undeveloped rural landscape. Given the existing characteristics of the site, the principle of development in this location is not considered to be acceptable.

9.2 The March Neighbourhood Plan Policy H2 allows for windfall development subject to meeting the provisions of the adopted Fenland Local Plan 2014 as well as criteria summarised as:

- a) *Not resulting in unacceptable residential amenity impacts*
- b) *No net loss of open space*
- c) *The site being at low risk of flooding*

- d) *Safe vehicular access*
- e) *It delivers off-site infrastructure required to make it acceptable*
- f) *It is of a high standard of design; and*
- g) *No loss of community facilities unless justified as per requirements of FLP policy LP6.*

9.3 As a considerable proportion of the application site lies within Flood Zone 2 or 3, the principle of “windfall development” in this location is considered to be contrary to Policy H2 (c) of the March Neighbourhood Plan.

9.4 The emerging Draft Fenland Local Plan 2022, specifically Policies LP1 Part B Settlement Boundaries and Part C Frontage Infill Development; and LP32 Flood and Water Management are of relevance. The proposal site is located outside the proposed settlement boundary to March and falls foul of the criteria for Frontage Infill Development. For similar reasons to those set out in paragraph 9.3 above, the proposed development would also be contrary to LP32. For all the above reasons the principle of the proposal cannot be supported in this location.

#### **Impact on the Character and Appearance of the Area**

9.5 Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The site is located on the southern side of Upwell Road and currently consists of agricultural land. There are clear views across the site and to the countryside beyond it from Upwell Road. This is due to the absence of any significant landscaping. Therefore, any impact of the development on the character and appearance of the area is important

9.6 The site sits at the transition between the existing built form of March and the open countryside and is more closely associated with the undeveloped rural landscape. There is a well-defined character here consisting of tree lined, wide green verges sitting above the deep drainage channel which make an attractive entrance to the town. Given these existing characteristics, the proposal would change the overall character of the area. The introduction of 9 dwellings (illustrated in a linear orientation) with new vehicular accesses from Upwell Road along with the likely changes needed to the drainage of the highway in this location would diminish the openness and rural nature of the area. It would represent urban sprawl in this particular location. This would be contrary to Policy LP16 of the Fenland Local Plan 2014 and DM3 of the High Quality Environments SPD. This would also be contrary to Policy H2 (f) of the March Neighbourhood Plan.

#### **Indicative Accesses**

9.7 Whilst access is not committed, the indicative layout shows each plot to be accessed off Upwell Road. The Highways Officer has provided clarification with regard to the speed limit along this stretch of Upwell Road and the Traffic Regulation Order is on file. The applicant is proposing to relocate the 30mph speed restriction further east, beyond the first access (Plot 9). Currently it is located between the proposed accesses to Plots 3 and 4.

9.8 Notwithstanding the comments of the Highways Officer, the local planning authority has previously attached a planning condition to an outline permission which required a change to the speed limit prior to the commencement of development. (For example, F/YR19/1001/O.)

9.9 The Highways Officer has concerns about the visibility splays achievable on site due to the important trees present in the highway verge along the length of Upwell Road, and also highway drainage. Officers share these concerns. While the details

of the accesses are reserved (i.e. specification/ construction etc), the points of access are indicated. At present, there has been no demonstration that visibility clearance is achievable for each access. The proposal therefore is of concern with regard to highway safety, which would be contrary to Policy LP15 of the Fenland Local Plan 2014.

### **Flood Risk**

9.10 With regard to Flood Risk, Plots 1, 2 and 3 would be within Flood Zone 1. With Plot 4, the dwelling would be located in Flood Zone 1 but part of the rear garden would be in Zone 2. With Plot 5 the dwelling and garden would mainly be within Flood Zones 2 and 3. Plots 6, 7, 8 and 9 would be wholly within Flood Zone 3.

9.11 Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Similarly, Local Plan Policy LP14 recommends the adoption of the sequential approach to flood risk from all forms of flooding and this is reinforced by the Cambridgeshire Flood and water SPD.

9.12 A Flood Risk Assessment (FRA) has been submitted with the application. It concludes:

- *The proposed development will consist of nine 2 storey residential dwellings;*
- *The proposed development is in defended Flood Zone 3;*
- *The site benefits from the Whittlesey Washes Barrier Bank and the Middle Level Barrier Bank which provide protection during the 1% annual probability (1 in 100 chance each year) event including climate change;*
- *This standard of protection is also provided by the Middle Level Commissioners watercourses in the vicinity of the site;*
- *The site is located within an IDB catchment with a minimum standard of drainage of 2% annual probability (1 in 50 chance each year) which accords with DEFRA guidelines for rural development;*
- *The risk of flooding is lowered further due to the Board drains incorporating a significant freeboard. This provides storage during events greater than 2% annual probability (1 in 50 chance each year); and*
- *It is recommended that the floor level of each dwelling is a minimum of 0.3m above ground level and not lower than +0.5m OD with 0.3m of flood resilient construction above finished floor level.*

9.13 In addition, the FRA considers the development passes the Sequential Test and Exception Test because:

- *Large parts of Fenland District in the area between River Nene and the Ouse Washes lie in Flood Zone 3. The site is considered Sequentially preferable to sites in Flood Zone 3 because approximately 50% of the site is in Flood Zone 1;*
- *It is appreciated that there may be smaller sites within March in Flood Zone 1 that could be considered reasonably available. The proposed site is for nine dwellings that will be of an executive nature and as such there are no comparable sites;*
- *Therefore, the site is considered to pass the Sequential Test;*

- *The Exception Test requires consideration of the wider sustainability benefits of a development and that the development would be safe and residual risks managed;*
- *The proposed development will contribute to this target and the provision of rural housing is a benefit. Each dwelling will incorporate sustainability measures that will increase the energy efficiency of the dwelling;*
- *In addition to direct and indirect flood warnings, the Environment Agency operates a 24 hour a day Floodline Service providing advice and information on flooding. The occupiers of the dwellings should register with the Flood line Direct Warnings Service to receive any future flood warnings. During an extreme event it is anticipated that sufficient time would be available to take precautionary actions to limit the potential impact of flooding. Failure of Latches Fen Pumping Station or St Germans Pumping Station may occur due to long term mechanical breakdown or power supply being disrupted. However, in these circumstances, if conditions were such to put properties and land at risk of flooding, the Middle Level Commissioners would take emergency action to maintain the drainage level of service by using temporary pumping equipment; and*
- *It is recommended that surface water run-off is managed so that stormwater from the development will not affect any adjoining properties or increase the flood risk elsewhere.*

- 9.14 The Environment Agency has no objection to the proposal. It also sets out that it is for the Local Planning Authority to be satisfied by the Sequential and Exception Tests. As Plots 1, 2, 3, are within Zone 1. Plots 4 and 5 have the potential to be within Zone 1 if the dwellings are relocated within the plot. Therefore, the Sequential and Exception Test only apply to Plots 6-9.
- 9.15 In accordance with Section 14 of the NPPF (2019), Policy LP14 of the Fenland Local Plan 2014, the requirements of the Cambridgeshire Flood and Water Supplementary Planning Document (2016) and Policy LP32 of the Emerging Local Plan, it is for the applicant to demonstrate through an assessment that the Sequential Test has been met.
- 9.16 On 25.08.2022 the government published further guidance and clarification with regard to: *The sequential approach to the location of development* <https://www.gov.uk/guidance/flood-risk-and-coastal-change>
- 9.17 The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.
- 9.18 The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites within a defined area set by local circumstances relating

to the catchment area for the type of development proposed. In this instance the search area is the settlement of March, as set out by the Council in February 2018.

- 9.19 It is the applicant's responsibility to provide evidence that there are no other development sites in Flood Zone 1 within March which are reasonably available and appropriate for the proposed development. 'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.
- 9.20 These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.
- 9.21 The applicant has not submitted an assessment of such sites and the Sequential Test provided makes reference to factors such as access to flood warnings, flood defences and helping to meet housing targets. However, as set out in paragraph 9.17 above, avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.
- 9.22 It is highly likely that there are a large number of sites available within March which could accommodate 4 dwellings (either singularly or in a group). For this reason Plots 6-9 fail the Sequential Test.
- 9.22 For the above reasons, this part of the application is contrary to Local Plan Policy LP14, the adopted SPD and the NPPF.

## **10 CONCLUSIONS**

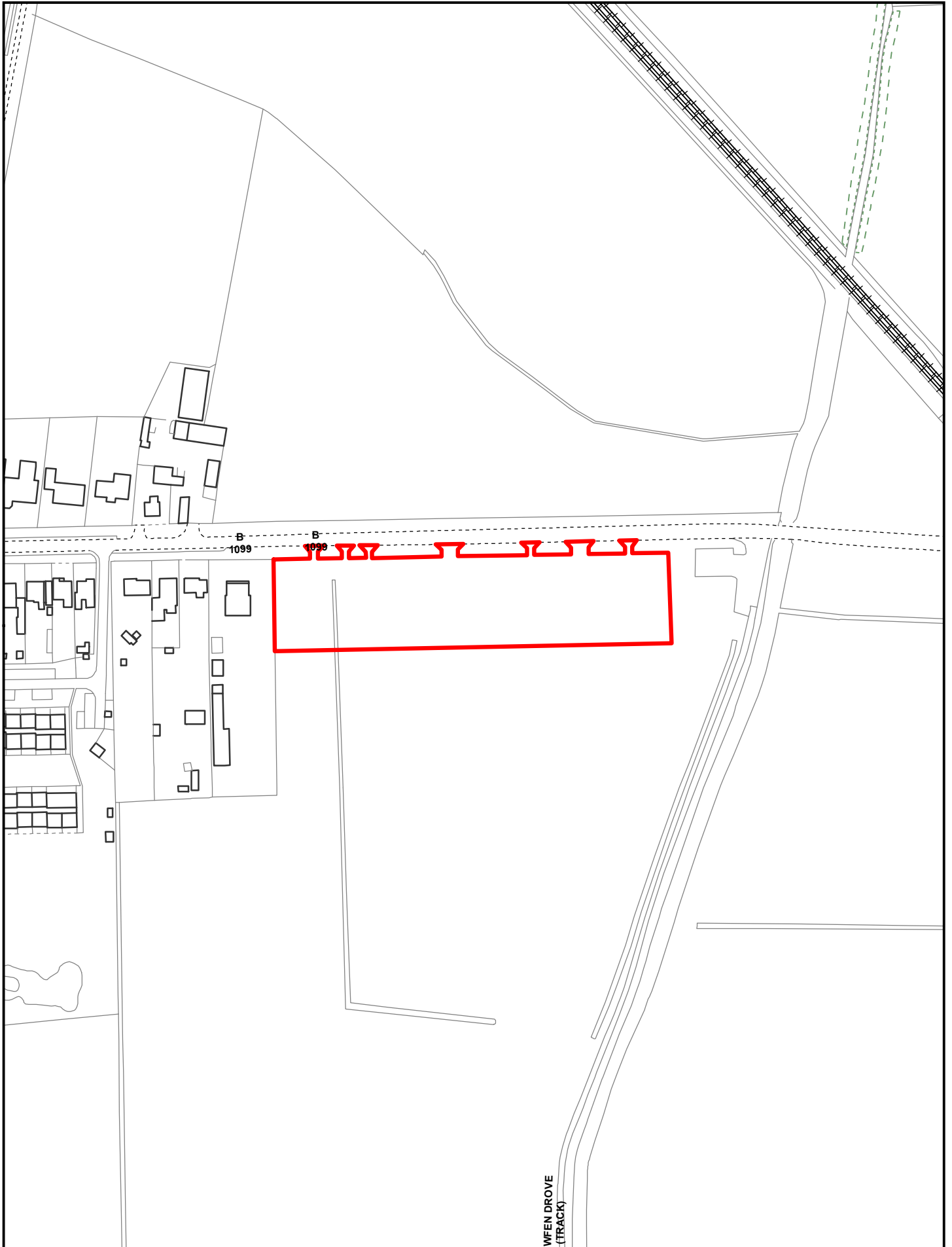
- 10.1 The site sits at the transition between the existing built form of March and the open countryside and is more closely associated with the undeveloped rural landscape. Given the existing characteristics of the site, the proposal would change the overall character of the area. The introduction of 9 dwellings (illustrated in a linear orientation) with new vehicular accesses from Upwell Road along with the likely changes needed to the drainage of the highway in this location would diminish the openness and rural nature of the area. It would represent urban sprawl in this particular location. This would be contrary to Policy LP16 of the Fenland Local Plan 2014 and DM3 of the High Quality Environments SPD. This would also be contrary to Policy H2 (f) of the March Neighbourhood Plan.
- 10.2 The Highways Officer has concerns about the visibility splays achievable on site due to the important trees present in the highway verge along the length of Upwell Road, and also highway drainage. Officers share these concerns. While the details of the accesses are reserved (i.e. specification/ construction etc), the points of access are indicated. At present, there has been no demonstration that visibility clearance is achievable for each access. The proposal therefore is of concern with regard to highway safety, which would be contrary to Policy LP15 of the Fenland Local Plan 2014
- 10.2 Plots 6, 7, 8 and 9 would be wholly within Flood Zone 3. Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be

avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Similarly, Local Plan Policy LP14 recommends the adoption of the sequential approach to flood risk from all forms of flooding and this is reinforced by the Cambridgeshire Flood and water SPD. For the reasons set out in the report, Plots 6-9 are considered to fail the Sequential Test and Exception Test which would be contrary to Local Plan Policy LP14, the SPD and the NPPF.

