

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 14 DECEMBER 2022

1.00 PM

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

Committee Officer: Jo Goodrum
Tel: 01354 622285
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Whilst this meeting is being held in person, we would encourage you to view the meeting via You Tube: https://youtu.be/uiK_Dr8Sr7I

1 To receive apologies for absence.

2 Previous Minutes (Pages 5 - 32)

To confirm and sign the minutes from the previous meeting of 16 November 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/YR22/1076/F

Land West of 1 King Edward Road, Chatteris
Erect 3 dwellings (2-storey, 2-bed) (Pages 33 - 50)

To determine the application.

- 6 F/YR22/0709/O
Land East Of Station Farm, Fodder Fen Road, Manea
Erect up to 5 dwellings (outline application with matters committed in respect of access) including formation of a footpath on the western side of Fodder Fen Road (Pages 51 - 70)

To determine the application.
- 7 F/YR21/1141/O
45 Westfield Road, Manea
Erect up to 2no dwellings (outline application with all matters reserved) involving demolition of existing dwelling (Pages 71 - 80)

To determine the application.
- 8 F/YR22/0942/FDC
Garage Site, Drybread Road, Whittlesey
Erect up to 5 x dwellings involving the demolition of existing garages (outline application with all matters reserved) (Pages 81 - 96)

To determine the application
- 9 F/YR22/1149/F
Land East of Highland View, Benwick Road, Doddington
Erect 3 x dwellings (2-storey 4-bed), and the formation of an access (Pages 97 - 112)

To determine the application.
- 10 F/YR22/0706/O
Land East of Sandbank Farm House, Sandbank, Wisbech St Mary
Erect up to 4no dwellings (outline application with matters committed in respect of access) (Pages 113 - 124)

To determine the application.
- 11 F/YR22/1187/FDC
Land North of 6 Riverside Gardens, Parson Drove
Erect 1x dwelling involving demolition of existing garage block (outline application with matters committed in respect of access) (Pages 125 - 136)

To determine the application.
- 12 F/YR21/1421/F
Land North of Knowles Transport, Blue Lane, Wimblington
Formation of a car park and access, and the erection of 2.0-metre-high palisade fencing, gates and 10 x 3m high lighting columns (Pages 137 - 152)

To determine the application.

13 F/YR22/0966/O

Land North of Windy Willows, Church Lane, Tydd St Giles
Erect up to 2 x dwellings and the formation of an access (outline application with matters committed in respect of access) (Pages 153 - 164)

To determine the application.

14 F/YR22/1123/PIP

Land East of Chardor, Needham Bank, Friday Bridge
Residential development of up to 9 x dwellings involving the formation of 9 x new accesses (application for Permission in Principle) (Pages 165 - 174)

To determine the application.

15 F/YR22/1124/PIP

Land West of Railway Carriage, Needham Bank, Friday Bridge
Residential development of up to 4 x dwellings involving the formation of 4 x new accesses (application for Permission in Principle) (Pages 175 - 184)

To determine the application.

16 TPO03/2022

Land adjacent to St Leonards Cemetery, Church Road, Leverington
TPO in respect of the 1 x Poplar tree, 1 x Sycamore tree, 1 x Hawthorn, 6 x Ash Trees and 2 x groups of Ash trees within a conservation area (Pages 185 - 190)

To determine a Tree Preservation Order within a Conservation Area.

17 Items which the Chairman has under item 3 deemed urgent

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

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PLANNING COMMITTEE



WEDNESDAY, 16 NOVEMBER 2022 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor Mrs K Mayor, Councillor A Miscandlon (Substitute), Councillor P Murphy, Councillor R Skoulding and Councillor W Sutton.

APOLOGIES: Councillor C Marks and Councillor M Purser.

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

P66/22 **PREVIOUS MINUTES**

The minutes of the previous meeting of the 19 October 2022 were agreed and signed as an accurate record, subject to the following clarification/amendment:

- Councillor Sutton clarified that under reference F/YR21/1072/FDL, first bullet point of the members debate where he mentioned that the anomaly between the two schedules is unprofessional, that he was referring to the person who produced the plans and the comment was not aimed at any of the Council's officers;
- in reference to F/YR22/0604/F, first bullet point of the members debate, the word 'not' is missing and it should read "it does NOT alleviate the overlooking he can foresee from looking out of the window into the back garden of number 60 and he agrees with officer's recommendation".

P67/22 **F/YR22/0381/F** **LAND SOUTH OF 88 WEST STREET, CHATTERIS** **ERECT 22 X DWELLINGS (4 X 2-STOREY 2-BED, 15 X 2-STOREY 3-BED AND 3 X** **2-STOREY 4-BED) WITH ASSOCIATED PARKING AND LANDSCAPING AND THE** **FORMATION OF ATTENUATION PONDS INVOLVING THE DEMOLITION OF** **EXISTING BUILDINGS**

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

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

Members received a presentation, in accordance with the public participation procedure, from Ian Salter, an objector to the application. Mr Salter stated that he lives in Fairview Avenue, which is adjacent to the area of the planning application, and he is also the Neighbourhood Watch Coordinator of the Fairview Estate of 65 houses, with the proposal causing great consternation amongst the residents of the estate and many people have approached him to represent their views, fully supporting the officer's recommendation for refusal. He stated that he intends to comment on four matters, drainage and flooding, employment, Middle Level Commissioners and the Local Plan.

Mr Salter stated that D&M Engineering occupy the buildings and the residents of the Fairview estate are proud to have them on the site and none of them have complained about the company or have supported the application. He pointed out that the company were key workers during the pandemic, and they had and continue to have the contract to look after the Amey waste treatment and collection vehicles including large metal structures at their waste tips. He stated that in the first report it explains that the company are in the process of relocating, however, in his view, this is not correct and the company does not wish to move from the site and has not identified another alternative site in the Chatteris area and he had requested that the Planning Officer should make contact with the company to clarify the situation, however, he appreciates that this was not the normal procedure.

Mr Salter stated that the applicant was contacted and in the latest report the applicant has now stated that the buildings are in a poor and unsafe condition, contain asbestos and are unsuitable for further use. He expressed the opinion that there have been no recent inspections of the buildings and the company is of the view that the buildings are safe for continued use into the foreseeable future but made the point that if the application were to be approved the company would be forced to move and the business would be likely to have to leave Chatteris and change its business model and possibly reduce its workforce.

Mr Salter stated that with regards to drainage and flooding there have been objections to the application which have included concerns about flooding in numbers 1 and 3 Fairview Avenue caused by drainage issues and the two properties in question suffer from annual drainage problems and flooding at the bottom of their gardens and it appears that the level of the new housing will be higher than the land at the two bungalows which will clearly make the situation worse. He stated that he has a scrapbook of when a similar situation arose at Lode Way in Chatteris when new buildings were built adjacent to all dwellings and the local paper at the time carried many stories about the situation with the Council and Local MP becoming involved and it took two years for a resolution to be found and he expressed the view that he does not want to experience the same situation in Fairview Avenue.

Mr Salter stated that with regard to the Middle Level Commissioners (MLC), in the previous report the Environment Agency and the County Council Lead Local Flood Authority (LLFA) strongly recommended that the applicant should contact the MLC with regards to flood risk associated with the proposed watercourse and surface water drainage proposals and in the latest report it states that the LLFA have recommended that the MLC should be contacted but there is no evidence to suggest this has happened. He referred to the Local Plan, with neither the 2014 or the emerging Local Plan identifying the land as being suitable for development and the emerging Local Plan draws a red line around Chatteris and inside the red line there is sufficient land identified to meet all of the development needs of Chatteris and the line runs along the rear fences of Fairview Avenue, with the barns and associated land being outside of the red line and have not been recommended for development.

Mr Salter made the point that the officer's report suggests that it is too early to use the emerging Local Plan when considering the application, which he disagrees with and he feels that the MLC will have had an important input into the emerging Local Plan and in particular they will have taken a strong line into the positioning of the red line. He expressed the opinion that the planning process is somewhat daunting for individuals who have not dealt with the planning process, and it would be something he would be happy to discuss with officers going forward and thanked the Planning Officer for her professionalism when assisting the residents with queries.

Members received a presentation, in accordance with the public participation procedure, from Kate Wood, the agent. Ms Wood thanked the officers for their help in bringing the application back to the Planning Committee, with members resolving, at the committee meeting in August, that the proposal was acceptable but had requested further detail with regards to the improvements to the byway that serves the site which is to be improved with the proper surface and footway. She

explained that updated plans have been submitted which show the changes to plot one to improve the relationship with number 88 and plans showing the road and pavements, which as a result of those changes has meant that the drainage strategy also needed to be updated because the roads will now positively drain into the existing surface water system rather than running off into the grass verge which the LLFA have stated they are now happy with this as well as the EA and Anglian Water.

Ms Wood explained that an arboricultural method statement and ecological survey has also been undertaken for the extra area where the road is being improved which shows how the works to the pavements will be carried out in a way which protects trees on the adjacent land and which the arboricultural officer is happy with. She added that there is no further impact on biodiversity and she anticipates that these matters will be subject to conditions which will require compliance should the application be approved.

Ms Wood explained that a Construction Management Plan was a matter which had been raised by Councillor Mrs French and, therefore, one has been submitted which officers are content with apart from the working hours and the wheel washing machinery to be used and she would expect a condition to be applied requesting an amended Construction Management Plan with preferred construction hours should the application be approved. She referred to highway matters and stated that the process for providing the new tarmac part of the roads and pavements at the end of West Street involves requesting a Definitive Map Modification Order (DMMO) due to the fact that the route is a byway which is open to all traffic on the definitive map which the County Council is responsible for maintaining.

Ms Wood explained that the County Council does not hold a record of the width of the byway or its alignment for which she would normally submit a request for a Section 278 Works Order for works within a highway boundary, however, in this case the definitive map needs to be modified first by way of adding information about the width and alignment of the byway so that the Highway Authority can then deal with the Section 278 application for highway works. She stated that the process has already been commenced and a Countryside Access Consultant has been instructed to carry out extensive historical investigations which has resulted in the width of the byway being clarified as being 30ft and this research work will form part of the application for the management order which will reduce the time taken to deal with that order as the research has already been undertaken.

Ms Wood stated that once the order is made, and the byway is clearer, the application for the 278 works can be applied for, with the only risk that she can foresee in the process for the order may result in another landowner coming forward to claim ownership of part of the subsoil and if that happens the applicant will need to purchase that land from them, however, in her view, that is unlikely as she has already served Ownership Certificate C with the planning application which includes sites and press notices. She made the point that if anybody was going to come forward and claim ownership of any unregistered land they would have done so by now and the current owner of the application site is in the process of registering the land adjacent to the byway with the Land Registry.

Ms Wood pointed out that the County Council have been maintaining the byway for a long period of time with nobody claiming the subsoil and the DMMO process has to be carried out but, in her opinion, it is clear that the risks are minimized with the research work having been carried out and, therefore, she is confident that planning permission could be granted with conditions, preventing any works prior to the access being approved under the Section 278 highway process which will ensure that the development will not be constructed or occupied. She added that conditions preventing any works prior to the access being approved under the Section 278 highway process will not be constructed without the proper standard of road being in place.

Members asked Ms Wood the following questions:

- Councillor Murphy stated that the committee are here to make a decision and from the presentation it would appear that the level of detail is still not available and the DMMO is still to be signed off. He asked why committee should consider the application when the information required is still incomplete or missing? Ms Wood responded that, in her view, the answers have been provided as the process to ensure the highway is able to be provided securely is now clear. She added that there has been a great deal of work which has been undertaken directly with the County Council Rights of Way Officer and the Highway Officer, with the Rights of Way Officer being concerned that the information concerning the byway was missing even though the County Council have been maintaining it for many years. Ms Wood explained that a very large report was completed containing a great deal of historical detail which identified that the byway has been in place since the 1800's. She stated that the land is not registered which is very often the case in rural areas and the farmer who is selling the land to the applicant is now registering the land as he has been maintaining the land which is not the highway. Ms Wood made the point that in August the committee were content that the land could be utilized for housing but had asked for clarification on the use of the highway which, in her view, has been provided.
- Councillor Murphy stated that permission for land ownership takes some considerable time as he knows from experience and if the applicant has only just requested for the land to be registered there is at least a two year wait. Ms Wood stated that there are two processes for the registration of land with Land Registry and she does appreciate that they have a backlog which she believes is three months. She explained that the DMMO process is necessary to clarify on the definitive map that the byway is 30ft and that is the process that can take two to three years but the main reason that gets delayed is because the County Council does not have the time to do the research which is the process that takes the longest, hence she commissioned someone to do that research and they have consulted with the Highway Team and potentially it could be a year for the process to be finalised but it could be expedited if planning permission is approved.
- Councillor Miscandlon expressed the opinion that the application is incomplete and does not contain the information and detail required. He added with regards to Land Registry and ownership in his experience the process can take up to five years and anyone can come forward during that time to put a claim on the land.
- Councillor Sutton stated that at the meeting in August another member had questioned the level of detail around the Section 106 contributions which, in his opinion, resonated with members, and they may have supported the application. He made the point that he has noted that the over and above the already committed Section 106 contributions, the NHS have now requested £13,222.33 and he asked whether that request was going to have any effect on the provision of the other monies and social housing and will that request be agreed to? Ms Wood stated that there is no option other than to agree to it and she added that if she does not sign up to the Section 106 then the planning permission will not be granted. She added that she is aware of the NHS late response, but it has set out proper planning reasons why that money is required, which is to support the local Health Centre providing actual nursing staff. Councillor Sutton addressed Ms Wood and stated that one member had previously questioned whether she would be coming back with a viability assessment to avoid paying the Section 106 monies and at that time she had categorically stated that would not be the case and he questioned whether that opinion was still current. Ms Wood stated that she has not brought a viability assessment back as the applicant has carried out his viability work and has stated that he will pay an appropriate amount of money for the land should planning permission be granted that reflects his costs of building and all the other associated costs. She added that the applicant has calculated that he can recover money by selling plus the standard amount of profit and that is why she has not brought a viability assessment back. Councillor Sutton asked Ms Wood whether she can guarantee that she will not be submitting one and Ms Wood responded that she cannot guarantee anything but there is nothing to suggest that there needs to be a viability assessment.

- Councillor Mrs French stated that there have been many instances where applicants state that they are not going to come back with viability, however, they do and especially in the current economic climate with regards to the increase in building costs that really does concern her.

Members asked officers the following questions:

- Councillor Connor advised the committee that Shane Luck from the Highway Authority is also present to answer members questions and queries.
- Councillor Mrs French asked the Highway Officer whether he is satisfied with the proposal before the committee or whether he has any concerns? Mr Luck responded that he is satisfied with the design as the applicant is proposing a five-metre carriageway and a 1.8 metre footway, however, he does not have certainty that the highway works are deliverable under highway legislation. Councillor Mrs French asked whether the Public Rights of Way Officer has any thoughts on the proposal? Mr Luck stated that the Public Rights of Way Officer has the same views to his own and he added that based on the report commissioned by the applicant, the views of both himself and the Public Rights of Way Officer is that the width of the highway is probably 30 feet, however, until the time the DMMO is made that is probable and not confirmed and until that is in place there is no certainty on the extent of the byway and the area in which highway works can be carried out.
- Councillor Sutton stated that he can recall an appeal decision where a planning committee agreed that an application was granted due to the fact that members were content with the detail encompassed in the application as there was some benefit to the town and then subsequently the application came back and at that stage it was refused because the applicant had not provided what had originally been promised. He stated that at appeal stage it was upheld, and asked officers if they recalled the application that he is referring to albeit at another authority? Nick Harding stated that he does not recall that application and appeal and stated that the scenario is not something that is being used to determine the application, it is something that may happen in the future and the application now needs to be determined in its current state. He added that if planning permission is granted subject to a Section 106 Agreement, the agreement is entered into and if the applicant and developer subsequently comes back and asks for a reduction to their Section 106 offer, the Council does have to consider that request and then makes a decision on the evidence provided which is based around viability.
- Councillor Cornwell asked officers to clarify that today the committee are only considering the highways elements of the application or is the application being considered as a whole? Nick Harding stated that the resolution at the previous committee was to defer the application to obtain greater clarity in respect of the highway proposal and the committee did not agree with the other reasons for refusal that were put forward by officers at that time. He explained that the officer's presentation today, along with the agent's presentation, has resulted in alterations of a slight nature to some elements of the scheme and, therefore, the committee are looking at whether the access proposal is acceptable or not. Councillor Cornwell stated that as he was not present at the previous committee when certain elements of the application were discussed he will take no further part in this item or vote on the proposal.
- Councillor Benney stated that the application was deferred on highway grounds previously and the agent has submitted plans to bring the proposal forward and the Highways Authority have stated in the report that they suggest that the proposal should be deferred for further information. He asked that if the proposal was granted, could there be conditions applied to state that the site can only be built out if the land issue can be resolved and if all the requirements can be met then the scheme can proceed? He added if it gets approval, and the Highway Authority are not happy and the detail or the land ownership does not come forward then the proposal would not be built out anyway as it would not meet the criteria for it to proceed. Nick Harding stated that the officer recommendation is for refusal which includes highway grounds, and the Council should not be granting planning permission for a scheme which might end up being incapable of implementation. He added that it is a

principle of the planning system that approval should only be given to developments which are physically capable of implementation.

- Stephen Turnbull, the Legal Officer, stated that should the committee be minded to grant planning permission today, even if the view is that there is not a strong prospect of the highway's issues being resolved then the committee can legally do so. He added that the policy is that such permissions should not be granted normally if the views of the committee are that they do not think that the proposal will ever be built out, however, legally there is no reason for the committee not to do so if that is the want of the committee. He added that the applicant has advised that there is a plan of sorts to deal with the highways issues and, therefore, it is legally possible for planning permission to be granted subject to a Grampian type of condition that the highways issues have to be dealt with before the build can commence.
- Councillor Mrs French stated that the view of the Highways Authority is that they are not convinced that the proposal can be built out which does put the committee in an awkward position. She added that if it were approved and built out and then a situation arises what would happen? She made the point that she has seen it happen in other areas, such as March and Christchurch, where the top layer on a highway is still incomplete after 15 years as the developer went bankrupt and she does not want to see this situation arise again.
- Councillor Connor stated that he agrees with Councillor Mrs French and made the point that he is very reticent to get the committee to approve the application without the highway issue being satisfied. He asked the Highway Officer to reiterate his opinion. Mr Luck stated that based on the information available at this stage his honest answer is that he does not know because the defined width of the byway has not been provided. He added that any third party works of the highway needs the consent of the Highway Authority and with an extension of byways to carry out any works there is the requirement to know what area of land you have to work within and that is what the DMMO would define. Mr Luck stated that in the absence of that information he does not know whether the highways will be able to enter into such an agreement because he has not seen what the boundaries will end up being.

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

- Councillor Benney stated that when the application came before the committee previously, he was content with the proposed development being built out and at that time the application was deferred in order that the highways issues and technical details for the scheme could be brought back. He made the point that the level of detail is not complete, and the Highways Officer has stated that he cannot give a definite opinion. Councillor Benney stated that the application could be approved and then there could be issues further along and for that reason he feels that the committee have no option other than to refuse it as it is incomplete, as the agent has not undertaken what they were asked to do. He stated that he can see no other way than to refuse the proposal only on the grounds of access as the information is missing and a determination cannot be made.
- Councillor Mrs Davis expressed the view that the application is incomplete and incomplete applications should not be coming before the committee to determine. She made the point that if the application is not refused then there is the opportunity for other to submit incomplete applications and that is a waste of everybody's time.
- Councillor Mrs French stated that she agrees with the comments made by Councillors Benney and Mrs Davis. She added that a request was made for the Highways Officer to be in attendance which has happened, but she cannot support an application in its current form and not knowing further along in time as to whether the proposal will end up causing issues and concern for the local residents and the Highway Authority and she cannot support it on highway grounds.
- Councillor Sutton stated that he disagrees and made the point that the agent has listened to the feedback from the previous attendance at committee and has reduced the first dwelling near number 88. He added that the Agent has no control over the process of the DMMO and they have improved the water run off with the new scheme and, in his opinion, the

Agent has carried out everything that has been asked of them. Councillor Sutton expressed the opinion that he cannot see any reason as to why the application could not be approved subject to the DMMO process which is ongoing.

- Councillor Benney stated that he would like officers to give their opinion with regards to the DMMO process.
- Nick Harding stated that the officer's recommendation is one of refusal which includes the highway reason for refusal based on the lack of certainty that there is the necessary space available to implement the proposed highway improvements. He added that the Legal Officer has advised the committee that to grant planning permission with a Grampian style condition would not be unlawful and, therefore, it is for members to decide whether they are comfortable with taking a risk of granting planning permission for a scheme that is not implementable or whether the committee refuse the proposal because of the lack of certainty that there is with regards to the amount of space that there is on a public highway to make highway improvements.