## 11 RECOMMENDATION

### 11.1 To refuse the application for the following reasons:

1	Policy LP16 of the Fenland Local Plan, 2014 requires that proposals for new development should deliver and protect high quality environments which respond to and improve the character of the local built form and respond to the street scene and existing settlement patterns. The introduction of 9 dwellings (illustrated in a linear orientation) with new vehicular accesses from Upwell Road along with the likely changes needed to the drainage of the highway in this location would diminish the openness and rural nature of the area. It would represent urban sprawl in this particular location. This would be contrary to Policy LP16 of the Fenland Local Plan 2014 and DM3 of the High Quality Environments SPD. This would also be contrary to Policy H2 (f) of the March Neighbourhood Plan.
2	Part of the site (illustrative Plots 6 to 9) are located within Flood Zone 3 where there is a high probability of flooding. The Sequential Test for flood risk has not been passed as there are likely to be available sites within March with a lower probability of flooding that could accommodate the four plots. Allowing the proposed development could therefore place people and property at an increased risk, with no justification, contrary to Policy LP14 of the Fenland Local Plan (2014), NPPF and Section 4 of the Cambridgeshire Flood & Water SPD (2016).
3	Policy LP15 of the Fenland Local Plan 2014 requires new development requires development to ensure safe and convenient access for all. In addition, Paragraph 111 of the NPPF (July 2021) states that development proposals should be refused if they result in detrimental impacts to highway safety. By virtue of the lack of sufficient information to demonstrate safe vehicle access to/from Upwell Road and the proposed dwellings, the proposals could result in unacceptable impacts on highway safety in contravention of the aforementioned policies.



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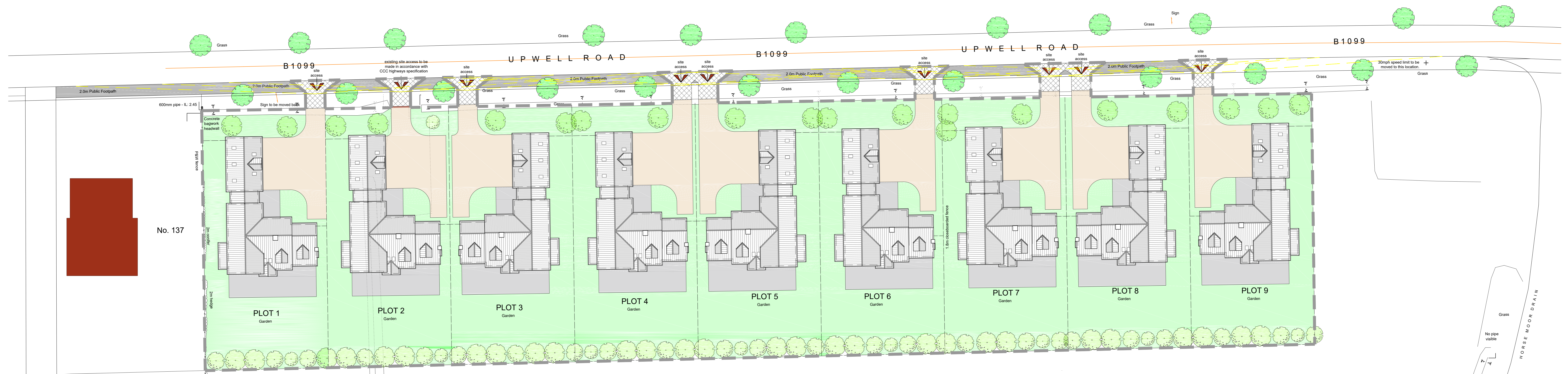
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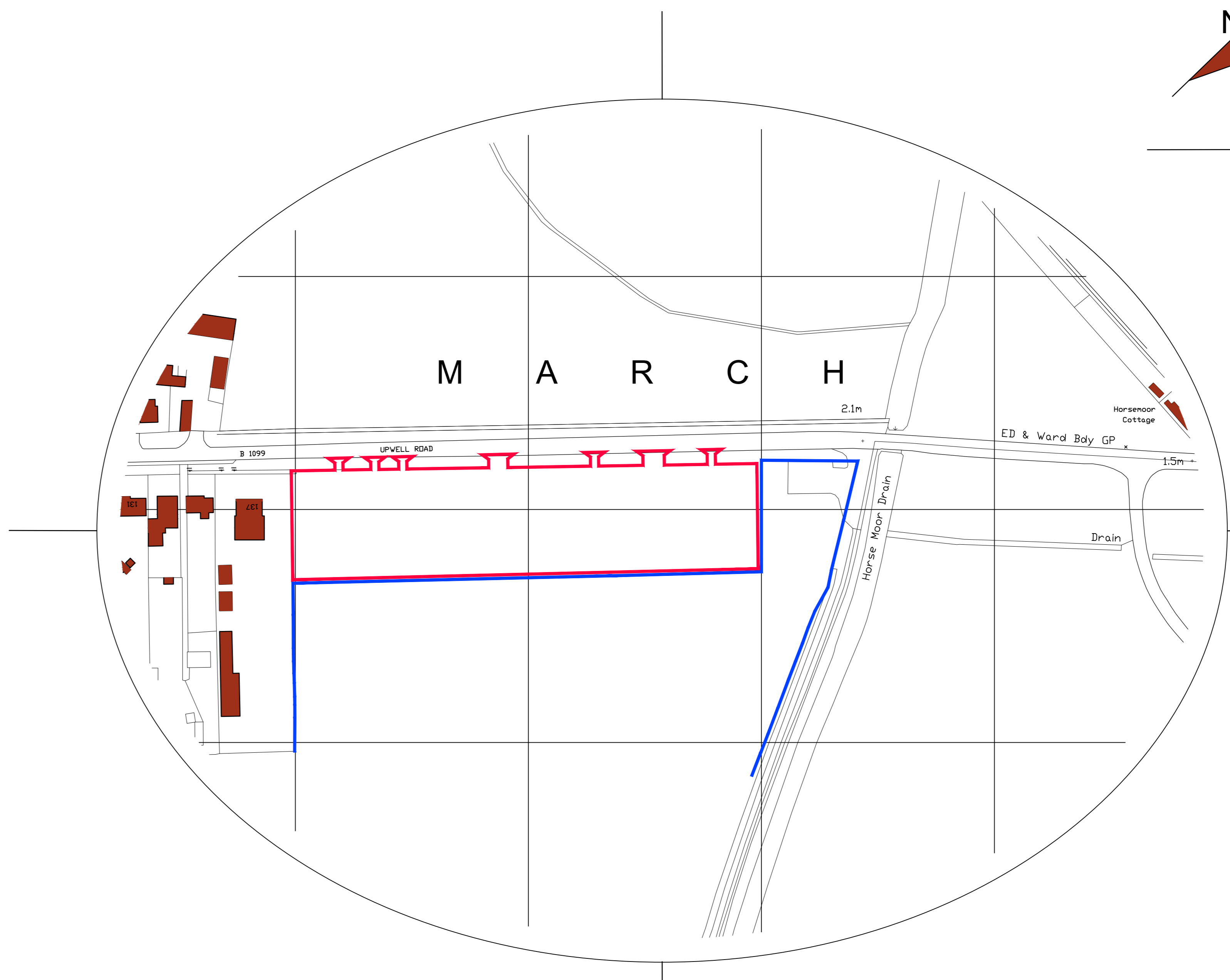
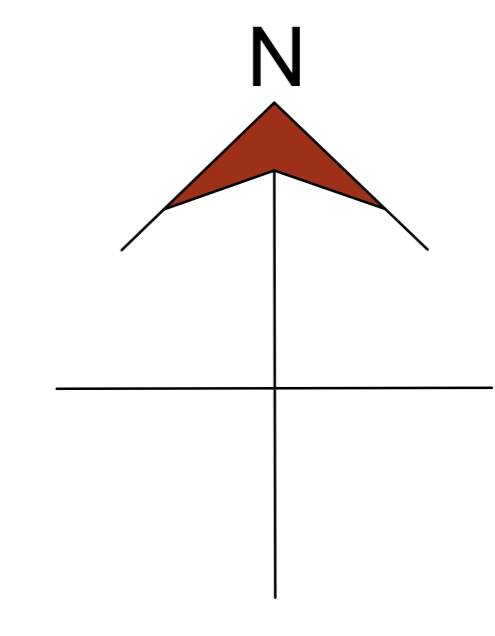
General Notes  
 1. All dimensions are shown in 'mm' unless otherwise stated.  
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors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



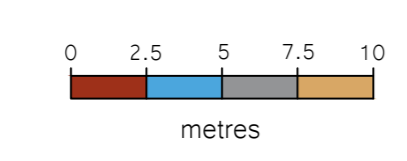
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Residential Development Approved Under - Outline Application F/YR19/0931/O

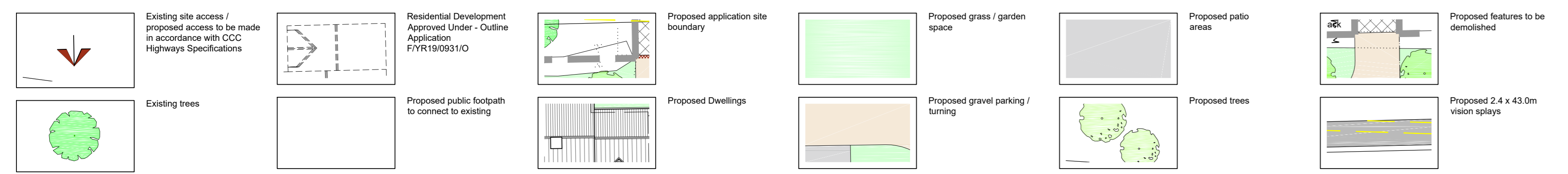
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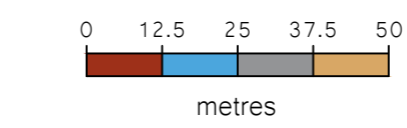
Indicative Site Plan  
 Scale: 1:250



SITE PLAN KEY



Location Plan  
 Scale: 1:250



FOR APPROVAL

**SWANN EDWARDS**  
 ARCHITECTURE  
 Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA. t: 01945 450534 e: info@swannedwards.co.uk w: www.swannedwards.co.uk

Proposed Residential Development Upwell Road, March	Job Title June 2021	Drawn by JRB
For: Mr. M. Hanson	Checked by GE	
Planning Drawing Site and Location Plan	Drawing Title PP1000	Sheet Size A3
	Revision B	

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**F/YR21/1439/O**

**Applicant: Mr R Hirson**

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

**Land West Of 78-88, Station Road, Manea, Cambridgeshire**

**Erect up to 4no dwellings (outline application with all matters reserved)**

**Officer Recommendation: Refuse**

**Reason for Committee: Deferred by Members at Committee on 27 July 2022.**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application is for the erection of 4 dwellings (outline application) with all matters reserved for future consideration. The proposal site is located at the junction of Station Road and Wimblington Road in Manea.
- 1.2 Members deferred the application to allow further information to be submitted in relation to the two proposed reasons for refusal relating to flood risk and ecology.
- 1.3 A Sequential and Exception Test Report has been received and assessed by Officers. It is considered to fail to demonstrate that there are no other sites within Manea at a lower risk of flooding. Therefore, this proposed reason for refusal remains.
- 1.4 A Preliminary Ecological Appraisal dated September 2022 has been received and assessed by Officers. Subject to conditions, Officers are able to remove this proposed reason for refusal
- 1.5 The recommendation is therefore for refusal as the proposal would be contrary to Policy LP14 of the Fenland Local Plan (2014), NPPF(2021) and Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016).

## **2 INTRODUCTION**

- 2.1 Attached is the Committee Report considered at the 27 July 2022 Meeting. The application was recommended for refusal for two reasons: 1) the development site is in Flood Zone 3, an area at the highest risk of flooding. The applicant had not demonstrated conclusively that there are no other reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding and not shown any wider community benefits of the development and therefore the development failed the Sequential and Exception Tests; and 2) No ecology information was submitted with the application to allow consideration of the

impacts on protected species, despite the site being bordered by ditches on three sides and the indicated access to the development being across one of these.

- 2.2 A Sequential and Exception Test Report was received with an assessment of other sites in Manea benefitting from planning permission for residential development.
- 2.3 A Preliminary Ecological Appraisal dated September 2022 was also received and sets out the findings of a survey of protected species undertaken in August 2022.
- 2.4 The submitted information can be found at:  
[F/YR21/1439/O | Erect up to 4no dwellings \(outline application with all matters reserved\) | Land West Of 78-88 Station Road Manea Cambridgeshire \(fenland.gov.uk\)](#)

### **3 POLICY FRAMEWORK (in addition to Policies listed in 27 July 2022 report)**

#### **Emerging Local Plan**

- 3.1 The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19<sup>th</sup> October 2022. All comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan.
- 3.2 As this event occurred after the 22 July Committee, it is appropriate to make reference to it in this addendum. However, 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  
LP24: Natural Environment;  
LP32 Part A: Flood Risk; and  
LP49: Residential Site Allocations in Manea;

### **4 CONSULTATIONS**

#### **PCC Wildlife Officer 22.09.2022**

*The Preliminary Ecological Appraisal (PEA) outlines how the site as it is has little to no biodiversity value outline of the vegetation surrounding the ditches. The proposed site layout already provides suitable standoffs for these areas. As such I agree with the PEA that the site has no immediate negative ecological impacts. However, this is reliant on the recommendations within section 8 being followed. The conditions below have been given as to ensure that those recommendations are enacted.*

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

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

*-All ecological enhancements, mitigation and compensation as recommended within the Preliminary Ecological Appraisal (Phillip Parker Associates Ltd, September 2022);*

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

*-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 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.*

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

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

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

*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.*

*Planning Policies/Legislation:*

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

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

*Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds*

*between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.*

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

*Government Circular ODPM 06/2005 Biodiversity & Geological Conservation:*

*The advice given above takes into account the following guidance:*

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

*Paragraph 99 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted”.*

## **5 ASSESSMENT**

### **Flood Risk**

- 5.1 In accordance with Section 14 of the NPPF (2019), Policy LP14 of the Fenland Local Plan 2014, the requirements of the Cambridgeshire Flood and Water Supplementary Planning Document (2016) and Policy LP32 of the Emerging Local Plan, it is for the applicant to demonstrate through an assessment that the Sequential Test has been met.
- 5.2 On 25.08.2022 the government published further guidance and clarification with regard to: *The sequential approach to the location of development*  
<https://www.gov.uk/guidance/flood-risk-and-coastal-change>
- 5.3 The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its

lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.

- 5.4 The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites within a defined area set by local circumstances relating to the catchment area for the type of development proposed. In this instance the search area is the settlement of Manea, as set out by the Council in February 2018.
- 5.5 It is the applicant's responsibility to provide evidence that there are no other development sites in Flood Zone 1 within Manea which are reasonably available and appropriate for the proposed development. Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.
- 5.6 These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.
- 5.7 The applicant's submitted report, specifically in relation to the sites within Flood Zone 1 (and therefore sequentially preferable), has been considered by Officers and the following comments are made.
  - The report discards sites approved for a single dwelling as being "*not comparable*". This is not in accordance with government guidance as set out in Paragraph 4.6. None of these sites are considered to be "*reasonably available*" by Officers and can be discarded;
  - Two sites are identified in the applicant's report as being "*not comparable*" as they are for bungalows. However, Officers consider this is not a reason to exclude these sites from being sequentially preferable;
  - Two sites with permissions for 6 and 7 dwellings have been discarded as the applicant considers such "*small estate style development*" as "*non-comparable*". Again, with reference to Paragraph 4.6, this is not a reason to discard the site. Of the two sites only F/YR20/0118/O is considered by Officers to be reasonably available;
  - Finally, the site for 29 dwellings at Lavender Mill, Fallow Corner Drove (F/YR19/0958/O), has a for sale board and is therefore also considered to be reasonably available by Officers. Contrary to the applicant's assessment such sites must be considered as comparable and capable of accommodating the proposed development.
- 5.8 It is therefore considered for the above reasons that the Sequential Test has not been passed.
- 5.9 Notwithstanding the failure of the Sequential Test, if it had this been passed it would then be necessary for the application to pass the Exception Test, which requires a demonstration of wider sustainable benefits, such as:

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

*a) Wider sustainability benefits*

5.10 Section 4.5.8 of the Cambridgeshire Flood and Water SPD sets out the sustainability themes and issues which development could help to address in order to achieve wider benefits, which are:

- Land and water resources;
- Biodiversity and green infrastructure;
- Landscape, townscape and historic environment;
- Climate change mitigation and renewable energy;
- Flood risk and climate change adaptation;
- Pollution;
- Healthy and inclusive and accessible communities
- Economic activity; or
- Transport.

5.11 Having regard to the scale and nature of this proposed development, it is likely be difficult to achieve wider benefits on such a scale. However, it is often possible to achieve benefits on smaller housing schemes through the inclusion of climate change mitigation and renewable energy features to a level which exceeds normal Building Regulations requirements. Measures proposed within the submitted document include:

- *Job creation;*
- *Increase use of the local surgery, schools and social facilities;*
- *Dwellings to benefit from triple glazing, Heat Source air pumps and PV Cells;*
- *Proximity to Railway Station; and*
- *Inclusion of bird nest boxes and bat boxes and other measures to promote biodiversity;*

5.12 It is considered that the proposal has the potential to pass part a) of the Exceptions Test.

**Ecology**

5.13 Policy LP16 (b) requires proposals for new development to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites in accordance with policy LP19. Criteria (c) requires the retention and incorporation of natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.

5.14 The Preliminary Ecological Appraisal (PEA) outlines how the site as it is has little to no biodiversity value except for the vegetation surrounding the ditches. The proposed site layout already provides suitable standoffs for these areas. As such the Wildlife Officer considers the proposal would have no immediate, negative ecological impacts. However, this is reliant on the recommendations within section 8 of the PEA being followed and has recommended conditions to ensure these are



implemented. Subject to these conditions, the application is considered to comply with LP19 (c ) and LP16 (b) of the Fenland Local Plan 2014.

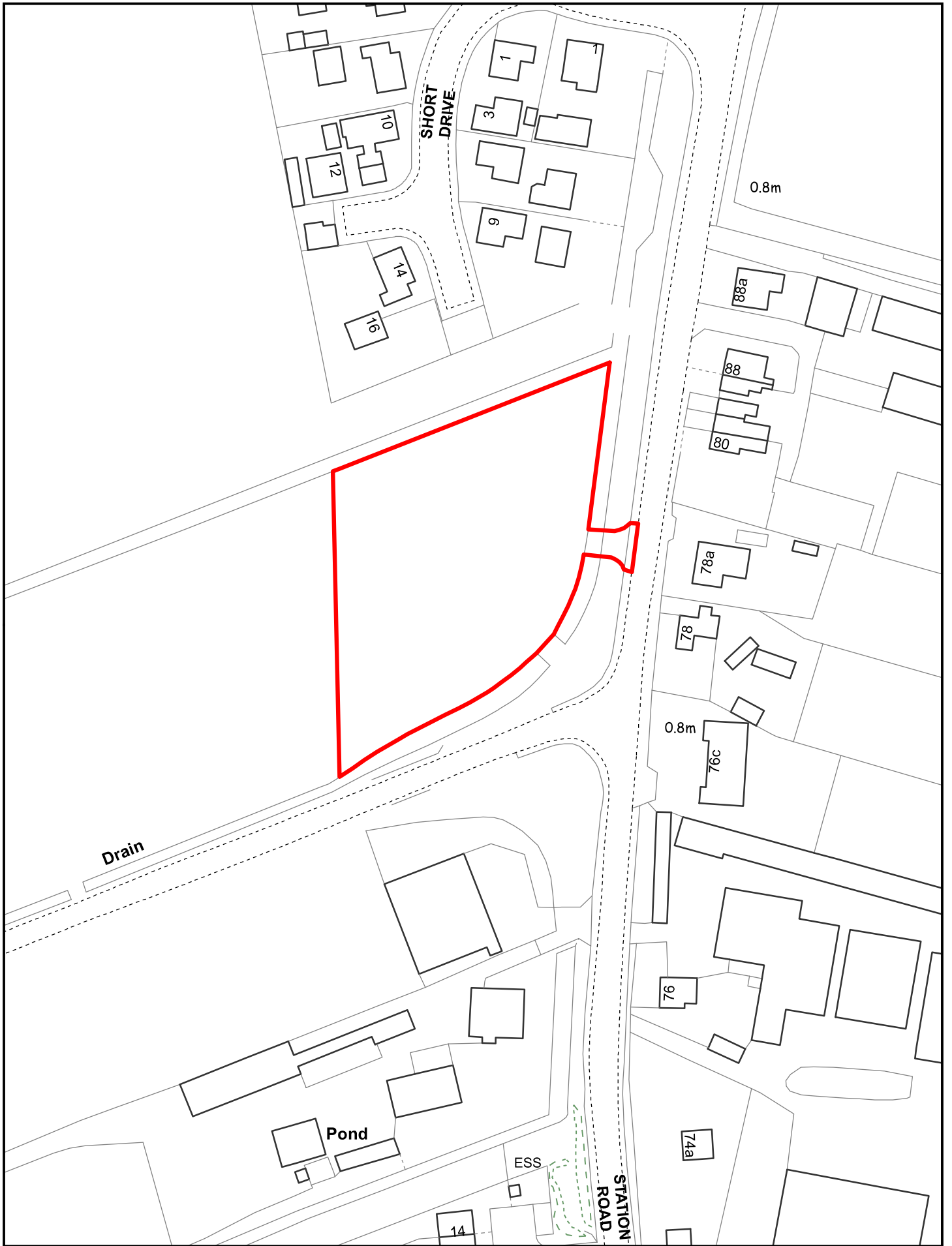
## 6 CONCLUSIONS

- 6.1 Members deferred the application to allow the applicant to submit further information to address the two reasons for refusal.
- 6.2 A Sequential and Exception Test Report has been received and assessed by Officers. It is considered to fail to demonstrate that there are no other sites within Manea at a lower risk of flooding. Therefore, this proposed reason for refusal remains.
- 6.3 A Preliminary Ecological Appraisal dated September 2022 has been received and assessed by Officers. Subject to conditions, Officers are able to remove this proposed reason for refusal.
- 6.4 The recommendation is therefore for refusal as the proposal would be contrary to Policy LP14 of the Fenland Local Plan (2014), NPPF(2021) and Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016).

## 7 RECOMMENDATION

**Refuse:** for the following reason

1	The site is located within Flood Zone 3 where there is a high probability of flooding. The Sequential test for flood risk has not been adequately applied or met and consequently, the application fails to demonstrate that there are no other reasonably available sites with a lower probability of flooding that could accommodate the development. Allowing the proposed development could therefore place people and property at an increased risk, with no justification, of flooding contrary to Policy LP14 of the Fenland Local Plan (2014), NPPF(2021) and Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016).
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Created on: 15/12/2021

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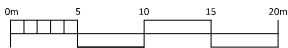
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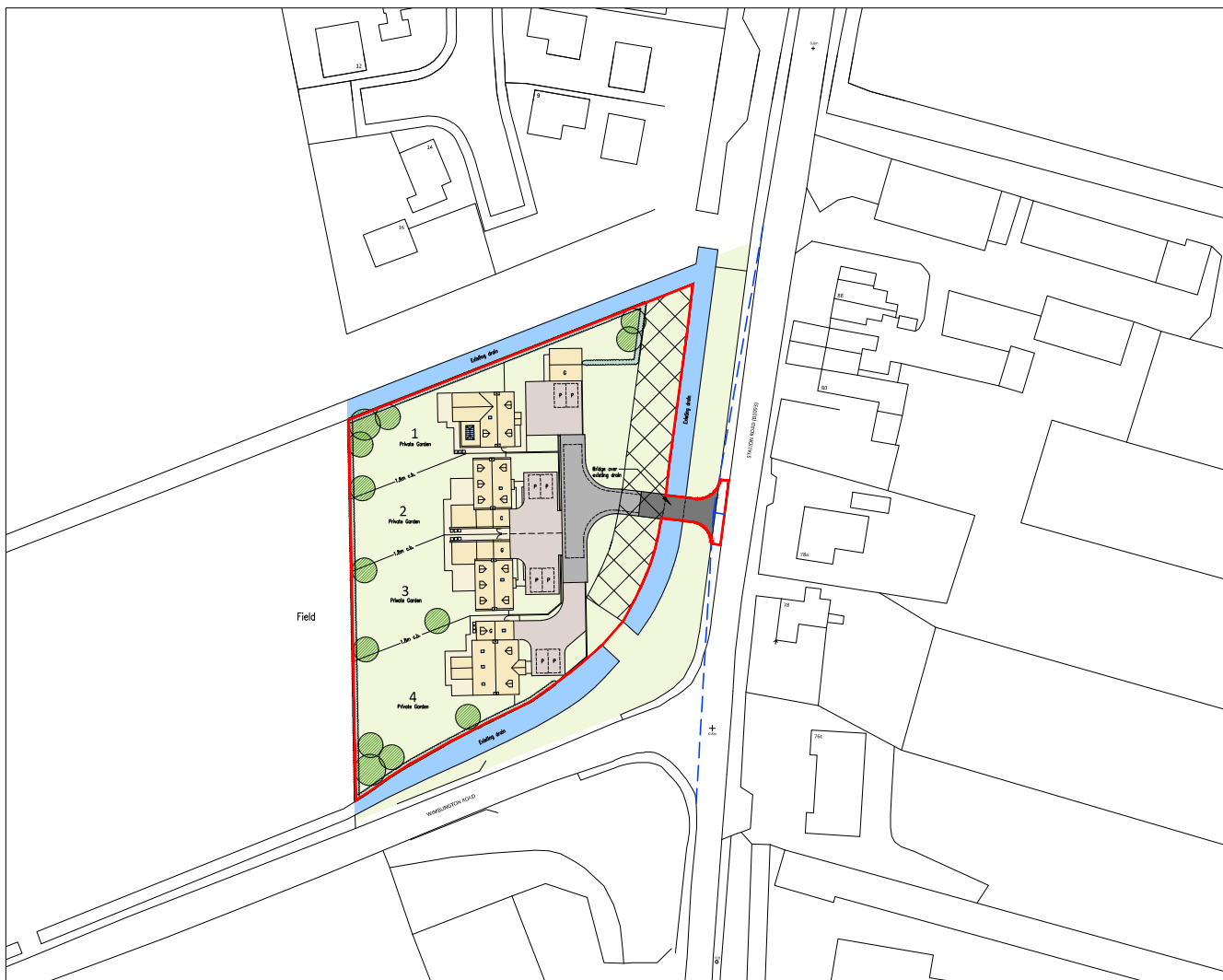




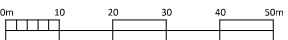
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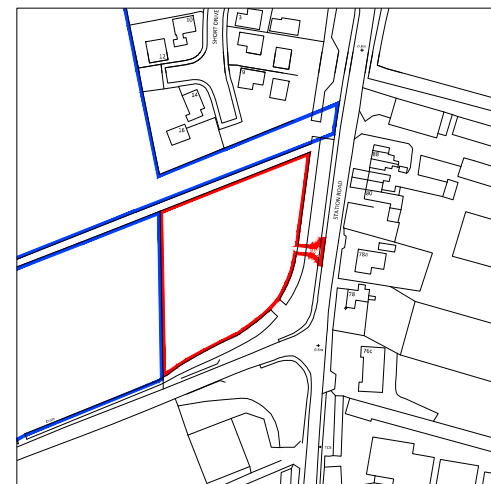
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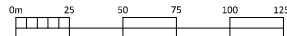
SITE PLAN 1:500



INDICATIVE LAYOUT ONLY



LOCATION PLAN 1:1250



KEY

- 1.8m Close Boarded Fence
- 1.2m Post and Rail Fence
- 5.0m Access to CCC Specification
- Hardstanding Areas
- Parking and Turning Areas
- Proposed Trees
- Wheeled Bin Positions
- 9m IDB Maintenance Strip
- Paving Slabs
- 2.4m x 59m Visibility Splay
- P Parking Space
- G Garage

SCHEDULE OF SITE					
Plot	Unit Type	Bedrooms	Floor Area	Rear Amenity	Notes
1	Market	5	260m <sup>2</sup>	336m <sup>2</sup>	Double Garage
2	Market	5	242m <sup>2</sup>	347m <sup>2</sup>	Single Garage
3	Market	5	242m <sup>2</sup>	427m <sup>2</sup>	Single Garage
4	Market	5	283m <sup>2</sup>	590m <sup>2</sup>	Single Garage

Floor areas exclude garages.