Proposed by Councillor Mrs Davis, seconded by Councillor Skoulding and agreed that the application should be REFUSED for refusal reason 3 only of the officer's recommendation in relation to access.

Members do not support the other recommended reasons for refusal as their position has not changed from when the application was deferred on 24 August 2022.

(Councillors Benney stated that he knows the female occupant of 88 West Street in a professional capacity, but it would not make any difference to his decision making and voting on the application)

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

(Councillor Cornwell took no part in the discussion and voting on this item as he was not present when the item had been previously determined by the committee.)

P68/22

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

Nikki Carter presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Mr Craig Brand, the agent. Mr Brand stated that the applicant had recently inherited the property which was originally owned by his grandparents who lived in the former farmhouse that was situated in the north-east corner of the application site amongst the trees which have Tree Preservation Orders attached to them. He expressed the view that the application falls to be determined by the Local Plan adopted in 2014 and, therefore, Section 9.4 of the officer's report should be ignored as it refers to the future replacement Local Plan which is only at its early consultation stage.

Mr Brand stated that under Policy LP3 of the Local Plan, Wimblington is shown to be one of the four growth villages and the next tier down from the four Fenland market towns, with in growth villages, development being acceptable within the existing urban area or as a small village extension and the proposal is for a small village extension which partially fills the present gap

between Eastwood Hall and number 33, the old Toll House, with frontage development. He referred to the presentation screen and pointed out a photograph which shows on the western side of March Road continuous frontage development extending from 33 to 69 March Road on the parish boundary and then a further photo which shows 33a March Road which is one of several properties of the scale to the north with deep rear gardens up to Linwood Lane byway.

Mr Brand referred to a further photograph which shows three recent executive dwellings built at New Woods Drive with a shared private access road opposite the site and made the point that the current application proposes the same arrangement of a shared private access road with executive self-build dwellings. He pointed out that the application is also considered to be against rural area policy, LP12 (a), even though Wimblington is a top tier growth village and referred to the policy at paragraph 4.73 which states that the Local Plan has no fixed area boundaries around each settlement and the report states that the proposal is contrary to five points of the policy as well as the two footnotes which are related to the first point.

Mr Brand stated that on the first point there is continuous development opposite the site and further to the north which, in his opinion, is developed footprint and it makes the proposal acceptable as there is nowhere in the Local Plan where it states that there is a limit mentioned for infilling gaps opposite existing developed frontage. He questioned what is special about this view compared to all other Fenland views to justify the point made which states that the development will have an adverse impact on the character and appearance of the current countryside as, in his view, a rural view will still be maintained through the remaining gap between the sites northern boundary and the old Toll House.

Mr Brand stated that the proposed frontage form of development is in keeping with the existing dwellings on the western side of March Road and does not extend the existing linear features of the village and, in his opinion, it infills a gap in the road frontage. He pointed out that the site retains the healthy trees and the only ones to be removed are structurally unsafe and multi stemmed poor specimen and self-set trees.

Mr Brand explained that Eastwood House and the former Toll House do not require a heritage statement in order for the application to be processed as neither are Listed Buildings or in a Conservation Area. He referred to the presentation screen and pointed out that Eastwood Hall is well set back behind the application site and is screened from view by a tall hedge and trees set in the grounds and the proposed dwellings will have no impact on the setting of Eastwood Hall.

Mr Brand explained that the application is for four self-build building plots and the application is submitted in full due to the custom design dwelling for the applicant on plot 1 which has already been agreed with them as submitted and the other three plots have full designs to show prospective purchasers what scale dwellings can be built and it is anticipated that any future purchasers will tailor their plots to suit their life style requirements. He pointed out that a search in Right Move has found that there are no individual plots in Wimblington for sale and the nearest property being marketed was in Hospital Road in Doddington and three off Elm Road in March, with the applicants already having had enquiries concerning available plots in the village and, therefore, he feels there appears to be the demand for the dwellings.

Mr Brand referred to the officer's report and made the point that Eastwood Hall and all the land around the applicants property are unlikely to consent to any sand or gravel extraction adjacent to Eastwood Hall.

Members asked officers the following questions:

- Councillor Mrs Davis asked officers to clarify whether or not there is another application which has been submitted for a property to be built on the other side of Eastwood Hall which would mean that the whole gap is beginning to close and there will be the loss of the open view in that part of the village. Nikki Carter confirmed that there has been an application

submitted for a dwelling to the south of Eastwood Hall which is currently in its very early stages of determination.

- Councillor Sutton stated that where the point that was made with regards to the fact that there is no identified need he presumes that is taken from self-build and custom build register that the Council holds? Nikki Carter confirmed that is correct. Councillor Sutton asked what the current figures are that are held on the register? Nick Harding stated that the last time he reviewed the register the Council were granting twice the number of applications that were needed at least in comparison to the number of people that it had on the register and that is corroborated by the information that the Council receives each year from HMRC in relation to the actual build outs of self-build and custom build properties and the Council is delivering at least 50% more than the number of people on the register.
- Councillor Miscandlon stated that he cannot see any mention in the officer's report that the entrance to the development is on a blind bend and he asked the officers whether this has been taken into consideration? Nikki Carter stated that this is something that she raised with the Highways Authority, and they confirmed that the visibility splays are suitable for the 30mph road and did not raise any concerns. The Highways Officer, Shane Luck, clarified that the highways internal policy is that a single driveway which is proposed onto a road where the speed limit is 30mph or less in an existing settlement does not require visibility splays to be provided.
- Councillor Miscandlon made reference to the officer's report where Anglian Water have stated at 5.11 that there is no connection to Anglian Water sewers and, therefore, it has no comment to make and asked whether the intention is for the proposal to have septic tanks installed? Nikki Carter stated that the proposal is to use sewerage treatment plants, adding that Anglian Water were contacted and asked to provide some further information with regards to where the nearest foul sewers were, with Environment Agency guidance indicating that the connection to an existing foul sewerage network should be considered potentially feasible where the distance is less than the number of properties multiplied by 30 in this case 120 metres. She added that the sewer near Linwood Lane would appear to be within that and, therefore, it would be necessary to condition details of foul drainage if the application is approved. Councillor Miscandlon stated that the committee are all very well aware of problems within that area when considering the sewerage disposal issues and as there is no detail having been provided it is very difficult to make a judgement of what may happen going forward.

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

- Councillor Cornwell stated that the development so far has been on the eastern side of the road and, in his opinion, he can see pressure coming to develop the western side of the road as well. He added that the plot appears to fill in part of the area between the entry to the Rectory and the Toll House and made the point that the link to both parts of the village of Wimblington is beginning to fill up and it appears to be a natural progression to infill on the western side.
- Councillor Connor stated that he used to live in the Toll House many years ago.
- Councillor Sutton stated that he recalls an application on the east side of that stretch of road and at the time he voted against the proposal for highway reasons and he views this existing development as being more of a danger compared to the current proposal in highway terms. He stated that on the site inspections he noted that the pavement had been marked to indicate where the highway was coming out which he found to be very helpful, and, in his view, there is easily 43 metres as it goes both ways and he does not foresee any particular problems especially with there only being one access.
- Councillor Mrs Davis stated that the Parish Council is against the proposal on the grounds that it is felt that Wimblington has no green space left in the village apart from the war memorial playing field, which luckily is for perpetuity and can never be sold. She added that the village is becoming more like a town rather than a village and the residents are very fed up. Councillor Mrs Davis made the point that there is no development on that side of the road but there has been development on the other side. She referred to the 88 dwellings

which the Parish Council objected to and stated that application followed a natural progression of filling in but the other side has always been open and, in her view, it will change the look of the landscape of the village because there will be further applications that are submitted to fill the rest of it.

- Councillor Connor stated that he does feel sorry for the Wimblington as they have had the lions share of development and, in his view, enough is enough. He added that the development on the east side of the road was approved, and he agrees with the point made by Councillor Mrs Davis that there is no green space left and the villages appear to be receiving more development compared to the towns. Councillor Connor stated that he supports the officer's recommendation.
- Councillor Cornwell referred to 5.9 of the officer's report where the Parish Council have stated that they object to the application on the grounds of access to the site, with there being no other comment about the position of the site, only the point about it being on a blind bend. He added that he is surprised that they have not made a stronger objection.
- Councillor Connor stated that the Parish Council do object to the proposal but only on one basis.
- Councillor Mrs French stated that at 5.15 there are supporting comments and she added that it would suggest that not everybody opposes the application.
- Councillor Mrs Mayor referred to the trees which have a Tree Preservation Order on them, with there being an application for them to be removed. Nikki Carter stated that there is an application which has been submitted to fell four of the protected trees which are covered by the application before members. She added that the Tree Officer has considered the report that has been submitted as part of the application and has not raised any issues, although there was a query raised over replacement trees and that may form part of a condition on the application. Nikki Carter explained that she is waiting for the Tree Officer's formal comments as part of the tree application. Councillor Mrs Mayor asked whether the trees have to be removed to facilitate the area for the proposed houses which, in her view, may only effect one or two of the plots. She expressed the view that they are beautiful trees although she does accept that one does not look to be in the best condition, and she does not see why they should be removed to provide space for four building plots. Nikki Carter explained that the Tree Preservation Order is in the north-eastern corner of the site and the report indicates that they need to be removed for health and safety reasons. She added that there is an arboriculture report that has been submitted and they were waiting for this application to be determined but have since needed to speed up the process which is why the application has been submitted to remove the trees regardless of whether the proposal before the committee is approved or not. Councillor Mrs Mayor stated that she does not agree that they need to be removed and she referred to the point made by Councillor Mrs Davis with regards to the loss of green space which also includes trees.

Proposed by Councillor Sutton, seconded by Councillor Mrs French and agreed that the application be APPROVED against officer's recommendation with authority delegated to officers to formulate suitable conditions including a Section 106 Agreement as these will be self-build dwellings.

Members do not support officer's recommendation of refusal of planning permission as they do not feel that the site is a heritage asset where a heritage statement needs to be provided, that the proposal would enhance the area and does not detract from it, and that sand and gravel extraction is not an issue.

(Councillor Connor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he represents Doddington and Wimblington as a Fenland District Councillor and attends their meetings but takes no part in planning matters)

(Councillor Mrs Davis declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that she is Chairman of Wimblington Parish Council but takes no part in planning matters)

Alison Hoffman presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Craig Brand, the agent. Mr Brand made the point that he was not the agent for the previous two refused applications or for the pre-application enquiry, with the pre-application enquiry being for seven dwellings would have made use of the whole paddock extending beyond the rear boundary of Thistledown, creating a finger of development into the open countryside. He stated that this proposal only seeks to extend to the Thistledown rear boundary and to develop the former vegetable garden and a small section of the paddock enclosed within this area.