D:\11121 - Draft for approval  
 C:\2017\12 - 2017 for submission following planning decision comments.  
 R - 22/1/21 - 2021 for final submission.  
 A - 17/05/21 - Final updated and checked for submission applications.

REVISIONS



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CLIENT

MR R HIRSON

PROJECTS

RESIDENTIAL DEVELOPMENT

SITE

LAND WEST OF 78-88  
 STATION ROAD  
 MANEA  
 CAMBS

DRAWING

PLANNING DRAWING 1

JOB NO.	PAPER SIZE	DATE
6017/PL01D	A1	MAY 2021

Notes:

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**F/YR21/1439/O**

**Applicant: Mr R Hirson**

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

**Land West Of 78-88, Station Road, Manea, Cambridgeshire**

**Erect up to 4no dwellings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks a determination of the principle of residential development for up to 4 dwellings (outline application) with all matters reserved for future consideration. The proposal site is located at the junction of Station and Wimblington Roads in Manea.
- 1.2 The application site is located within Flood Zone 3, an area at the highest risk of flooding but the applicant has not demonstrated conclusively that there are no other reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding and not shown any wider community benefits of the development and therefore the development fails the Sequential and Exception Tests.
- 1.3 No ecology information has been submitted with the application to allow consideration of the impacts on protected species, despite the site being bordered by ditches on three sides and the indicated access to the development being across one of these.
- 1.4 The recommendation is therefore for refusal of planning permission.

## **2 SITE DESCRIPTION**

- 2.1 The proposal site consists of a 0.46ha parcel of land located at the corner of Station and Wimblington Roads in Manea. The site is currently agricultural land but has residential development to the North, East and to the South, with scattered agricultural buildings. The site is generally flat and has no trees. There are surface water drains located on the site
- 2.2 The site is located within Flood Zones 2 and 3 as defined by the Environment Agency maps.

## **3 PROPOSAL**

- 3.1 The application proposes the erection of up to 4no dwellings (outline application with all matters reserved)

Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=R0EJTRHE01900>

#### 4 SITE PLANNING HISTORY

No formal planning history.

#### 5 CONSULTATIONS

- 5.1 **Parish Council:** *No Objection. Please seek s106 benefits.*
- 5.2 **Natural England:** *Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.*
- 5.3 **CCC Highways:** *I have no objections subject to the developer being able to demonstrate that visibility splays of 2.4m x 120m are achievable. The 59m splay is not appropriate unless the developer has supporting speed survey results that 85% percentile speeds are 37mph.*
- 5.4 **Environment Agency:** *We have no objection to the proposed development but wish to make the following comments.*

*We have reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and main river flood risk sources only. The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals. We have no objection but strongly recommend that the development be carried out in accordance with the submitted flood risk assessment undertaken by Ellingham Consulting Ltd, (ref: ECL0561/Peter Humphrey Associates, dated September 2021) and the following mitigation measures it details:*

- Finished floor levels shall be set no lower than 800 mm above existing ground level.*
- Flood resistant measures will be incorporated up to 600 mm above finished floor levels.*
- There shall be no ground floor sleeping accommodation.*

#### *Advice for the LPA*

*In accordance with the National Planning Policy Framework (NPPF) paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this. With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within buildings, and the ability of the*

*emergency services to access buildings to rescue and evacuate people. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. We strongly recommend that you consult your Emergency Planner on the above issues.*

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

*Our records indicate there is unlikely to be a presence of contamination at the application site, but a condition is recommended.*

- 5.6 Middle Level Commissioners:** No response received

**5.7 Local Residents/Interested Parties**

Three objections have been received from residents of Short Drive and Station Road contending:

- that the development would cause flooding
- result in a loss income,
- prejudice highways safety,
- would disrupt electricity and broadband,
- overwhelm drainage and
- affect wildlife.

**Supporters**

Nine responses have been received in support of the application (three from residents of Horseway, two from Old Dairy Yard and one each from Cox Way, Westfield Road, high Street and Parkview Lane) on the following grounds:

- beneficial to the Village,
- increase the appeal of the village,
- would be in keeping with the residential character of the area,
- access to the train station,
- would bring more families to help sustain the village.

**6 STATUTORY DUTY**

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

**7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**  
**National Planning Practice Guidance (NPPG)**  
**National Design Guide 2019**

**Fenland Local Plan 2014**

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

Delivering and Protecting High Quality Environments in Fenland SPD (July 2014)

## **8 KEY ISSUES**

8.1 The key issues to be addressed are:

- Principle of Development
- Visual Impact
- Residential Amenities
- Highway Safety
- Flooding
- Ecology
- Other Considerations

These are considered in turn below.

## **9 BACKGROUND**

9.1 Pre-application advice was sought in relation to this development in 2019. Officers advised that the site was in Flood Zone 3 and that a sequential test would be required to be undertaken; access via an additional culvert of the drain was perhaps not appropriate; and that the site was at a prominent entrance to the village and that consideration would need to be given to appropriate and sympathetic design.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 Local Plan Policy LP3 defines Manea as a Growth Village where more limited development and service provision than that which is appropriate to the Market Towns would be suitable, however this would be acceptable in the form of small village extensions. Policy LP12 Part A sets out where such development may be acceptable such as it being in or adjacent to the developed footprint of the settlement, not adversely impacting the character of the countryside and being in keeping with the core shape of the settlement. In addition, Local Plan Policy LP12 also seeks to involve the community in planning decisions by requiring clear evidence of community support for development exceeding the specified threshold. Part A of LP12 of the Local Plan, clearly states that if a proposal within or on the edge of the village would, in combination with other development, built or committed to be built since April 2011 increase the number of dwellings in a growth

village by 15% or more, the proposal should demonstrate evidence of clear local community support for the scheme generated through a proportionate pre-application consultation exercise. This 15% threshold has clearly been exceeded for Manea owing to the number of consented dwellings since April 2011.

- 10.2 The application site forms part of an agricultural field at the entrance to the settlement, bounded to the north by the workplace home development of Charlemont Drive. To the south on the opposite side of Wimblington Road is a group of commercial buildings with further linear residential development to the south. On the opposite side of Station Road is loose knit linear residential development. Consequently, it is considered that while the site forms an attractive entrance to the village it would be difficult to argue that the principle of residential development was unacceptable, given these surroundings.
- 10.3 Policy LP12 further provides that if additional number of dwellings built since 2011 within or on the edge of a growth village is 15% or more, then the proposal should have demonstrable evidence of clear local community support for the scheme. Manea has already exceeded its 15% but no deliberate community support exercise has been submitted which would be contrary to LP12. However, an appeal decision received in respect of an application that was refused purely on this basis (F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused. Against this backdrop the absence of a deliberate community support does not render the scheme unacceptable in planning terms.
- 10.4 As such the principle of this development is considered to be supported by Policies LP3 and LP12 of the Fenland Local Plan (2014).

### **Visual Impact**

- 10.4 Paragraph 126 of the National Planning Policy Framework 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is further reflected in Local Plan Policy LP16 which seeks to deliver and protect a high-quality environment for those living and working within the district.
- 10.5 It is considered that the development of the site would visually read as part of the existing village and not appear incongruous or as an encroachment into the countryside. As described above the site is considered to form an attractive entrance to the village and a such a well-designed scheme incorporating sympathetic landscaping would be required to ensure the quality of this gateway is maintained.
- 10.6 Therefore, subject to appropriate design, layout, and landscaping which would be addressed at the Reserved Matters stage, the visual impact could be acceptable in accordance with Policy LP16 and the NPPF (2021).

### **Residential Amenity**

- 10.7 Local Plan Policy LP16 seeks to provide and protect comforts that the general environment provides and to this end ensures that development does not adversely impact on the amenity of neighbouring users owing to noise, light pollution, loss of privacy and loss of light.
- 10.8 The proposed development is in outline form with all matters reserved but from the submitted indicative plan, it would appear that the development, subject detailed design and layout, would relate appropriately with the dwellings around it. The



scale and external appearance of the scheme is subject to subsequent approval, but it is considered that there is sufficient distance from the neighbouring gardens to be able to accommodate this level of development in this location without compromising residential amenity.

- 10.9 The proposal allows for the provision of adequately sized garden areas to serve each dwelling unit together with some communal greenspaces at the front of the development to provide soft landscaping.
- 10.10 Therefore, subject to detailed design and layout, the scheme would provide adequate residential amenities for future occupiers and protect those enjoyed by existing neighbouring occupiers in accordance with Policy LP16 and

### **Highway Safety**

- 10.11 Fenland Local Plan Policy LP16 states that new development will only be permitted if it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved.
- 10.12 The Highway Authority have no objection to the proposed scheme subject to the provision of appropriate visibility splays. There is also adequate space on the site to accommodate a 5m wide access and sufficient space within the site to provide adequate parking and turning facilities.
- 10.13 The scheme therefore is considered acceptable and complies with Policy LP15 in this regard.

### **Flooding**

- 10.14 Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. In the same vein, Local Plan Policy LP14 recommends the adoption of sequential approach to flood risk from all forms of flooding and this is reinforced by the Cambridgeshire Flood and water SPD.
- 10.15 The applicant submitted a flood risk assessment undertaken by Ellingham Consulting Ltd in support of the development which was considered by the Environment Agency (EA). The EA recommends that the development be carried out in strict accordance with the submitted flood risk assessment undertaken by Ellingham Consulting Ltd, (ref: ECL0561/Peter Humphrey Associates, dated September 2021) and that the Middle Level Commissioners (MLC) be consulted. The MLC were consulted but not response has been received. The EA also set out that it is for the Local Planning Authority to be satisfied by the Sequential and Exception Tests.
- 10.16 The submitted Flood Risk Assessment does not provide any sequential test instead referring to the site being “protected by the Middle Level Barrier Bank which was not considered during the preparation of the Environment Agency Flood Maps”. When the Middle Level Barrier Bank is considered, the applicant contends that the development would pass the sequential test. Clearly this is not sufficient to comply with the Cambridgeshire Flood and Water SPD which is explicit in setting out that flood defences should not be taken into consideration when undertaking the Sequential Test. The application is therefore considered to have failed the Sequential Test on this basis.

- 10.17 As the application does not pass the Sequential Test the Exception Test is not applicable. However, for the sake of completeness, it is considered that an assessment of the submitted information in this regard should be undertaken. The applicant has merely quoted the number of housing units that are required over the Local Plan period and concluded that the proposed dwellings would contribute towards achieving that target. The applicant claims that this is the wider benefit of this development. Again, the Cambridgeshire Flood and Water SPD is clear, that the general provision of housing by itself would not be considered a wider sustainability benefit. Therefore, as well as failing the Sequential Test this application would also not pass the Exception Test.
- 10.18 Based on the above assessment, the applicant has been unable to show that there are no other reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding and has not demonstrated any wider community benefits of the development and therefore the development fails the Sequential and Exception Tests and allowing the development would be contrary to Local Plan Policy LP14, the adopted SPD and paragraphs 159 and 162 of the NPPF(2021)

### **Ecology**

- 10.19 Policy LP16 (b) requires proposals for new development to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites in accordance with policy LP19. Criteria (c) requires the retention and incorporation of natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.
- 10.20 The application site comprises an agricultural field bounded by a hedgerow to the north and ditches to three sides and the access to the development is indicated as being across one of these ditches.
- 10.21 Ecological surveys and if necessary, species surveys, are required to be carried out pre-determination. Section 40 of the Natural Environment and Rural Communities Act 2006 places a public sector duty upon local planning authorities to conserve biodiversity. Section 180 of the NPPF states that when determining planning applications local planning authorities should refuse planning permission if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less impact), adequately mitigated or as a last resort, compensated for. Such consideration requires sufficient ecological investigation to assess if there are any particular protected species present so that they can be taken into account in the consideration of the proposals.
- 10.22 Policy LP19 of the local plan states that planning permission should be refused for development that would cause a demonstrable harm to a protected species or habitat unless the need for and public benefits of the development clearly outweigh the harm and mitigation, or compensation measures can be secured to offset the harm.
- 10.23 No ecological surveys have been undertaken and submitted with the application, and the bio-diversity checklist submitted with the application has answered 'no' to the questions regarding the proposal affecting a ditch, which the development clearly would. It is therefore not possible, for the local planning authority to

undertake its duty to conserve biodiversity due to a lack of information. The application should be refused for this reason.

**Other Matters**

- 10.24 The Parish Council have made reference to seeking Section 106 benefits. However the number of dwellings proposed falls below the number of dwellings (10) required to trigger the consideration of such an agreement.

**11 CONCLUSIONS**

- 11.1 The proposed development would be of a scale that is in keeping with the area and, subject to layout, design and finishes, would not detract from the character of the site and the area. However, the site is located within Flood Zone 3 and the applicant has not shown that the development is Sequentially acceptable or of wider community benefit.
- 11.2 In addition, no ecological information has been submitted to allow an informed decision to be made as to whether protected species would impacted by the development or any mitigation that may be required as a result.
- 11.3 As such the application is considered to conflict with the NPPF, policies of the Local Plan and the Flood and Water SPD

**12 RECOMMENDATION**

**Refuse;** for the following reasons:

1	The site is located within Flood Zone 3 where there is a high probability of flooding. The Sequential test for flood risk has not been adequately applied or met and consequently, the application fails to demonstrate that there are no other reasonably available sites with a lower probability of flooding that could accommodate the development. In addition, the Exception Test has also not been passed. Allowing the proposed development could therefore place people and property at an increased risk, with no justification, of flooding contrary to Policy LP14 of the Fenland Local Plan (2014), NPPF(2021) and Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016).
2	The application site is bordered on three sides by ditches which are identified as having the potential to be habitat for protected species and indicates access to the development over one of these. No ecological surveys or evaluation have been undertaken to accompany the application. As such the local planning authority is unable to undertake its duty to conserve biodiversity due to this lack of information. The application is therefore contrary to policies LP16 (b) and LP19 of the Fenland Local Plan which seek to ensure that new development protects and enhances biodiversity including protected species and their habitats.