Mr Brand expressed the opinion that there are two main issues which need to be determined which are whether the application complies with policies LP3 and LP12 and whether or not the proposal will harm the Conservation Area. He expressed the view that the application complies with Policy LP3 as Doddington is a growth village, which is the highest village category with elsewhere the lowest, and growth villages allow development within the existing urban area or as a small village extension and the scale of three proposed dwellings is in accordance with this policy.

Mr Brand stated that Part A of LP12 for rural areas lists requirements to comply with the policy and stated that the first is that the site is in or adjacent to the existing developed footprint disagreeing with the officer's assessment where it states, at 10.3, that the site borders Thistledown to the south and New Street to the east. He made the point that the site is in the heart of a village location and meets the three further qualifications mentioned in the report as the site is not on the edge of the settlement or detached from the continuous built-up area.

Mr Brand referred to 10.5 of the report where it describes the site as being in an elsewhere location, but disputes that point as LP3 states that elsewhere applies only to developments outside the four listed village categories which are above elsewhere. He referred to paragraph 4.74 of the Local Plan which clarifies elsewhere locations and the types of development permitted and stated that the proposals' location is fully compliant with Policies LP3 and LP12 as Doddington is a growth village, and the Local Plan has no fixed development area boundaries which is detailed in paragraph 4.73.

Mr Brand made reference to the 2011 Doddington Conservation Area Appraisal at paragraph 8.75 which refers to 25–53 New Street as a group of essentially unified detached and semi-detached dwellings which hold significant visual prominence warranting their Conservation Area inclusion. He stated that at paragraph 8.79 it specifically mentions number 35 due to the open entrance giving a view through to the paddock at the rear.

Mr Brand referred to the presentation screen and pointed out that the only alteration to the new street scene is the widening of the access by removal of the gate piers and sections of the post war railings, with the photograph from the 1930's showing the original front boundary treatment being a wooden fence. He pointed out that number 35 was built in the 1880's for their general building business with workshops, cart shed and stables which extended to the paddock and was detailed in the 1927 ordnance survey map and a timber seasoning storage rack was also on the

opposite site of the courtyard.

Mr Brand explained that the next slide shows the current important open space which is mentioned in the officer's report at 8.79 and across the former builder's yard to the paddock which offers no privacy to the rear of the now solely residential dwelling. He stated that following the Conservation Officer's initial comments, the site layout has been reviewed and the position of the semi-detached house was adjusted so that the view through to the grass paddock and the countryside beyond was retained.

Mr Brand made the point that the proposal provides a private amenity area immediately to the rear of number 5 which can be deepened, and the proposed house designs are more sympathetic to the Conservation Area than the previously two refused applications.

Members asked Mr Brand the following questions:

- Councillor Sutton asked Mr Brand to provide further detail with regard to the comparison in the view drawing that had been provided. Mr Brand stated that at the moment the building with a storage rack on the southern boundary means the current view is from the street across the private courtyard and into the paddock. He added that there is no view into the open countryside and farmland beyond whereas the proposal includes the positioning of the semi-detached house closer to the detached house and removal of the seasoned storage rack creates a view to the rear boundary of the paddock and beyond which will also include privacy to number 35. Mr Brand stated that it is not up to the standard, but it can be deepened.

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

- Councillor Cornwell made the point that the proposal, in his opinion, is back land development.
- Councillor Sutton stated that he agrees that it is back land development but questioned whether the proposal is any further back than the properties in Thistledown. He questioned if Thistledown was ok, why is the proposal not?

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

(Councillor Connor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he represents Doddington and Wimblington as a Fenland District Councillor and attends their meetings but takes no part in planning matters)

**P70/22 F/YR22/0764/F
LAND NORTH WEST OF SUNNYSIDE, COXS LANE, WISBECH
ERECT 4 X DWELLINGS (2-STOREY 5-BED) WITH DOUBLE GARAGES**

Alison Hoffman presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Mr Lidbetter, an objector to the application. Mr Lidbetter stated that, since September 2021, he has resided in a property called Rathsome which was shown on the officers presentation and is the new build house adjacent to the north-west boundary of the applicant's site. He stated that prior to purchasing his property he called the Council's Planning Department to ascertain the future planning policy for Coxs Lane and its locality and the Planning Officer advised him categorically that no further development was planned for Coxs Lane and, therefore, he purchased his house.

Mr Lidbetter stated that a few weeks later a large sway of the adjacent orchard was cut down and also an oak tree which was on a site outside of the applicant's ownership and soon after that a planning application was submitted, which is linked to one in 2019 which was refused by the Planning Committee by a large majority. He expressed the view that Coxs Lane has a charming rural countryside appearance and is very well used by walkers, runners and dog walkers, however, it is a very narrow lane with no passing places between his property and Sunnyside which is further south of his property.

Mr Lidbetter stated that the only passing places on the lane are the driveway entrances serving the five properties which are on Coxs Lane, plus the access road which serves the houses located on Barton Green, and that the increase in vehicular traffic from the proposed development will create a far more hazardous scenario for pedestrians using Coxs Lane. He expressed the view that the proposal before the committee appears to be an exact copy of the previous planning application submitted except for the provision of a pedestrian footpath which is routed over land owned by the applicant, with this footpath being a cul de sac path and only of use to the residents of plots one to four of the application site and the regular users of Coxs Lane will not benefit from it.

Mr Lidbetter stated that location of plot 1 is extremely close to his property and will invade his family's privacy. He stated that should approval be given, in his opinion, it should be limited to a maximum of three properties but preferably two in order to retain some severance of a rural environment along Coxs Lane.

Mr Lidbetter referred to the comments made by Wisbech Town Councillors, some of whom are very familiar with Coxs Lane and who discussed the proposal on the 18 July and stated that the proposal will constitute over development of the site and the nature of the proposed development is more suited to an urban area and is out of keeping with the existing properties in the vicinity of the application site and they also expressed the view that Coxs Lane is inadequate in width to serve residential development on the scale proposed by the application. He stated that, in his view, a terrace of four two-storey five bedroomed houses will be totally inappropriate in a rural environment.

Mr Lidbetter explained that he has discussed the planning application with the applicant and advised him that he would be objecting to the proposal. He added that the condition of Coxs Lane is poor as it is narrow, bumpy, has no footpath or street lighting and no plans as far as he is aware to make improvements to the lane.

Mr Lidbetter stated that the applicant informed him that he was certain that his proposal will be approved which has perplexed him somewhat.

Members received a presentation, in accordance with the public participation procedure, from Mr Slater, the agent. Mr Slater stated that members will be aware of the ongoing development taking place, including the new school on Barton Road, the nursing home to the East and the new housing along Barton. He added that he is aware that the character of the area has changed over recent years and members will be aware that the site was discussed by the committee in February and at that time the committee resolved to refuse the application due to highway passing and pedestrian safety concerns.

Mr Slater stated that the refusal was limited in its scope in that the principle of development on the site was accepted as was the house design and layout so it appears that members were largely supportive of the scheme in terms of the scale of infill housing and were encouraging in relation to the provision of executive homes, but the committee did request additional highway improvements be incorporated into the scheme to make it acceptable. He made the point that although members did not approve the scheme the clear direction to the applicant was that the developer should go away and revise the scheme and bring back a proposal to mitigate highway implications with the inclusion of passing places and a footpath.

Mr Slater stated that the applicant has redesigned the proposal with the agent to address the concerns and the confirmation of the appropriate visibility splays has been achieved by carrying out a speed survey. He added that the appropriate visibility splays are now shown both north and south of the access points and the revised scheme incorporates two passing bays along the site frontage to the general benefit of users of Coxs Lane which is achieved by pairing the access points as each pair provides a passing bay along the application verge to Coxs Lane.

Mr Slater stated that the applicant has asked him to advise the committee that the application is similar to one at Bar Drove in Friday Bridge which included three plots on a narrow road which was approved at committee with the passing bays incorporated within the entrance details. He stated that in terms of the footpath link, the applicant has undertaken extensive possibilities of incorporating a footway along Coxs Lane linking to Barton Road, but unfortunately the verge on Coxs Lane is physically not wide enough to accommodate this, and particularly at the northern end with its junction of Barton Road, but as a result the applicant has offered an innovative design solution in the form of a private footpath through his orchard to the rear of the site linking onto Barton Road and through the development to the north.

Mr Slater stated that the path is owned by the applicant and can be conditioned which will require provision in advance of first occupation with access and maintenance in perpetuity. He added a further condition could also be added to impose a lighting scheme and the footpath would link to the existing footpath on Barton Road which is being upgraded as part of the off-site highway works for the school.

Mr Slater stated that the previous scheme on the site was refused by the committee in respect of specific concerns over the passing bays on Coxs Lane and the pedestrian access to Barton Road and he made the point that the applicant and agent have provided the amended scheme to address those concerns.

Members asked Mr Slater the following questions:

- Councillor Mrs French made the point that Mr Slater had made reference to the school, and she asked him whether the school has actually been approved as she was not aware. Mr Slater stated that it has had a conditional discharge submitted on it and there is an agreed footpath link along the northern side of Barton Road so it must have permission. He added that it is a special education needs school. Councillor Mrs French asked for clarification from officers as to whether the school has permission and is going ahead.
- Councillor Murphy stated that the Mr Slater referred to a speed survey being undertaken and questioned where that survey took place as, in his view, it is not possible to speed in Coxs Lane. He added that he feels that the road is unique to Cambridgeshire and to consider building on it and utilising people's entrances into their homes as a passing bay is not acceptable. Mr Slater stated that a speed survey was required to ascertain what the appropriate visibility splays are. He added that it is a non-classified road as it is clear that you would not be able to drive at speed down the road, with the actual speed being measured and then 80 percentiles of it is taken which gives the detail of the visibility splay and that has been detailed on the approved plans. Councillor Connor asked what the speed was and Mr Slater stated that he believes it was between 30-40mph.
- Councillor Connor expressed the view that he was astounded at that result as he would not drive more than 15mph along that road.
- Nick Harding stated that he can confirm that there is a planning consent granted on planning application reference 21/215 and subsequently there have been discharge of condition applications and more recently a non-material amendment to that original planning permission. He confirmed that planning permission has been granted for a 60-place social, emotional and mental health school for pupils in key stage three and four, which is ages 11 to 16. Councillor Connor stated that he is very happy to hear that news.