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**F/YR22/0884/PIP**

**Applicant: Mr C Waters  
Living The Dream Properties Ltd**

**Agent : Mr Boreham  
Morton & Hall Consulting Ltd**

**Land North Of Hill View, Eastwood End, Wimblington, Cambridgeshire**

**Residential development of up to 9 x dwellings involving the formation of an accesses (application for Permission in Principle)**

**Officer recommendation: Grant**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The proposal is an application for Permission in Principle to develop the site for up to 9 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in principle and assesses the principle issues namely:
  - (1) Location
  - (2) Use, and
  - (3) Amount of development proposed;and the second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.
- 1.2 Evaluation of a PIP must be restricted to the issues highlighted above, even if technical issues are apparent from the outset these can form no part of the determination of Stage 1 of the process. Accordingly, matters raised via statutory bodies may not be addressed at this time.
- 1.3 This application site comprises currently open agricultural land at Eastwood End. Previous recommendations and refusals had been based upon the judgement that the area was in an “elsewhere” location as set out in policy LP3 but a recent appeal decision and several subsequent determinations for residential grant of permission by the Council point to Eastwood End being considered as part of the growth village of Wimblington and in a sustainable location. It is against this background that the recommendation for approval is being made.
- 1.4 Considering the scheme purely on the basis of location, use and amount, there could be no grounds to resist the grant of permission in principle.

## **2 SITE DESCRIPTION**

- 2.1 The site comprises approximately 0.69 hectares of grazing land within one enclosed field bordered in parts by hedgerow and some trees. It is roughly rectangular in shape and generally flat. There is an area of grass verge between the site and Eastwood End that contains trees, which is outside the application boundary.
- 2.2 The site is bordered to the west by the A141, to the south by Eastwood End (accessed off the A141) which is an unclassified road with no footpaths except for in close proximity to the road junction with the A141. To the south and other side of Eastwood End are relatively large detached residential properties and as the road turns towards the north there are further residential properties flanking each side of the road as well as new residential development under construction (see history and background below). To the north of the site is further open land and beyond that a development site which has received planning permission. The main area of the settlement of Wimblington lies to the west of the A141.
- 2.3 There is a water main running through the site which enters at the west boundary where the site adjoins the A141 and leaves at the southern boundary where it crosses Eastwood End and continues in a southerly direction. There is an easement strip to either side of this main which is 9 metres in width in total.
- 2.4 The application site is within flood zone 1 which is the area at least risk of flooding.

### **3 PROPOSAL**

- 3.1 A suite of plans accompanies the application including an indicative site plan at scale 1:250 which shows an indicative layout of a single access point and internal road off Eastwood End and a development of 4 large, detached houses with double garages. The application, however, seeks Permission in Principle for up to 9 dwellings.
- 3.2 The location plan at scale 1:2500 indicates access off Eastwood End, however, this would be a detail to be considered at the Technical Details stage should this application be granted.
- 3.3 The current proposal is the first part of the Permission in Principle application; this “first stage” establishes whether a site is suitable in principle only and assesses the “principle” issues, namely;
  - (1) Location
  - (2) Use, and
  - (3) Amount of development proposed
- 3.4 Should this application be successful the applicant would have to submit a Technical Details application covering all the other detailed material planning considerations. The approval of Permission in Principle does not constitute the grant of planning permission.
- 3.5 The applicant is only required to submit minimum information to accompany the application.
- 3.6 Full plans and associated documents for this application can be found at:

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

- 4.1 There is no site history associated with this site, however, see the “background” section of the report below

#### **5 CONSULTATIONS**

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

Object to the proposal for the following reasons (summarised):

Overdevelopment – this will increase the dwellings on Eastwood End, an elsewhere location, by 12 dwellings. The infrastructure in Wimblington including water, sewerage, healthcare, schools and shops cannot cope and those without a vehicle will have to cross the busy A141 to get there.

The applicant refers to the Inspectors Report which states the settlement boundary is not defined and a matter for a case by case judgement. Since then a further 12 dwellings have been granted which is more than a consistent growth for a growth village and in excess of its growth level. The intensity of dwellings is excessive in terms of its demand on local infrastructure/local amenities and character.

The application will lead to a partial destruction of green habitat and trees.

It is out of keeping with the heritage and style of development at Eastwood End.

The access is not suitable and too close to the junction with the A141.

The site abuts other sites that have been given planning approval by FDC but these should not set a precedent for other development.

The application contravenes policies LP3, LP12 part A, LP13, LP14, LP15, LP16 (c), (d), (f) and (g) and LP18.

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

No objections in principle subject to satisfaction that there is no contamination or pollution within the site which is unlikely as it is not previously developed and that the permission is subject to a Construction Management Plan.

##### **5.3 CCC Archaeology**

No objections to permission in principle and should archaeological investigations be required we expect these to be secured at the Technical Details stage.

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

###### **Objectors**

There are objections from 4 individuals (two households both on Eastwood End) who raise the following issues;

- Access
- Density/overdevelopment
- Design/Appearance
- Drainage
- Environmental concerns
- Flooding
- Local services unable to cope
- Loss of view/outlook
- Out of character with area
- Residential Amenity
- Traffic or Highways
- Trees – need protection
- Visual Impact
- Waste/litter
- Wildlife Concerns – abundance of wildlife e.g. bats, amphibians living in this green land
- Agricultural Land
- Light Pollution
- Parking arrangements
- Reference to local plan policies (as set out in Parish Council objection) and reference to the reasons set out above in the Parish Council objection

### **Supporters**

Seven letters of support have been received from 6 households within Wimblington but not close to the site, who make the following comments;

- There have been applications passed in the last three years in the vicinity of this site
- The site is in flood zone 1
- The site is adjacent the road and is ideal for residential development
- Properties will be of a size and design in proportion with other properties in this area
- This will offer additional housing and attract families with income to spend in the communities

*Officer note: Some of these comments are dated before the application was publicised*

## **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)**

Paragraph: 012 (Reference ID: 58-012-20180615) The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission but can advise applicants on the decision notice, where Permission in Principle is granted, what they would expect to see at Technical Details stage.

### **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

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:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the location of residential development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP18: Development in the Countryside

LP19: Strategic Infrastructure

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

LP33: Development of Land Affected by Contamination

## 8 KEY ISSUES

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

## 9 BACKGROUND

9.1 In an appeal decision issued in respect of a single dwelling at land adjacent to 32 Eastwood End (F/YR20/0635/F), the Inspector concluded in that case that Eastwood End, given its contiguity with the remainder of Wimblington (notwithstanding the A141) and its evident functional relationship, that it appears on the ground to be an outlying part of the village rather than a separate settlement. He also noted that a development of three detached houses in Eastwood End (F/YR19/0550/O) had recently been granted permission by Fenland District Council and that on the face of it, this is more consistent with a growth village than an “elsewhere” location. (Decision date of this appeal 12 July 2021). Previous appeals in the vicinity had been determined on the basis that the Inspectors agreed that the sites were located in an “elsewhere” location. Subsequent to this appeal decision the Council has granted two further applications for residential development in Eastwood End, following decisions made by Planning Committee.

9.2 The relevant planning permissions are:

F/YR19/0550/O – land south of 6 Eastwood End. Planning permission granted by Committee contrary to officer recommendation for 3 dwellings and construction of footpath. Granted 24 June 2019 (*Officer note: Members saw the provision of a footpath as outweighing concerns about the site being an elsewhere location*)

F/YR21/0455/F - 1 Eastwood End. Planning permission granted for 3 dwellings involving demolition of existing dwelling. Granted 8 December 2021

F/YR20/0641/F – Land south of Eastwood End. Planning permission granted by Committee contrary to officer recommendation for 9 dwellings with garages and foot/cycle path parallel to A141 and 1.8 m wide footpath along Eastwood End to meet existing footpath. Granted 3 August 2022

## 10 ASSESSMENT

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

### Location

10.2 Policy LP3 defines Wimblington as a growth village, where small village extensions will be appropriate, albeit of a more limited scale than that appropriate to the market towns. Locations which do not fit within the defined settlement hierarchy set out in policy LP3 are deemed “elsewhere” locations where only development meeting the criteria set out within this policy will be acceptable, e.g. essential to support agriculture, horticulture, outdoor recreation etc.

- 10.3 Eastwood End is located to the east of the A141 via staggered junction with King Street to the west of the A141. It is a single carriageway road with few footpaths and loops back around to the west to rejoin the A141 further north. There are other roads which radiate off this loop and continue in a northerly and easterly direction. The area to the north of Eastwood End is given over mainly to agriculture/employment buildings, utilitarian in nature. For the most part, Eastwood End itself is fronted by residential dwellings punctuated with open land.
- 10.4 The site is located to the north of Eastwood End adjacent to the junction with the A141. It is presently agricultural land and is considered to be countryside.
- 10.5 Recommendations on previous residential planning applications in the vicinity have been made on the basis that this area is separate to the main settlement area of Wimblington, located to the west of the A141. However, the appeal inspector determining F/YR20/0635/F (albeit a single dwelling in between other dwellings further to the east of this site), disagreed and considered that Eastwood End, though divided by the A141, is contiguous with the settlement of Wimblington. He noted that permission had recently already been granted for 3 dwellings at Eastwood End. (*Officer note: whilst Inspector does not refer to specifics, this is likely to be permission F/YR19/0550/F*). He commented that this would appear more consistent with Growth Village status rather than an “elsewhere” location.
- 10.6 Since then, as noted above two further permissions have been granted for a site immediately adjacent to this site (to the east) for three dwellings and for 9 dwellings on a site to the north, within the “loop” of Eastwood End.
- 10.7 The appeal decision and the three planning permissions set out in the background section above, are material planning considerations. They indicate that Eastwood End is now being treated as part of Wimblington settlement which is a growth village. It is considered that a refusal of permission for this site on the basis of being in an elsewhere location would not be defensible on any subsequent appeal due to these previous decisions on sites at Eastwood End.
- 10.8 With regard to the physical characteristics of the site, whilst it provides a pleasant area of open land it does not contain any statutory designations and is open and flat. It is agricultural land and this would be lost but any development located on a greenfield site adjacent to a growth village would result in the loss of agricultural land – this has been true of at least some of the recent approvals. In particular the granting of permission for 9 dwellings to the north under F/YR20/0641/F has effectively removed the open buffer between the built area of Eastwood End and the A141. As this site has been deemed acceptable by the Council, it is very difficult to see how the current site would be unacceptable. There are trees and hedges at the boundaries and just outside the site boundary, but these are not protected by TPOs or within a Conservation Area. There is a water main running through the site which is a constraint but would not prevent development of the site. The site lies in Flood Zone 1, the area at least risk of flooding. These matters would need to be resolved at Technical Details stage through submission of detailed plans and reports.
- 10.9 The site is accessible to Wimblington although the A141 would need to be crossed via the refuge. It is considered that future residents would be reliant on cars but given the appeal decision outlined above and the recent planning

permissions, it appears that the Council has accepted that Eastwood End is in a sustainable location.

- 10.10 Therefore, given the strong material considerations of the recent planning permissions, it is considered that the location of development is acceptable. These decisions strongly indicate that the Council has recently treated Eastwood End as part of the growth settlement and therefore the proposal would comply with policy LP3 in principle because it comprises a parcel of land joined to the edge of the settlement.

### Use

- 10.11 The site is surrounded on three sides (including to the west of the A141) by residential development. As the proposal is for residential development, this is in keeping with the surrounding residential use of land and is therefore acceptable.

### Amount

- 10.12 The application seeks Permission in Principle (the first stage) for up to 9 dwellings which is the maximum amount of residential development that can be applied for under this type of application. Indicative drawings show 4 large, detached dwellings each with double garages. The site area is approximately 0.69 hectares. A development of 9 dwellings would equate to an approximate density of 12 to 13 dwellings per hectare which is low density. Some of the dwellings off Eastwood End have very large curtilages whilst some have smaller curtilages. It is considered that up to 9 dwellings of a modest size could comfortably fit onto the site. However, the detailed layout and design would be for consideration at the Technical Details stage. In terms of consideration of amount, the proposal is acceptable.

### Matters raised on consultation

- 10.13 Issues raised during consultation are set out as themes in the table below. Consideration is given to whether these are relevant at this PIP stage or if they fall to be considered at the technical stage.