Members asked officers the following questions:

- Councillor Cornwell stated that the speaker made reference to the previous application, and it would appear that there are no issues with the scheme apart from the highway elements and he questioned whether that is correct. He added that it may be the case that the application was refused for highways being one of the reasons, but he cannot recall the committee ever confirming that they support the design layout and other elements of the scheme. Nick Harding stated that the recommendation before the committee only has one reason for refusal which is the only issue that officers are concerned with in relation to scheme. David Rowen stated that when the previous application came before the committee, there were three or four reasons which members did not agree with, which left the highways matter the only reason for refusal of the previous application.
- Councillor Connor asked the Highways Officer for his thoughts on the proposal and Shane Luck stated that the question surrounding speed based on the visibilities as shown in the drawings are interpreted to an observed speed of in and around 40mph. He added that the reason that a visibility speed survey was requested is that it is unlikely that vehicles will travel at 60mph on such a road, although they are legally allowed to do so but the reason for the survey in this particular case is to demonstrate that the achievable visibility was acceptable based on the actual observed vehicle speeds. Mr Luck made the point that the main concern is the width of Coxs Lane, and it is of a width only suitable for a single vehicle and there are no passing places for other vehicles to pass each other. He added that whilst they could pull onto the grass verge to pass, he does not advocate this as it is unsafe to do so and could drag any loose debris and mud into the carriageway which in turn could endanger other road users. Mr Luck added that the presentation referred to a precedent being set for nearby permissions and it is his understanding that one was for a replacement dwelling and one replaced a mobile catering unit operated as a catering business and, therefore, in both cases the highway position would not have been a material intensification above the existing positions, however, four new dwellings will bring an increase in traffic flows to Coxs Lane and typically two to three two way vehicle movements per dwelling per day is what officers would anticipate. He added that although that may appear to be a modest figure it does increase the risk of vehicles meeting and being allowed to pass. Mr Luck stated that he does not agree with the applicant that the shared accesses can be used as passing places as they are access points to private dwellings which may or may not be occupied by private vehicles at any time. He reiterated the point that was made by highways officers in the report which was that vehicles entering and exiting or using the access passing places may obstruct visibility for other road users. Mr Luck stated that Coxs Lane is a minor road in the sense of the traffic it accommodates under the construction specification of it but each new dwelling that is permitted slightly increases the risk of conflict occurring due to the substandard cross section. He added that the total magnitude of safety impacts may be modest, however, in his opinion, the application would adversely impact the risk along the road.
- Councillor Murphy stated that he totally agrees with the comments made by the Highway Officer and added that when members went on the site inspections, they saw just how difficult it can be for vehicles to pass each other and, in his view, the more dwellings built there will only exacerbate the already problematic situation. Mr Luck stated that he would agree, and each dwelling adds a modest worsening situation and over time it is a cumulative impact and the risk of vehicles meeting up in the past can be mitigated by the inclusion of passing bays or character widening works but it is his understanding that no such works are proposed.

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

- Councillor Skoulding stated that he agrees with the point made by Councillor Murphy with regard to the issues encountered when vehicles are trying to pass and added that one of the existing properties must be getting frustrated with vehicles using the driveway as a passing place as they have no installed gates. He made the point that the officers have made the correct recommendation and he will be supporting them.

- Councillor Miscandlon stated that he agrees with the view of other members and made the point that Coxs Lane is not suitable for the traffic. He added that he agrees with the officer's recommendation, expressing the view that it is an undesirable development in a very narrow dangerous lane.
- Councillor Mrs French stated that she agrees with Councillor Miscandlon and expressed the view that the road cannot take anymore development, with there being a request in years to come for a highway improvement which will cost a significant amount of money. She thanked the Highway Officer for his input and his professional opinion.
- Councillor Sutton stated that at the last application he had raised the issues of passing places and had at that time given the opinion that he would be more in favour of the application if there were some decent passing places, but they still have not been brought forward. He added that Mr Slater raised the Bar Drove site and he is incorrect in saying that there are passing spaces on Bar Drove, however, he does not think that those passing places are deliverable in the same fashion because one of the passing places on Bar Drove is associated with an entrance into three dwellings but the other one is on the opposite side of the road. Councillor Sutton expressed the view that the application is not deliverable in the proposed location and he cannot support the application.
- Councillor Mrs Davis stated that she agrees with the officer's recommendation and made the point that the Highways Officer has attended today and given his professional opinion to the committee and that needs to be taken into consideration. She stated that on the site inspection, the bus also came across two joggers who were only within a few feet away from a very deep ditch. Councillor Mrs Davis stated that pedestrians also need to be considered especially as there is no lighting and expressed the view that she does not think that the proposal is in a safe location.
- Councillor Mrs French stated that it is her understanding that the SEN School would be built first and then another which will be from nursery school age up until post 16 years of age. She added that she is delighted to hear that the school has commenced construction.

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

P71/22

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

Alison Hoffman presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Mr Lunn-Towler, the agent, and Mr Popat, the applicant. Mr Lunn-Towler stated that there are no objections received, the refuse team do not have any concerns and Wisbech Town Council are in support of the application and although there is no parking as detailed in the officer's report that is acceptable, with there being room for cycle storage as indicated on the site plan which is in the rear garden and the site is located in an area of low flood risk. He referred to a statement from the Highway Authority who have expressed the opinion that the site is in a sustainable location with very good connections with public footpaths to the amenities and services of Wisbech Town Centre and accessible to commercial and employment areas in Weasenham Lane.

Mr Lunn-Towler stated that the application is supported by Policy LP3 with regards to the settlement hierarchy, with the proposal itself being for one additional bedsit which is bedroom six which would be on the first-floor level, and it is of the scale similar to those shown on the plans as bedroom 2 and bedroom 3. He added that the proposal will provide a cost-effective form of living

accommodation, with reduced living costs due to the layout it will require limited heating and the reduced costs are further incentivised by walking, cycling and transport links.

Mr Popat stated that he has been renting the flats to local people for a number of years and many of them have been referred by the Housing Options Team, with many of the residents being single people with ties to the area or are employed locally. He expressed the view that he is aware that there is the need for this type of smaller unit in this location due to the engagement that he has had with the Private Sector Housing Team, and he explained that he has been in contact with them along with the Fire Service since 2017 to look at way to improve the layout of the communal staircase, with there being plans in place to have the issues with the staircase rectified before the pandemic but due to Covid those plans have been delayed.

Mr Popat made the point that there are plans in place to refurbish the building completely with energy efficient heating systems, a full insulation program along with new kitchens and bathrooms and a new fire alarm system, with these improvements allowing all the units to be self-contained making it a more pleasant environment for the residents to live in. He explained that the main reason for the application was to assist an elderly resident currently residing on the top floor, who needs to reside on a lower floor due to mobility reasons.

Mr Popat stated that he has spoken to Councillors Hoy and Wallwork along with Wisbech Town Councillor Peter Human about the application and they do support the proposal and have stated that they recognise the need for small cost-effective rental units locally. He asked the committee to support the application as he will be providing high standard, energy efficient units to rent locally whilst restoring a large building.

Members asked officers the following questions:

- Councillor Miscandlon asked for clarification as to how many of the properties are non-compliant with the requirement for this type of accommodation? Alison Hoffman stated at 3.3 of the officer's report it shows the details of the existing accommodation which demonstrates that 3 of the 5 properties exceed the technical housing guidance and 2 fall below. She explained that should the proposal be approved, there would be 2 out of the 6 over the technical standards and 4 of the 6 would fall below the technical standard.
- Councillor Murphy stated that he understands that it is the landlord's intention to implement further refuse bins and asked whether it could state that there 'has' to be the right amount of waste receptacles at the site? Alison Hoffman explained that colleagues from the refuse team have made her aware that Mr Popat has been engaged with them to order and get the bins in place. She added that there would be a requirement for the new development, should it be approved, to make provision for the refuse bins.
- Councillor Connor referred to 5.3 of the report where it states that the Council's Private Sector Housing Team have no objection to the proposal, whereas the views of the Planning Officer are totally different. Alison Hoffman stated that there are two totally different legislative frameworks and policy considerations, explaining that the housing team does work to a prescribed space standard and the current Local Plan does not have prescribed space standard. She added that the technical housing standards come after 2014 and the underpinning requirement of LP2 and LP16 is to create a high-quality environment. Alison Hoffman added that if an existing development has an element of sub-standard residential accommodation and it is compared against the National Technical Housing Standards, if the number of units is being increased, in her opinion, it would be remiss of planning officers to not highlight that level of detail to members. She explained that the agent and applicant have reduced the level of residential units proposed but she made the point that there is only so much that can be factored into the existing footprint.

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

- Councillor Benney stated that there are good properties that blend well into being divided up and then there are some that are over developed and, in his view, the officer's

recommendation of refusal is correct. He added that if the application was approved the people that live there would suffer and their standard of living would be poor and the reduction in their living standards would also be reduced as well as the quality of life of those people that should be protected, and he will support the officer's recommendation.

- Councillor Sutton stated that as part of the planning process, efforts should be made to improve the accommodation for people to have a better life and not make it any worse. He added that to have four units below the standard and only two above does not satisfy him and he will support the officer's recommendation.
- Councillor Miscandlon likened the units to rabbit hutches, and stated that he agrees with the officer's recommendation, making the point the proposal is trying to fit too much into the existing footprint. He expressed the view that the health and wellbeing of the residents is paramount, and the proposal is detrimental to both current and future residents.
- Councillor Mrs French stated that she notes from the photographs that there is a basement property and she made reference to a previous application in Wisbech which the committee refused because it was not up to standard. She asked whether officers could advise what the basement property consists of? Alison Hoffman stated that the basement flat is established through a certificate of lawfulness, explaining that the basement is a one bedrooomed self-contained flat with separate kitchen, living room and bathroom which is one of the larger units.
- Councillor Miscandlon stated that on the photographs it showed the refuse bins which are cited outside the window and if the proposal includes each property having its own bin, it will be detrimental to the resident who lives in that flat as they will be looking out of their window onto an array of dustbins. Alison Hoffman stated that officers did consider that fact and historically one of the flats had two bins and the other four had a bag service, however, she made the point that ideally residents should have proper waste receptacles. She added that all officers can consider as part of the planning application is the impact of the additional bins and work on the assumption that two extra bins would be further away from the window, in her opinion, it could not be argued that the bins would actually impact on residential amenity.

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

P72/22

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

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 Muriel and Martin Aldin, the applicants. Mrs Aldin stated that she has moved from Scotland with her animals to be nearer her family due to her age so that they are able to look after her. Mr Aldin explained that his mother is 86 years old and the family suggested to her that she moved back to the area so that the family can care and look after her as a family unit.

Members received a written representation, in accordance with the public participation procedure, from Alexandra Patrick, the agent, read by Member Services. Mrs Patrick stated that the application has the support from the gypsy traveller liaison officer, a family tree to show the links of

the applicants to the Aldin family along with confidential evidence of the situation her clients are in. She expressed the view that evidence has been shown the site is imperative to aid Mr Aldin's mother and wife's mental well-being and safety as a family unit together.

Mrs Patrick expressed the opinion that this is a very similar application to the approved F/YR22/0338/F- Seadyke Bank, Murrow, F/YR21/0309/F- Garden Lane, Wisbech St Mary, and F/YR21/1501/F- Wolf lane, Leverington, which are all small plots in nature, all in Flood Zone 3 and all within close proximity to one another. In relation to the Flood Zone 3 area, if the committee consented to this application, she feels this could be addressed by installing an emergency loft window for access to the roof in the event of a flood if it is agreed appropriate.

Mrs Patrick stated that Mr Aldin is self-employed and fully self-sufficient, they will not put a stress on Council services, and they do not own any other property that they can move to, they bought this piece of land on the basis that it can also house their beloved horses and such.

Members asked officers the following questions:

- Councillor Mrs French stated that she has noted from the report that there is no up to date GTNA (Gypsy and Traveller Needs Assessment) and asked when that is likely to be available? Nick Harding stated that a new team of consultants are now engaged with this assessment, however, there are no timescales available as to when the completion date will be. Councillor Connor stated that he has been advised that the timescale is likely to be approximately six months before that will be ready.
- Councillor Mrs French made the point that it is commendable that the family are going to look after their mother.
- Councillor Sutton stated that, in the last version of the five-year land supply, it indicated that there is a five-year supply of GTNA sites. Nick Harding stated that he would expect that the figures in that document will be comparing the planning permissions that were granted in relation to the most recent GTNA that is known to be out of date. He added that Central Government requires an assessment to be carried out to understand what the other needs that there might be, which have not been identified purely by surveys of existing families.
- Councillor Sutton stated that with regard to flood risk he can recall historically the views of an officer from the Environment Agency who had stated that in no uncertain terms that a caravan can be sited on Flood Zone 3 land, but now it appears to be acceptable, whereas there is a great concern about siting a 2-storey house on such land.
- Nick Harding stated that there is Government policy and guidance that identifies the vulnerability of different types of land uses and by using that against the flood risk matrix it determines in what circumstance the flood risk assessment needs to be submitted and whether or not a sequential test needs to be undertaken.

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

P73/22

F/YR21/1343/O

LAND EAST OF 137 UPWELL ROAD, MARCH

ERECT UP TO 9NO 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 Shanna Jackson, the agent. Mrs Jackson stated that the application is for up to nine dwellings and has been submitted in an outline form with all matters reserved, with the application being an excellent opportunity, in her view, to provide high quality executive style housing which has the support of March Town Council and also from many local residents. She stated that the application has been recommended for refusal on four reasons which include the impact on the character of the area, flood risk, highway safety and ecology issues.

Mrs Jackson stated that the committee report considers that the proposal would cause harm to the character and rural nature of that particular part of Upwell Road, and whilst the comments of the officer are noted, in her opinion, that view is subjective. She stated that the site will provide large executive dwellings which will positively promote this particular part of March and, in her opinion, it would be of a significant benefit rather than cause harm.

Mrs Jackson stated that the proposal sits comfortably in the natural boundaries of the site, whilst still providing an access for modern farming equipment to access the rear land and provide an easement for the drain to the east. She expressed the view that the generous plot sizes will still enable the views of the open countryside which will still be visible from the Upwell Road highway and the semi-rural character of this part of March will not be lost as a result of the development.

Mrs Jackson stated that she is aware that part of the site falls within Flood Zone 1 and also that plots 6 to 9 are within Flood Zone 3 but the submitted Flood Risk Assessment demonstrates that all of the dwellings will be technically safe from flooding and the Environment Agency has raised no objections. She explained that the finished floor levels will be consistent across the site and technically no dwelling will be at greater risk than another despite the change in flood zones and, in her opinion, there is no increased risk to people or property in terms of flood risk.

Mrs Jackson referred to the third reason of refusal which relates to highway safety and expressed the view that she finds the reason somewhat harsh given that the details of access are not committed for consideration at this current stage. She stated that within the indicative drawings the individual access points have been shown as this is a requirement for planning validation and she pointed out that there are concerns with regards to the access points which are in the 40mph zone due to the insufficient visibility at those points but, in her opinion, there are two simple solutions to those concerns, with one solution to overcome the highway concerns being to extend the 30mph limit to the extent of the development site so that a lesser visibility requirement is necessary, and the other solution would be to bring a single point of access within the existing 30mph zone to serve the whole of the development and she feels that either of these options could be secured by means of a planning condition and submitted as part of the reserved matters submission.

Mrs Jackson pointed out that with regards to the ecology concerns, the detail of those can be required if deemed necessary. She added that a neighbouring resident who supports the application asked Mrs Jackson to read out a few words on their behalf. 'I would like to support the application as I feel that it would be beneficial to the road scene coming into town. This application will return the view coming into town to ribbon style development instead of the blocked view that would be created by application F/YR19/0931 when that is built. This was mentioned at the time of the application in 2019 by officers and if approved the current application will correct the street scene by masking the back land development in a beneficial way which is already approved at 137 Upwell Road. The application also appears to be a high quality of good-sized properties, setting a good impression of the town on entry.'

Mrs Jackson stated that there are considerable benefits which outweigh the harm as stated in the officer's reason for refusal, with the benefits including the opportunity for high quality housing in a primary market town and setting a positive scene on the approach into March. She pointed out that there is demand for such development as the applicant has already been approached by people wishing to purchase the plots and the application has the support of March Town Council and local

residents and there are no objections from any technical consultees which cannot be easily overcome.

Members asked officers the following questions:

- Councillor Mrs French pointed out that the Environment Agency have no objections to the proposal as issues concerning drainage falls under the remit of the Internal Drainage Boards.
- Councillor Miscandlon pointed out that historically there was another development slightly further along from the application being determined and at that time there were concerns raised with regards to visibility and access onto the highway and the solution was to cut down the trees on Upwell Road. He made the point that it is a lovely avenue of trees, and he would hate to see that happen again. Councillor Miscandlon asked officers for their thoughts with regards to the removal of any further trees along that section of Upwell Road? Nick Harding stated that the trees in that location fall under the remit of the County Council as they are on the highway and, therefore, it would be their decision as to whether they are removed. David Rowen stated that the officer's report makes reference to the cumulative impact that the verges and trees have on creating the verdant character as you approach March and whilst the trees are the responsibility of the Highway Authority, if they were to be removed, the officer's view is that it would be detrimental to the character of the area.

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

- Councillor Cornwell made the point that in the report the map highlights the site in red, but if you go north and south there is nothing and the application site is totally isolated and, in his opinion, it does not make any environmental sense. He stated that if you are considering an area plan it would totally ruin any vision for anything that was being considered for that particular area. Councillor Cornwell expressed the view that he does not think that the application is sustainable and he does not support it at all.
- Councillor Mrs French stated that she agrees with the point made by Councillor Cornwell and stated that the proposal will not enhance Upwell Road at all. She pointed out that in December 2020, Upwell Road suffered from a severe flooding event, and it has only recently had some of the drains piped near Eastwood Cemetery. Councillor Mrs French stated that it is a main drain which runs along there, and she explained that she has been working with the County Council to map out all of the ditches and dykes in the area and the March area has been fully completed. She added that every step will be taken to mitigate any kind of flooding and made that point that it is a main drain and there are endangered species in the drain. Councillor Mrs French stated that as a riparian dyke it will always belong to the County Council, and she questioned who would be responsible for the maintenance and upkeep of the other side if the proposal was built out. She stated that as part of the March Area Transport Study that she is involved in some work has been undertaken concerning Upwell Road where speed cushions are being introduced and the speed limit is being lowered in some areas from 60mph to 40mph and from 40mph to 30mph. Councillor Mrs French expressed the opinion that there is no way she could support the application.
- Councillor Connor made the point that riparian drains do cause issues as nobody wishes to take ownership of them.
- Councillor Skoulding expressed the opinion that he disagrees with some of the points made as there is still farmland behind and the farmer will keep the drains clear in order to maintain his crops. He added that he is familiar with that road, and he made the point that the road does flood near the cemetery but not near the site. Councillor Skoulding stated that when you come past the railway line, in his opinion, that is when you are entering the town of March and he does not see any problem with the application. He added that there are two roads, Coleseed Road and also another road which goes round to Barkers Lane which all have drains and are kept clear. Councillor Skoulding added that if the last three dwellings are going to be built up higher, they will be an asset to the town and look nice upon entry into March.

- Nick Harding pointed out to Councillor Connor and also to Councillor Skoulding a dyke shown on Google Street view from 2010 which is not maintained.
- Councillor Mrs French stated that if the dyke is at the edge of the highway it belongs to the County Council and there is no knowledge of it being piped. David Rowen stated that when he visited the site recently there was no evidence of the drain having been piped as it looks as it did in the 2010 images. Councillor Mrs French stated that she will raise this issue with the County Council to ensure the information held is up to date.
- Councillor Skoulding made the point that he is able to identify the manhole point and the part of Upwell Road which has been piped.
- Councillor Mrs Davis referred to 1.5 of the officer's report where it states that the proposed dwellings plots 6, 7 and 9 are in Flood Zone 3 and it also states that it has failed the sequential test. She added that it does not matter that only half of them are in Flood Zone 3 as it has failed the sequential test and there are places around where those houses could be built quite safely.

Proposed by Councillor Cornwell, seconded by Councillor Miscandlon and agreed that the application should be REFUSED as per the officer's recommendation.

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

(Councillor Skoulding declared that he owns property in Upwell Road, but it would not make any difference to his decision making and voting on the application)

**P74/22 F/YR21/1439/O
LAND WEST OF 78-88 STATION ROAD, MANEA
ERECT UP TO 4NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

David Rowen presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Archie Hirson, the applicant. Mr Hirson stated that he is seeking approval for four dwellings on Station Road in Manea, which was previously before the committee in July 2022 when it was deferred for an ecological report and sequential test details to be provided. He explained that the documentation is in line with the plans for the village and meets the critical tests applied and that the key points are fully supported and there are no objections to the pre-submitted documents from the consultees.