1	Overdevelopment in "elsewhere" location (Wimblington PC)	This has been considered under the location and amount sections above
2	Infrastructure cannot cope with further development (Wimblington PC and third parties)	This would fall to be considered at the Technical Details stage, however, FDC does not seek developer contributions on schemes of less than 10 dwellings
3	Loss of green habitat and trees (Wimblington PC and third parties)	Details of tree protection, any loss of trees and hedging and new planting would be required at Technical Details stage together with an evaluation of biodiversity net loss/gain
4	Out of character with heritage and style of Eastwood End (Wimblington PC and third parties)	This application is not considering design detail, which is considered at Technical Details stage, however, in terms of location, given proximity to Wimblington, the A141 and recent residential permissions, the site is within an acceptable location and not out of

		character with the surroundings
5	Access too close to junction/highway safety (Wimblington PC and third parties)	To be considered at Technical Details stage. Detailed drawings and assessment would be necessary.
6	Need to deal with any contamination or pollution present (FDC EHO)	To be considered at Technical Details stage through submission of a stage 1 contamination assessment
7	Need for CMP (FDC EHO)	Conditions cannot be imposed at this stage. This would fall to be considered at Technical Details stage
8	Need for archaeological evaluation (CCC Archaeology)	A Written Scheme of Investigation will be required at Technical Details stage – not applicable at this stage
9	Drainage/Flooding (third parties)	The site lies in Flood Zone 1 and is acceptable in principle. Detailed drainage would be required at Technical Details Stage
10	Environmental concerns (third parties)	This comment could cover a multitude of issues, but no further clarity was provided with the comment. The site is not in a protected area and detailed consideration of the environmental concerns noted elsewhere in this table will be for consideration at Technical Details stage
11	Loss of view/outlook	Loss of the open land considered in the report. Loss of outlook to be considered at Technical Details stage
12	Visual Impact (third parties)	To be considered at Technical Details stage
13	Waste/litter (third parties)	Waste collection to be considered at Technical Details stage
14	Wildlife Concerns (third parties)	To be considered at Technical Details stage through submission of a Preliminary Ecological assessment and any necessary species surveys
15	Agricultural Land (third parties)	Considered above in location part of report
16	Light Pollution (third parties)	To be considered at Technical Details stage
17	Parking Arrangements (third parties)	To be considered at Technical Details stage

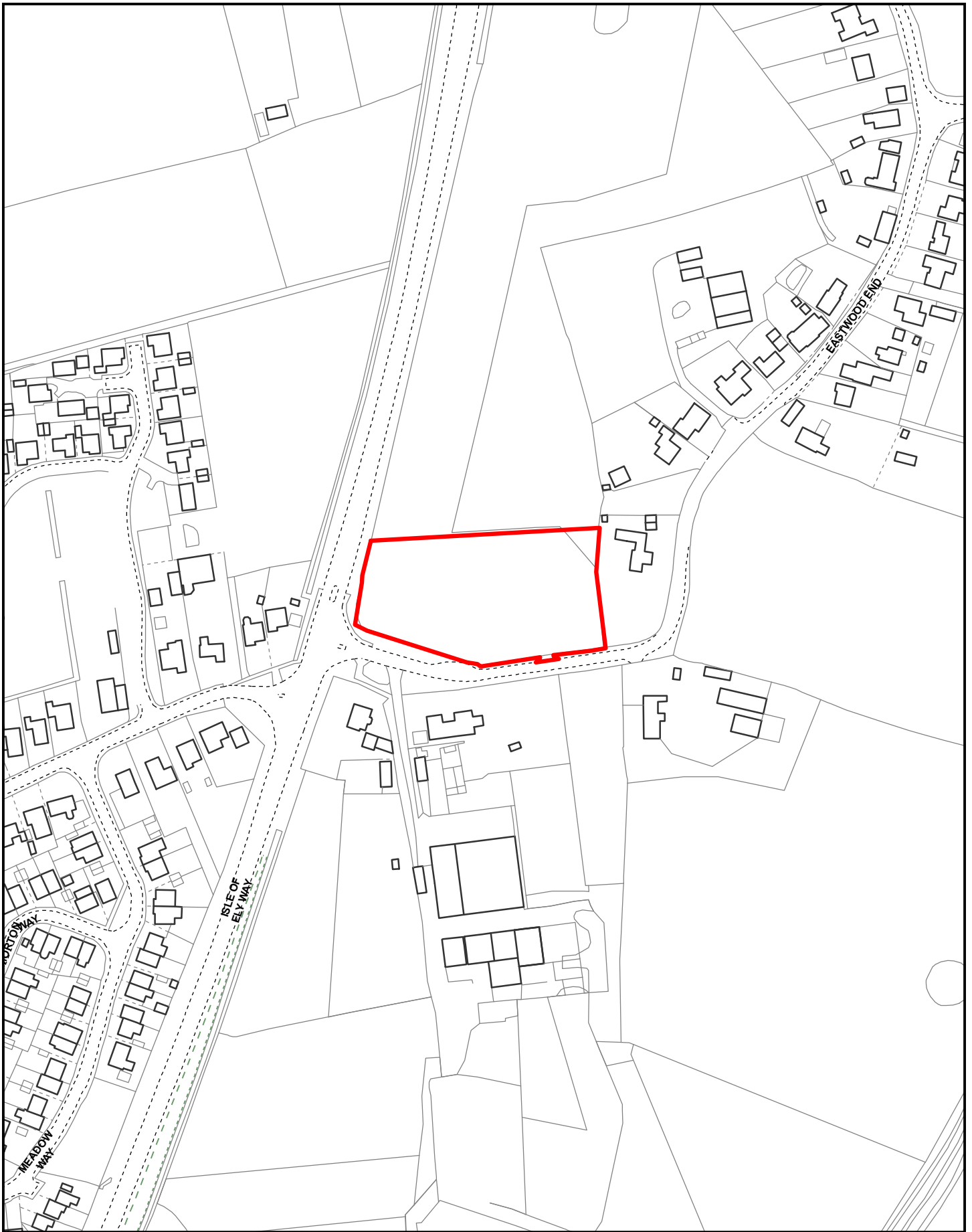
## 11 CONCLUSIONS

- 11.1 As indicated above it is only location, use and amount of development that may be considered at the first “permission in principle” stage and these elements are found to be acceptable.
- 11.2 The grant of permission in principle alone does not grant planning permission with the second part of the process requiring the “technical” details to be found “sound” in order for the site to achieve the equivalent of a grant of planning permission.

- 11.3 It should be further noted that there is no mechanism to attach conditions to a Stage 1 permission in principle with the application either being granted or refused.

## 12 **RECOMMENDATION**

### **Grant Permission in Principle**



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






**F/YR22/0884/PIP**

Scale = 1:2,500



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 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
 Where materials, products and workmanship are not fully specified they 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

**LEGEND**

-  SLAB PAVING
-  PERMEABLE BLOCK PAVING (NON SLIP)
-  GRASS
-  TARMAC
-  GRAVEL
-  EXISTING DWELLINGS
-  PAVEMENT
-  WHEELIE BINS
-  HEDGING
-  VEGETATION
-  SOLAR PANELS
-  AIR SOURCE HEAT PUMP

REVISIONS	DATE

**MORTON & HALL CONSULTING LIMITED**  
 CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ  
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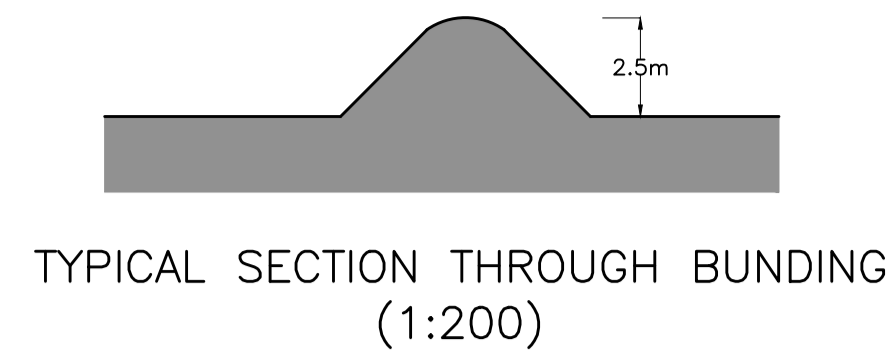
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CLIENT  
**Living the Dream Properties Ltd**

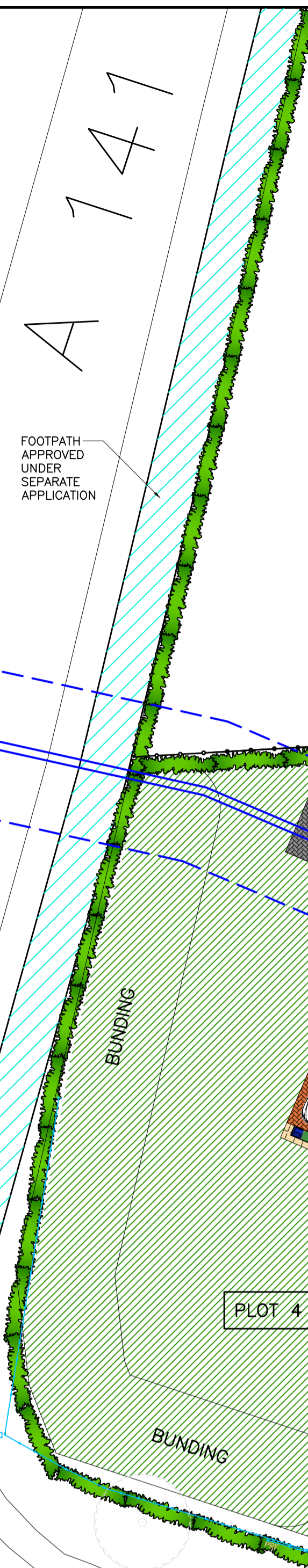
PROJECT  
**Land West of 1 Eastwood End, Wimblington Cambridgeshire PE15 0JG**

TITLE  
**Indicative Site Plan**

DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE Jun 2022	DRAWING NUMBER H8421/03
SCALE As Shown	



FOOTPATH APPROVED UNDER SEPARATE APPLICATION



POST AND RAIL FENCE

1.8m HIGH CLOSE BOARDED FENCE

EASTWOOD END

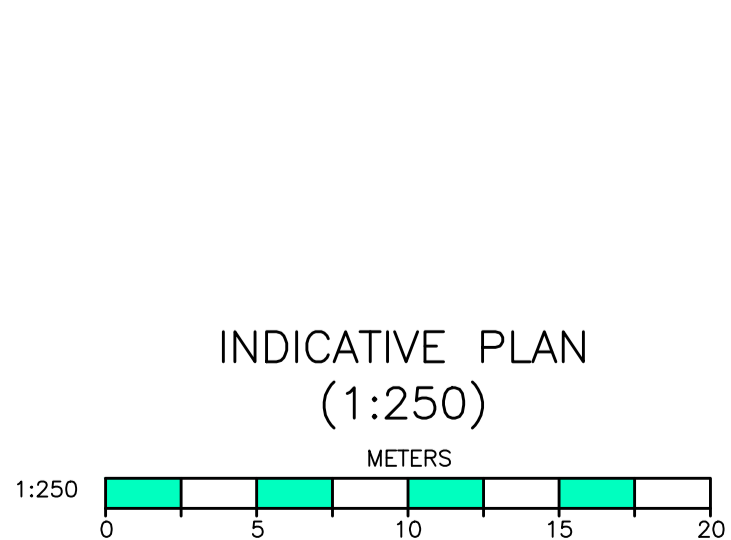
PROPOSED FOOTPATH LINK ALREADY APPROVED

PROPOSED FOOTPATH LINK ALREADY APPROVED

PRIVATE ACCESS ROAD

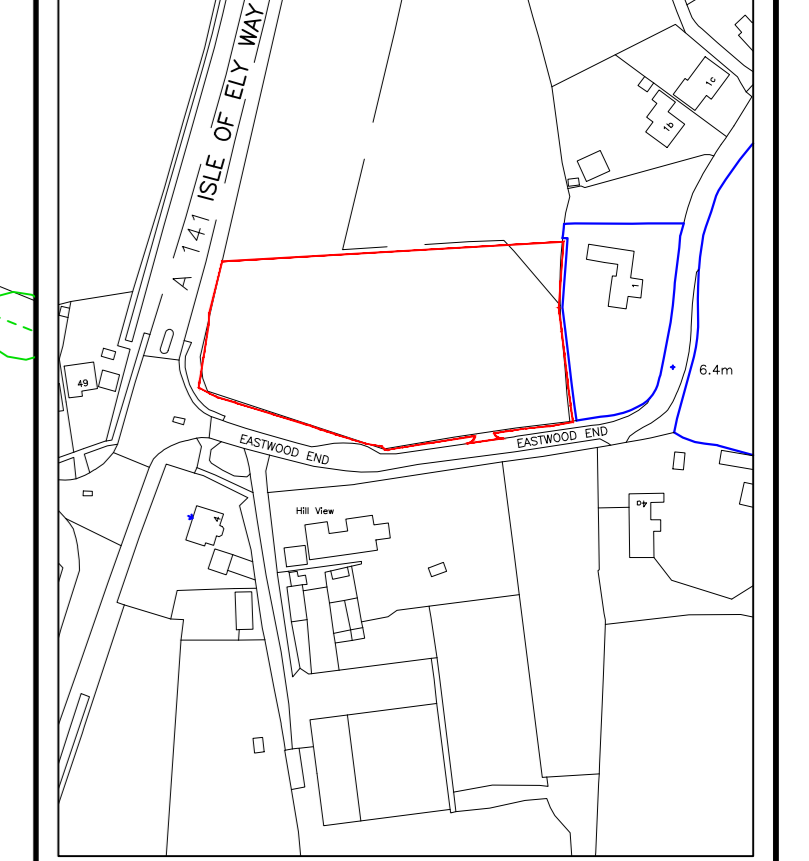
Hill View

INDICATIVE PLAN (1:250)



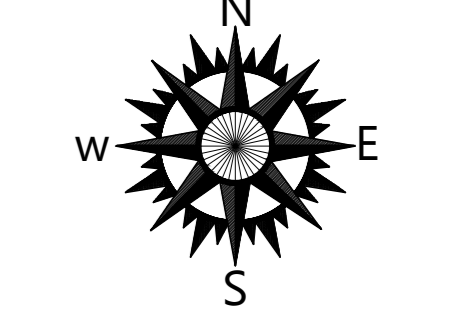


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 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
 Where materials, products and workmanship are not fully specified they are to be of the standard 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 CEN 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 BCU (or MHC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.