Mr Hirson stated that Manea is identified as a growth village and the adopted Local Plan reflects its range of local services, school, pubs, shops, modern dwellings as well as the railway station which has recently seen a major upgrade. He expressed the view that the recent developments have resulted not only in the historic core of the village now being almost entirely linked to the previously outlined development areas but now the plan looks to create accessible and desirable dwellings in Manea.

Mr Hirson stated that members will have seen when they visited the site that the plot is exceptional in the fact that it is under utilized for needed housing and represents a gap in the shape of the village and the existing linear development precedent set on Station Road. He referred to the issues arising from the previous deferral and stated that in terms of the potential ecological impact, an additional ecological report has been carried out and it has concluded that the potential

ecological impact is unlikely in every category with no requirement for any additional surveys and this aligns entirely with the assessments from Natural England and there is no evidence of any potential impact on wildlife in the area.

Mr Hirson stated a detailed sequential test has been submitted and met which has demonstrated that there are no other reasonable available relevant sites at lower risk of flooding. He added that as a result of the sequential test being met an exception test was carried out and was again met and he made the point that the exception test is made up of two points, firstly exception test A where the development would provide wider sustainability benefits to the community that outweigh the flood risk and, in his view, there would be considerable sustainable, economic and social benefits in addition to the immediate economic benefits to the local construction professionals and businesses with the economic, social and cultural contribution being ongoing as the residents of the proposed dwellings would bring additional spending to the village as well as using the local services and facilities.

Mr Hirson stated that the dwellings will be built to a modern and green specification which will benefit from triple glazing, heat source air pumps and solar panels on the roofs. He expressed the view that by walking to the train station and village amenities it will reduce the need to use private vehicles which is a key environmental consideration.

Mr Hirson stated that on exception test B, the Flood Risk Assessment demonstrates that the development will be safe for its lifetime without increasing flood risk elsewhere and where possible reduce flood risk overall. He stated that although the site is positioned in an area marked as Flood Zone 3, the mapping is based on the assumption that the land is undefended which is not the case as it is widely accepted that the Fens has the best defended and managed river system in the country and the actual risk of flooding is not reflected in this categorization.

Mr Hirson stated that in common with most of Fenland the area is subject to layered engineering management defences and specifically the Mid-Level Barrier Bank provides a 1 in 100 year plus climate change protection and this is further reduced by free board in the Manea and Welney District Commissioners system and the Environment Agency has raised no objections. He stated that as the land owner of the site he can confirm that it has not suffered any effects of flooding, historically or in more recent years.

Mr Hirson hoped the information he has provided supports what he hopes is an exciting and progressive part of Manea's ongoing development.

Members asked officers the following questions:

- Councillor Mrs Davis stated that David Rowen had made the point that there have been 61 applications and, therefore, there are 61 other places that houses could be built that have passed the sequential test. David Rowen made the point that by reviewing the sequential test information that has been submitted by the applicant it identifies a number of extant planning permissions for a number of dwellings which equates to 61 dwellings within Manea which would be sequentially preferable.

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

- Councillor Cornwell made the point that the application maybe near the station, but it is not near the centre of the village.
- Councillor Mrs Davis stated that the application was deferred previously for the ecology report and the sequential test and that it why it has come before the committee having still not met the requirements. She expressed the opinion that she will support the officer's recommendation.
- Councillor Benney stated that the land does need development and Manea needs houses, with the Combined Authority having worked with the Council to invest and rejuvenate the Station Car Park and there is the need for houses in Manea. He added that there is the

want for the station to survive and growth is needed in the villages but whilst there may be a significant number of other places that potentially could be built on that does not mean that any of those plots will be built on compared to the proposal before members that might be. Councillor Benney stated that the ecology report is fine and that the sequential test has been done and the proposal will bring much needed houses to the area so he could consider supporting the proposal.

- Councillor Mrs Davis stated that she disagrees with Councillor Benney, and she made the point that if there is the demand for houses there are 61 places that are not being built on and developers build to demand, and she questioned whether the demand is really there otherwise they would be built out.
- Nick Harding stated that consideration does need to be given to the planning consents that are still in place and are available to implement and the rules that officers have to follow state that they do have to be counted and should not be ignored. He added that with regards to the need for residential development the Council does have a demonstrable five-year land supply that is quite healthy, and the Council is also meeting that housing delivery test as well.

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

P75/22

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)

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 Mr Matthew Hall, the agent. Mr Hall stated that he is pleased to see the officer's recommendation is to approve the application and explained that there was an appeal decision at 32 Eastwood End in July 2021, which advised that Eastwood End was more consistent with a growth village than an elsewhere location and since the date of the appeal, applications have been approved at Eastwood End. He stated that although technical details would be considered at the next stage, the trees that are located at the far eastern corner of the site would be maintained.

Mr Hall pointed out that the site is located in Flood Zone 1 and a full measured survey of the road has been undertaken in the area and access and visibility splays can all be achieved in accordance with the County Council requirements. He stated that members will be aware of a condition for a footpath to be set from the development to the east of the site and discussions have taken place with the designer and the County Council and technical approval is to be given, with the footpath extending all along the front of the site which has been approved under a previous application in 2019 for three dwellings to the east.

Mr Hall referred members to the presentation screen and pointed out that the plan indicates three other planning applications that have all been approved by the committee in 2019, 2021 and 2022 and explained to members where the proposed site is on the presentation slide. He pointed out the site where an application was approved in 2021 for three dwellings, with works already having commenced to two of those properties, the site which received approval in 2019 for three dwelling, with two having already commenced construction and the northern site indicated on the map was approved in 2022 for nine further dwellings.

Members asked Mr Hall the following questions:

- Councillor Cornwell pointed out that from the presentation it appears that there is a piece of land which seems to be land locked and he asked whether there is any likelihood of another application being submitted to overcome that? Mr Hall explained that the proposal before members and the site directly to the east for three dwellings are under the same ownership, however, the parcel of land that Councillor Cornwell referred to is owned by somebody different.

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

- Councillor Mrs Davis stated that in the emerging Local Plan the proposed site would not be permitted, and no further sites would be allowed at Eastwood End in any event. She made the point that the entrance to the site is very close to the A141 and any vehicles coming off the A141 at speed could cause a road traffic accident and there is a danger there.
- Councillor Skoulding stated that he cannot see any reason why the application could be refused as the others have been passed although he does have concerns with regards to any children needing to cross the main road, however, to remain consistent he will support the officer's recommendation.
- Councillor Benney stated that he agrees with the officer's recommendation and there are no reasons to refuse the application.
- Councillor Miscandlon stated that there is no provision to cross the A141 and when the technical details come forward, he would like to see the developer include some provision for crossing the A141 which is an extremely dangerous road.
- Councillor Mrs French stated that she agrees it is a very dangerous 50mph road and there have been several accidents there over the last few months.
- Councillor Mrs Davis stated that the accidents have been vehicular to the best of her knowledge.
- Councillor Mrs Davis asked for a request that at the technical stage there would need to be some form of street lighting included which needs to be adopted by the Highway Authority.
- Nick Harding stated that if permission in principle is granted there will be the subsequent technical application submitted and then the County Council Highways team will identify whether or not they feel that any improvement measures are required at that crossing or whether a lit footway has to be provided as part of the application. He added that he is mindful that no such improvements were required in relation to the application to the north. Nick Harding stated that if they identify that improvements are required, they will then need to determine what those improvements will be.

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

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

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

(Councillor Connor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he represents Doddington and Wimblington as a Fenland District Councillor and attends their meetings but takes no part in planning matters)

(Councillor Mrs Davis declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that she is Chairman of Wimblington Parish Council but takes no part in planning matters)

David Rowen presented the report to members.

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

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

- Councillor Skoulding stated that he is happy with the officer's proposal now he has seen the road layout.
- Councillor Cornwell stated that he notes that Chatteris Town Council are not in favour of the proposal and expressed the view that it is a loss of a piece of open space which he would prefer to see left as an area of open grassland with planting as it has been there for a very long time and has never been built on.
- Councillor Mrs Mayor stated that it is mentioned in the report about issues with regard to visibility when leaving the car park which may cause problems in her view.
- Councillor Benney stated that the land has never been built on and you can still access the leisure centre without any problems. He added that the Highway Authority have not raised any concerns and explained that the site has also encountered issues of fly tipping. Councillor Benney pointed out that Chatteris Town Council have expressed the opinion that it is over development, but he does not agree with that view, and he does see any problems with the proposal at all.
- Councillor Connor stated that he does not see any issues with the proposal, and he will also be supporting the officer's recommendation.
- Councillor Mrs Davis expressed the view that she does not see how the committee can say that there should not be development on this parcel of land when, in her opinion, it is a much more insignificant piece of land compared to the piece of land that has just received approval for four dwellings to be built on in Wimblington.
- Councillor Miscandlon stated that there is a hedgerow which surrounds the front of the properties and if that is not maintained it could end up restricting the view of those people exiting the car park and he questioned whether a condition could be applied to ensure that they are maintained regularly.
- David Rowen stated that would be something that could be considered at the reserved matters stage when it is submitted.

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

(Councillors Benney, Mrs French and Murphy declared that whilst a Cabinet decision was made in relation to this application, they are not pre-determined on this application and will approach it with an open mind)

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

The confidential minutes of 19 October 2022 were confirmed and signed as an accurate record.

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

5.25 pm

Chairman

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F/YR22/1076/F

**Applicant: Mrs Belinda Smith
Smith Percy Ltd**

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

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

Erect 3 dwellings (2-storey, 2-bed)

Officer recommendation: Refuse

Reason for Committee: Town Council comments contrary to officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks planning permission for a terrace of 3 x 2-storey, 2-bed dwellings set back in the site behind parking and pedestrian access; rear gardens are fenced off leaving an area to the rear between the gardens and the boundary wall.
- 1.2 The principle of development is supported, and the application site is located in a prominent town centre location, it is currently vacant, underutilised and its redevelopment has the potential to have a positive impact on the character of the area subject to a suitable scheme being put forward.
- 1.3 There are no issues to address in relation to residential amenity, highway safety or flood risk, subject to conditions.
- 1.4 However, the proposal results in a parking dominated open fronted scheme, which would disrupt the flow of the prevailing frontage development and the sense of enclosure along King Edward Road and introduces a scale of built form not in keeping with the area, which would materially harm the character and appearance of the conservation area and the setting of nearby listed buildings. Furthermore, there is an under provision of onsite parking.
- 1.5 The proposed development is therefore considered to be unacceptable and as such the recommendation is one of refusal.