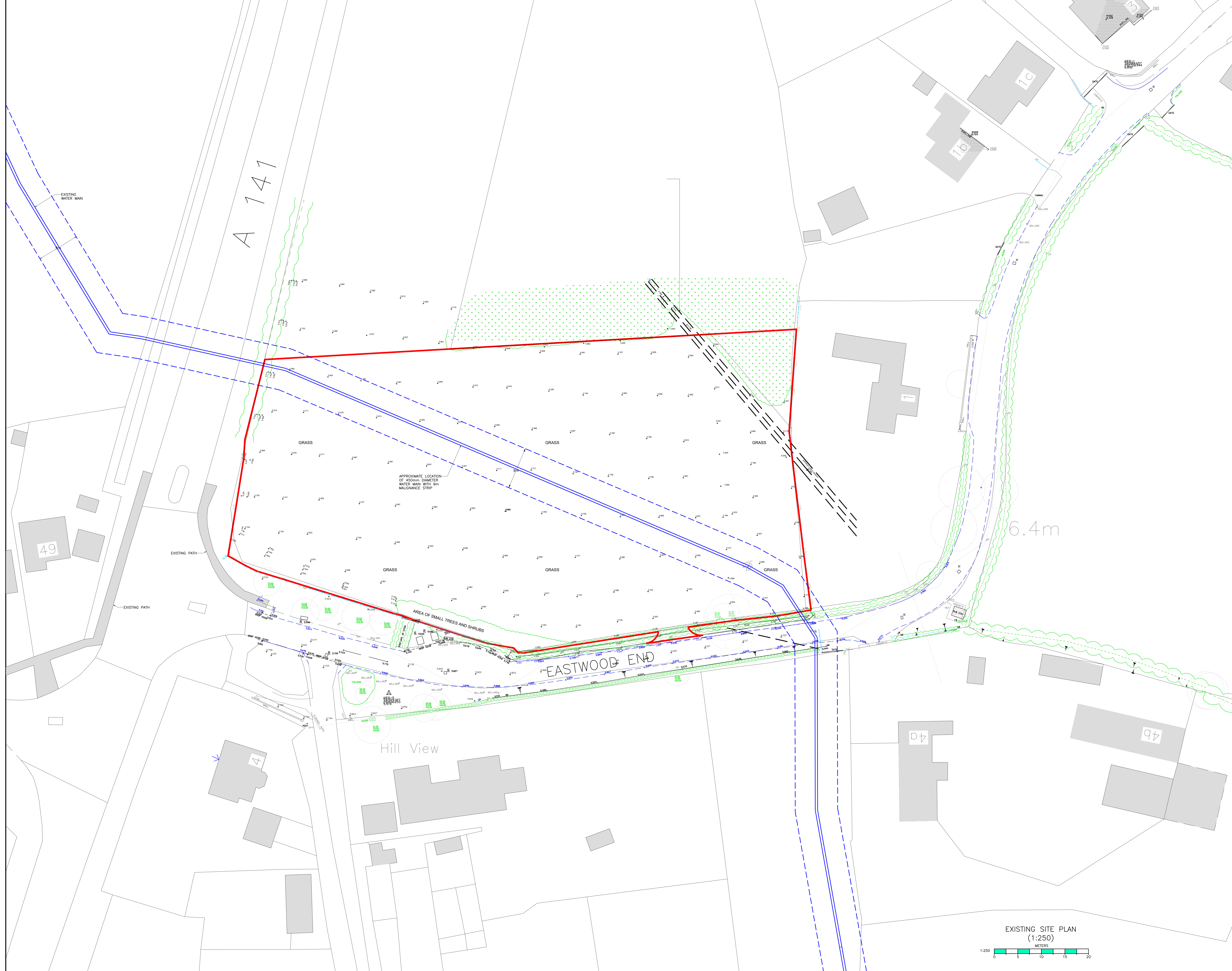


LOCATION PLAN (1:2500)

1:2500  
 0 20 40 60 80 100  
 METERS



— SITE  
 - - - LAND UNDER SAME OWNERSHIP



EXISTING SITE PLAN (1:250)  
 1:250  
 0 5 10 15 20  
 METERS

A	PLANNERS COMMENTS	JUL 2022
	REVISIONS	DATE

**MORTON & HALL CONSULTING LIMITED**  
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Fenland District Council  
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Living the Dream Properties Ltd

Land West of 1 Eastwood End, Wimlington Cambridgeshire PE15 0QQ

Existing Site Plan/Layout

DESIGNER	R.Papworth	CHECKED BY	
DATE	July 2022	PROJECT NUMBER	H8421/01_A
SCALE	As Shown		

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F/YR22/0939/FDC

**Applicant: Fenland District Council**

**Agent : Mr R Harrington  
BHD Ltd**

**Land South Of 55, Wood Street, Chatteris, Cambridgeshire**

**Erect up to 2no dwellings (outline application with all matters reserved)**

**Officer recommendation: Grant**

**Reason for Committee: Application by FDC and the Officer recommendation is contrary to that of the Town Council**

## 1 EXECUTIVE SUMMARY

- 1.1 The site relates to an open parcel of land situated on the eastern side of Wood Street within the built environment of Chatteris, a Market Town.
- 1.2 The proposal seeks outline planning permission, with all matters reserved, for up to two dwellings. As an application for outline planning permission, the matter for consideration is the principle of the development of the site for residential purposes.
- 1.3 The indicative site plan demonstrates the site is capable of sustaining two dwellings with on-site parking and private amenity space. Furthermore, the proposal is supported by CCC Highways who raise no objections.
- 1.4 Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that outline planning permission be granted, subject to the imposition of appropriate conditions.

## 2 SITE DESCRIPTION

- 2.1 The site is situated on the eastern side of Wood Street within an open parcel of undeveloped land laid to grass. The site is bordered by residential properties to the north, west and south with the site of Chatteris Leisure Centre to the east. A sign for the leisure centre along with street paraphernalia currently occupies the site.
- 2.2 The site is within Flood Zone 1, an area at lowest risk.

## 3 PROPOSAL

- 3.1 This application seeks outline planning permission with all matters reserved for future consideration in respect of the erection of up to two dwellings.
- 3.2 Full plans and associated documents for this application can be found at: [F/YR22/0939/FDC | Erect up to 2no dwellings \(outline application with all matters reserved\) | Land South Of 55 Wood Street Chatteris Cambridgeshire \(fenland.gov.uk\)](#)

## **4 SITE PLANNING HISTORY**

4.1 There is no recent formal history for this site.

## **5 CONSULTATIONS**

### **5.1 Chatteris Town Council**

*Recommend Refusal, over-development of site, not in keeping with the area, loss of visibility splay will reduce vision to the right for vehicles leaving the car park.*

### **5.2 Middle Level Commissioners**

*The Board's district is an area which requires special local measures and infrastructure to reduce and manage the risk of flooding to people, land and properties. The Board maintains and controls the major watercourses (known as Board's drains) and associated structures such as pumping stations in its district, through the powers vested in it under various Acts of Parliament and its Byelaws, the Byelaws restrict certain action sin and around the watercourse system, including actions that restrict the Board's access for necessary maintenance, unless the consent of the Board has been obtained. Any consent required from the Board is in addition to planning or other permissions.*

*The Board does recognise that development pressures exist and where possible it tries to offer the option of accommodating additional flows and volumes created by development. In this case, a one-off fee is payable.*

*It is your duty to show us that your development has considered flood risk, both to your site, and nearby properties. If you can prove that your development will not lead to any extra water entering the Board's drains, there is no charge to you. If an increase in surface water or foul water is proposed and can be accommodated it must be slowed as much as possible before discharging into the Board's drains, and there will be a one-off charge due to be paid depending on the amount and speed of water released. This charge will help the Board maintain and improve its system to ensure that new development does not increase flood risk to existing land or property. You must complete the relevant forms and return them to us, with any required fees, to tell us how you are intending on managing the water generated by your development.*

### **5.3 CCC Highways**

*No objection*

### **5.4 FDC Environmental Health**

*The Environmental Health Team have 'No Objection's to the proposed development at this location as it is unlikely to affect or be affected by the existing noise or air climate.*

*Our records show there was once a nursery in this area although little development has since taken place. We would however recommend in the event planning permission is granted, that the 'Unsuspected Contaminated Land' condition is added in case contamination not identified previously is detected during the course of the development.*

*Reason: To protect future users and occupiers of the site and the natural environment.*

### **5.5 Local Residents/Interested Parties**

*None received.*

## **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**

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP10 – Chatteris

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

LP16 – Delivering and Protecting High Quality Environments across the District

### **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local 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

## **8 KEY ISSUES**

- **Principle of Development**
- **Visual and residential amenity**
- **Highways/parking**
- **Flood Risk**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1 As an application for outline planning permission, the matter for consideration is the principle of the development of the site for residential purposes.
- 9.2 Policy LP3 of The Fenland Local Plan identifies Chatteris as a 'Market Town' where the majority of the district's housing should take place. As such, the principle

of the development is acceptable subject to compliance with all other policies as set out below.

### **Visual and residential amenity**

- 9.3 The scheme is for the construction of up to 2 dwellings and the indicative site plan demonstrates the site is capable of sustaining two dwellings with onsite parking and private amenity space.
- 9.4 The dwellings are likely to appear as a continuation of the built form to the north and therefore their presence is considered to be acceptable subject to their final appearance and layout, which are reserved matters. Plot sizes also reflect the properties to the north.
- 9.5 In terms of built development, the reserved matters application(s) will fully assess the impacts of matters such as overlooking, overshadowing and loss of privacy, both in relation to the dwelling proposed and the impact upon neighbouring properties. It is however accepted that the quantum of development sought could be accommodated by the application site without significant harm to residential amenity.

### **Highways/parking**

- 9.6 Whilst access and layout are reserved matters and are not for consideration at this stage, in principle, it has been demonstrated on the indicative layout that the site could be satisfactorily accessed and has capacity for the quantum of development proposed, including parking arrangements. Furthermore, the proposal is supported by CCC Highways who raise no objections.
- 9.7 It is accepted that the visibility splay for the Leisure Centre access road falls within the site. It is considered that a satisfactory layout for the proposed quantum of development could be achieved at reserved matters stage to ensure the visibility is protected.

## **10 CONCLUSIONS**

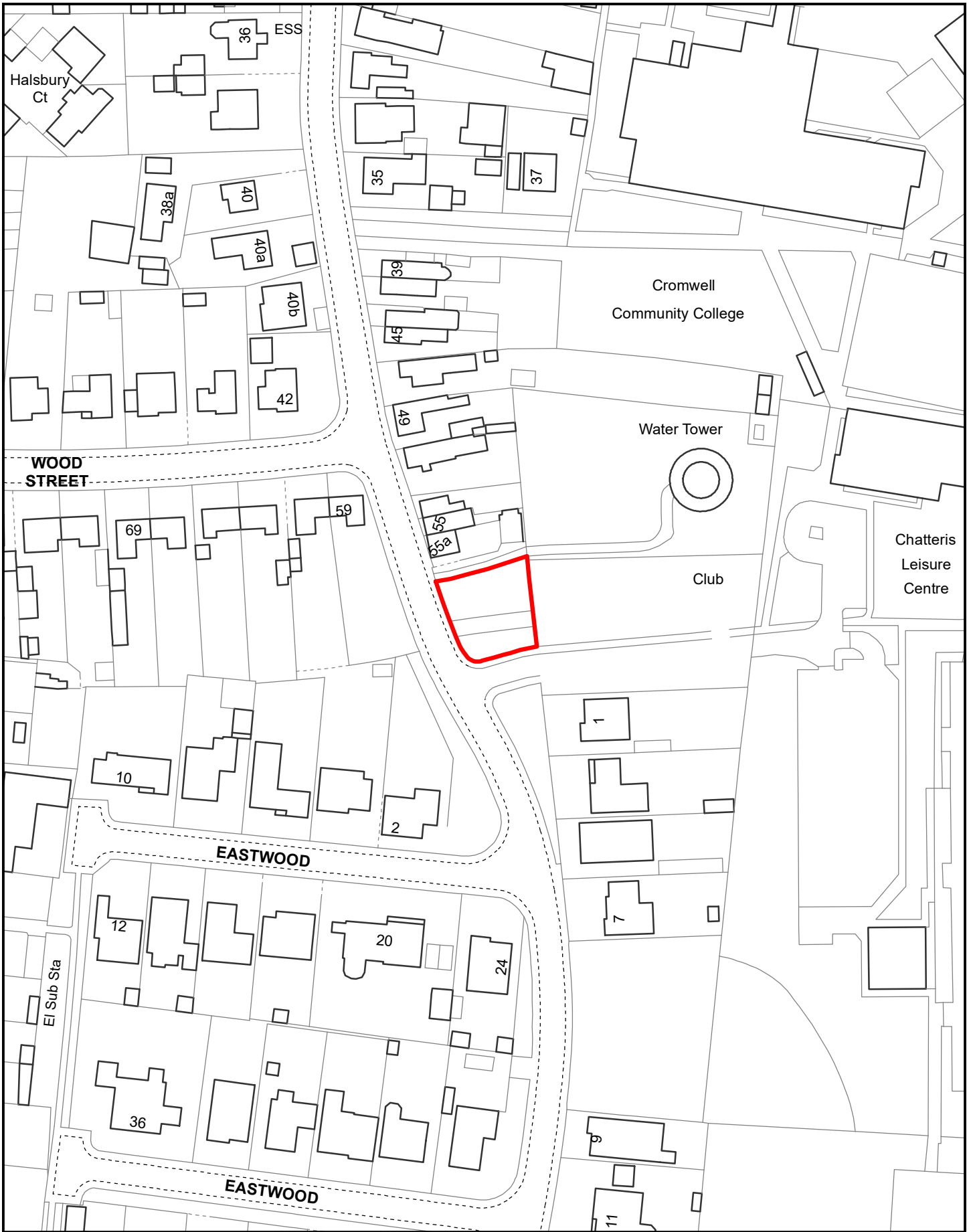
The objective of an outline application is to determine if the principle of residential development at the application site is acceptable. The principle to develop the site for residential use is considered acceptable with regard to necessary local and national planning policies.

## **11 RECOMMENDATION**

### **Grant**

<b>1</b>	Approval of the details of:  i. the layout of the site ii. the scale of the building(s); iii. the external appearance of the building(s); iv. the means of access thereto; v. the landscaping
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	<p>(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
<b>2</b>	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
<b>3</b>	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
<b>4</b>	<p>The residential elements of the development shall not exceed 2 dwellings (Use Class C3).</p> <p>Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
<b>5</b>	<p>The landscaping details to be submitted in accordance with Condition 01 of this permission shall include:</p> <ul style="list-style-type: none"> <li>a) existing and proposed site levels including those on adjacent land.</li> <li>b) means of enclosure ensuring that adequate gaps are provided under any new fencing to allow for the passage of hedgehogs.</li> <li>c) car parking, vehicle and pedestrian access (which shall be of a bound material)</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, a range of native tree and shrub species should be included.</li> <li>f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife</li> </ul> <p>All works shall then be carried out in accordance with the approved details.</p> <p>Reason - To ensure the appearance of the development is satisfactory and contributes to the visual character and amenity of the area and to protect the character of the site and enhance biodiversity in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
<b>6</b>	Approved Plans



Created on: 19/08/2022

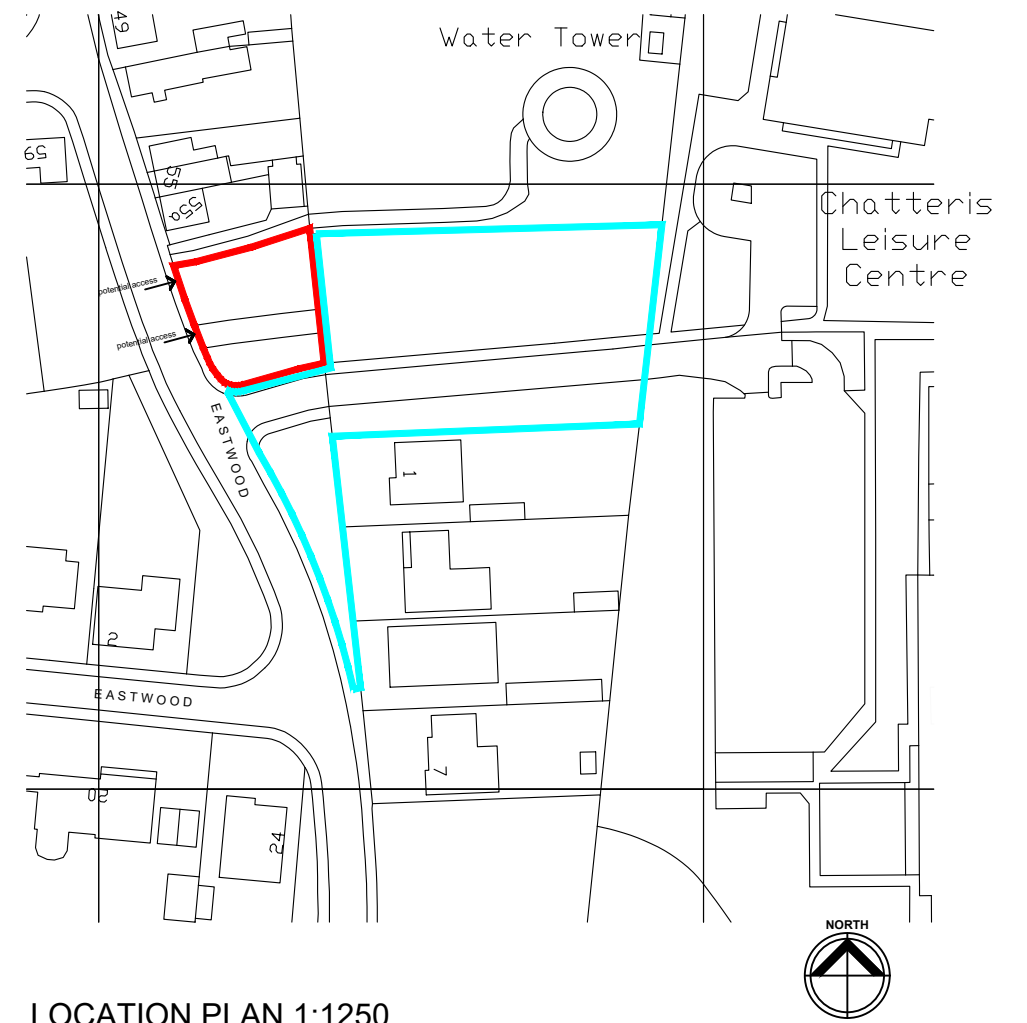
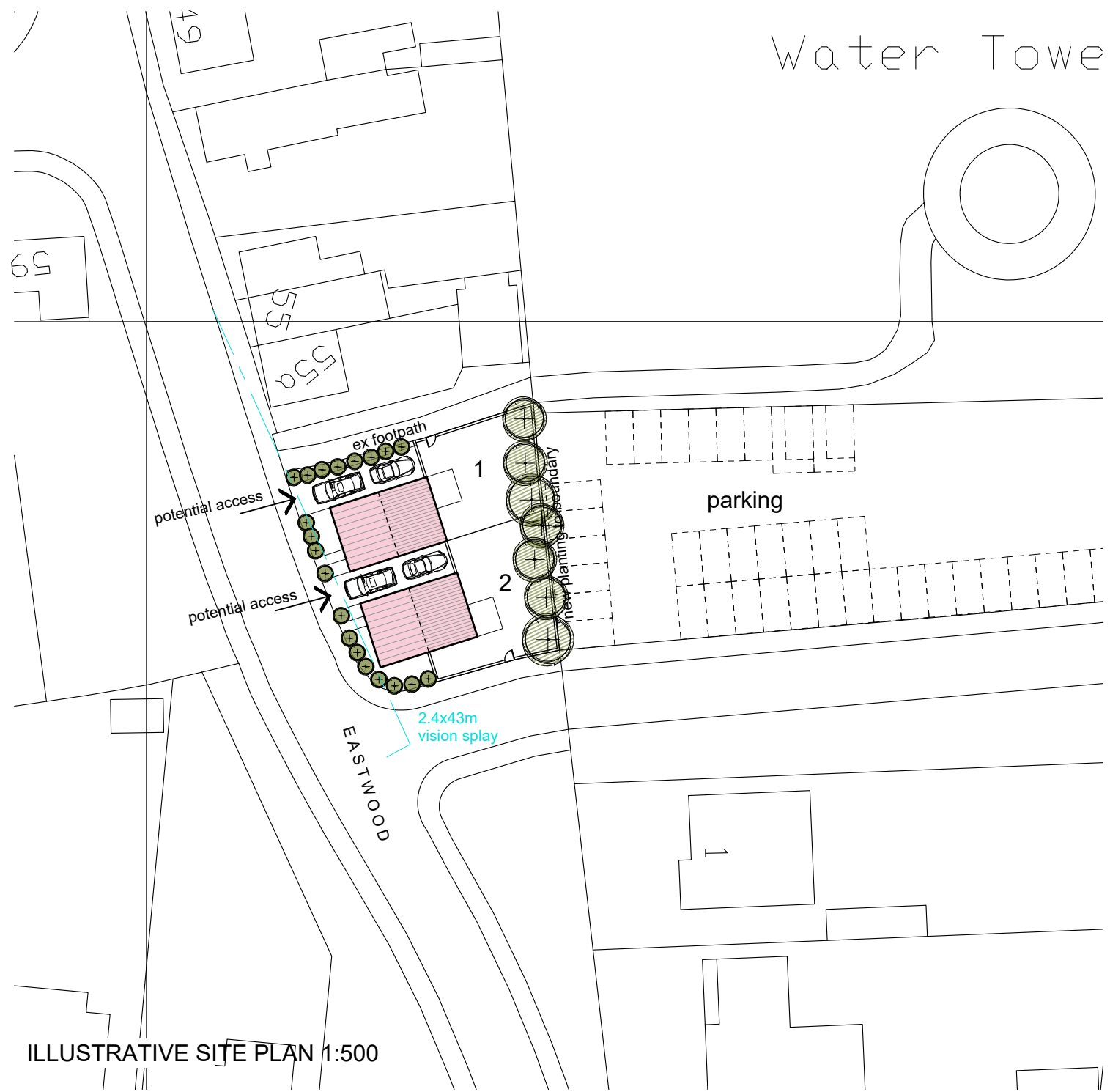
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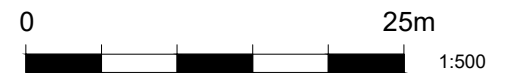






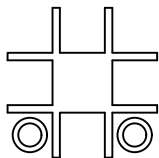
LOCATION PLAN 1:1250

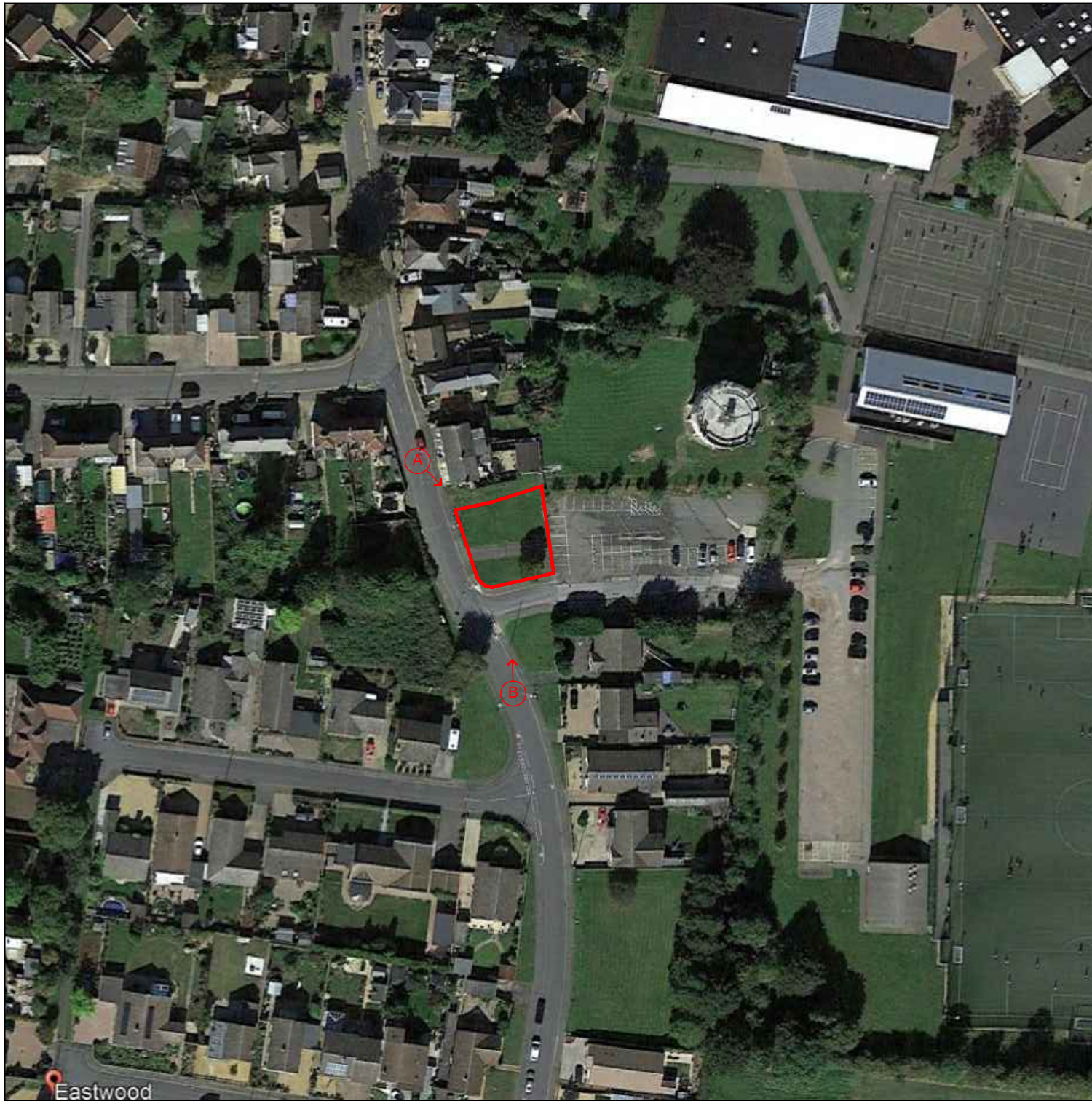
Site area = 440 sq.m



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REVISION:	DATE:	DRAWN:	CHECKED:	DESCRIPTION:
A	08.08.22	BH	-	MINOR REVS.

 <b>bhd</b> R. HARRINGTON, 1st FLOOR 12 CHURCH SQUARE LEIGHTON BUZZARD BEDS. LU7 1AE Tel: 01525 854770 Fax: 01525 854778	PROJECT: <b>EASTWOOD CHATTERIS</b>	
	DRAWING TITLE: <b>PROPOSED DEVELOPMENT PLAN</b>	SCALE: 1:500 1:1250
	DRAW DATE: 06.06.22	DRAWN: CHECKED: AC BH
DRAWING STATUS: <b>OUTLINE PLANNING</b>	REVISION DATE: 08.08.22	REVISION: BH B-H
		PROJECT CODE: 2222
		DRAWING NUMBER: <b>PL-01</b>
		SHEET: <b>A3</b>



GOOGLE EARTH PLAN OF SITE



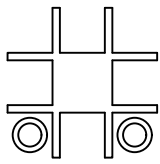
GOOGLE STREET - VIEW 'A'



GOOGLE STREET - VIEW 'B'

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REVISION:	DATE:	DRAWN:	CHECKED:	DESCRIPTION:

 <b>bhd</b> R. HARRINGTON, 1st FLOOR 12 CHURCH SQUARE LEIGHTON BUZZARD BEDS. LU7 1AE Tel: 01525 854770 Fax: 01525 854778	PROJECT: <b>EASTWOOD CHATTERIS</b>		
	DRAWING TITLE: <b>CONTEXT PLAN</b>	SCALE: NTS	
	DRAW DATE: 06.06.22	DRAWN: CHECKED: AC BH	
DRAWING STATUS: <b>OUTLINE PLANNING</b>	DRAWING NUMBER: <b>PL-02</b>	PROJECT CODE: 2222	
REVISION DATE:	DRAWN: CHECKED:	REVISION:	SHEET: <b>A3</b>

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