2 SITE DESCRIPTION

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

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

3 PROPOSAL

- 3.1 The application seeks planning permission for a terrace of 3 x 2-storey, 2-bed dwellings set back in the site behind parking and pedestrian access, rear gardens are fenced off leaving an area to the rear between the gardens and the boundary wall.

The proposed terrace measures 13.2m x 9.2m and 8.5m in height, accommodation for each unit comprises of kitchen/diner, lounge and WC at ground floor level and 2 bedrooms (1 with en-suite) and bathroom at first floor.

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

[F/YR22/1076/F | Erect 3 dwellings \(2-storey, 2-bed\) | Land West Of 1 King Edward Road Chatteris Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/Planning/Planning%20Applications/F/YR22/1076/F%20Erect%203%20dwellings%20(2-storey,%202-bed)%20Land%20West%20Of%201%20King%20Edward%20Road%20Chatteris%20Cambridgeshire)

4 SITE PLANNING HISTORY

F/YR22/0240/F	Erect 2 x 2-storey 3-bed dwellings and 1 x 2-bed flat above triple garage and front boundary wall with 1.3m high piers	Refused 2/8/2022
F/YR19/0523/O	Erect 1 x dwelling with detached garage (outline application with matters committed in respect of access, layout and scale) involving part demolition of existing building	Granted 13/8/2019
F/YR19/0213/O	Erection of 2no dwellings (outline application with matters committed in respect of access, layout and scale) involving part demolition of existing building	Withdrawn
F/YR16/1138/O	Erection of 2 no dwellings (Outline with matters committed in respect of access, layout and scale) involving part demolition of existing building	Refused 28/2/2017 Dismissed on Appeal 16/10/2017
F/YR16/0482/O	Erection of 2no dwellings (Outline with matters committed in respect of access and layout) involving part demolition of existing building	Refused 11/08/2016

5 CONSULTATIONS

5.1 Cambridgeshire County Council Archaeology

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

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

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

Archaeology Condition

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

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

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

A brief for the recommended programme of archaeological works was requested and was issued to the applicant on 12/08/2021 but has since expired. A refreshed brief is available from this office upon request.

5.2 Cambridgeshire County Council Highways

The application includes one car parking space per dwelling, plus one visitor space. Based upon Fenland Local Plan parking standards, each dwelling should have two parking spaces. Kind Edward Road has double yellow lines, prohibiting on-street parking. While this submission does not align with local parking standards, I will defer this matter to FDC as the parking authority.

The parking is to be drained by means of permeable paving. This is not accepted by the LHA as a suitable means of surface water drainage in isolation due to the onerous maintenance regime and short design life. As such, the access needs to be graded to fall from the highway, or a suitable means of surface water interception included e.g. channel drain.

Should the LPA be minded to grant consent, then I recommend the following condition and informative be appended.

Conditions

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

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

5.3 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.

As a structure 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.

5.4 Chatteris Town Council

Support, in keeping with the area.

5.5 Local Residents/Interested Parties

One letter of support has been provided in relation to redevelopment of the plot being overdue and that it can only enhance the appearance of the area.

6 STATUTORY DUTY

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

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context – C1, C2

Identity – I1, I1

Built Form – B2

Movement – M3

Homes and Buildings – H1, H2, H3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP10 – Chatteris

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

Delivering and Protecting High Quality Environments in Fenland SPD

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

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
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP23 – Historic Environment
LP27 – Trees and Planting
LP32 – Flood and Water Management
LP33 – Development on land affected by contamination
LP46 – Residential site allocations in Chatteris

8 KEY ISSUES

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

9 BACKGROUND

- 9.1 There have historically been applications for residential development on this site, however only those within the current plan period are referred to here:
- 9.2 Application F/YR16/0482/O for 2 dwellings (with matters committed in relation to access and layout) was refused as:
- Insufficient information was provided to demonstrate a suitable access could be achieved
 - **The layout resulting in buildings set back into the site which would significantly disrupt the flow of prevailing frontage development along King Edward Road, therefore fail to accord with the prevailing form and character of the area**
 - As only access and layout were committed it was not possible to fully assess the impact of the development on the character of the Conservation Area or significance of nearby heritage assets
 - The application was not supported by an up to date ecology survey and as such the LPA was unable to understand what harm may arise to protected species through the development
- 9.3 A scheme for a pair of semi-detached dwellings (F/YR16/1138/O with matters committed in relation to access, layout and scale) was refused for the following reason:

*Policy LP16 seeks to ensure that development makes a positive contribution to the general character and appearance of the area. Policy LP16(a) and LP18 seek to protect and where possible enhance the historic environment. **The proposed layout results in buildings set back into the site which would disrupt the flow of the prevailing frontage development along King Edward Road to the detriment of the character of the area including the heritage assets which contribute to the character of the area including the adjacent conservation area and listed buildings** (Officer emphasis). The proposal would therefore fail to accord with the prevailing form and character of the area contrary to the requirements of Policy LP16(a), LP16(d) and LP18 of the Fenland Local Plan 2014.*

The decision was appealed (APP/D0515/W/17/3180292) and the appeal dismissed **on the grounds that the loss of boundary treatment and sense of enclosure to the lane and the dominance of parking for four cars on the open frontage of the site would materially harm the character and appearance of the conservation area and the setting of the listed buildings.**

- 9.4 A further outline application (F/YR19/0213/O) was submitted for a pair of semi-detached dwellings but was withdrawn as the LPA was unable to support the scheme without any on-site parking provision.
- 9.5 Subsequently application F/YR19/0523/O (matters committed in respect of access, layout and scale) was granted for 1 x 2-storey detached dwelling and a detached garage, involving partial demolition of the existing building with matters committed in respect of access, layout and scale. The proposed dwelling was set back approximately 3m from the back edge of the footpath following the building line of 1 King Edward Road and the closest element of the Conservative Club, with the garage being set back behind parking spaces. The detailed design of the dwelling was a reserved matter however concerns were raised regarding the potential impact on Bramley Cottage on the opposite side of King Edward Road and the following informative was included on the Decision Notice:

‘Due to the restricted width of King Edward Road, consideration should be given to the "back to back" distance between the proposed dwelling and Bramley Cottage, specifically, the orientation of the first floor rooms and the use of obscure glazing where appropriate’

- 9.6 Most recently an application (F/YR22/0240/F) for 2 x 2-storey dwellings and a triple garage with a flat above was refused is considered to be an overdevelopment of the site which results in a significant detrimental impact on the residential amenity of surrounding dwellings, would not create a high-quality living environment for future occupants and results in inadequate parking provision and vehicle manoeuvring. It should be noted that the siting and scale (following negotiations to the reduce the height) of the frontage dwellings was not considered to have a significant impact on the character of the area or the surrounding heritage assets and the provision of a front boundary wall was welcomed and reflective of the surrounding area.
- 9.7 As is evidenced above this site has been the subject of a number of applications and significant negotiation to achieve an acceptable form of development (F/YR19/0523/O) on this prominent site.

- 9.8 The current scheme is for a terrace of 3 dwellings and the applicant's agent was advised that the application could not be supported given the similarities to the previously refused scheme (F/YR16/1138/O) which was also dismissed on appeal on the grounds that the loss of boundary treatment and sense of enclosure to the lane and the dominance of parking for four cars on the open frontage of the site would materially harm the character and appearance of the conservation area and the setting of the listed buildings. This scheme is for an additional dwelling which further intensifies development and there has been no change in circumstances which could render this scheme acceptable. The importance of appropriate design has however been further strengthened by the updated NPPF and National Design Guide. Concerns were also raised by Officers regarding the scale and massing of the proposal, particularly as this was negotiated and reduced during previous applications.

10 ASSESSMENT

Principle of Development

- 10.1 The application site is located within the settlement of Chatteris which is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 as the focus for housing growth and wider service provision. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of heritage, residential or visual amenity, design, parking, highways and flood risk.
- 10.2 Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

Policy LP1, Part A identifies Chatteris as a Market Town; proposals within the settlement boundary (such as this site) will be supported in principle. Policy LP2 sets out that the majority of new residential development will be focussed in and around Market Towns. The site is not identified as an allocation.

Heritage, Design and Visual Amenity

- 10.3 Policy LP16 and LP18 of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 and 197 of the NPPF 2021 and Chapters C1, C2, I1, I2 and M3 of the NDG 2021, seek to ensure that developments make a positive contribution to local distinctiveness and the character of the area, respect the local built environment and settlement pattern, that developments are not parking dominated and achieve high quality environments by protecting and enhancing heritage assets and their settings.
- 10.4 Consideration has been given to the impact of the proposal on the architectural and historic interests of the listed buildings with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.5 Consideration has also been given to the impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

- 10.6 The application site is located in a prominent town centre location, it is currently vacant, underutilised and its redevelopment has the potential to have a positive impact on the character of the area subject to a suitable scheme being put forward. The character of the area is eclectic with a variety of architectural styles, eras and materials, single and 2-storey buildings, and ranging from development on the back edge of the footpath to being set much further back with the plot. Boundary walls are predominant, creating a feeling of enclosure along the road.
- 10.7 The application proposes a terrace of 3 dwellings set back behind 4 parking spaces, significantly behind the established building line on the southern side of King Edward Road and lacking in frontage boundary treatments which form the character of the area. The height and scale of development is in excess of anything in the vicinity, exacerbated by the width of the proposal accommodating 3 dwellings, and would therefore form an incongruous feature dominant in the street scene.
- 10.8 The proposal therefore results in a parking dominated open fronted scheme, which would disrupt the flow of the prevailing frontage development and the sense of enclosure along King Edward Road and introduces a scale of built form not in keeping with the area, which would materially harm the character and appearance of the conservation area and the setting of the listed buildings contrary to the aforementioned policies and consistent with the conclusions of the 2017 appeal decision.
- 10.9 The application incorporates an area of land within the existing boundary treatments but outside of the proposed gardens, which are proposed to be bounded by 2m high close boarded fence. This land is indicated in orange on the proposed site plan with annotation to state that it is to be retained by the applicant to allow access to boundaries, walls and other properties. Further information was requested from the applicant's agent (but not received) to understand the necessity for this as it would in effect create an area of 'no man's land' surrounding the development for which there are concerns regarding community safety and maintenance. A condition could be imposed regarding security and maintenance arrangements should the application be successful however this is not considered to be an ideal arrangement nor the best use of this site. It is also noted that the area of land between the proposed dwellings and 1 King Edward Road does not fall within the application site, nor is it edged blue, hence there would be no control over surfacing and management and maintenance of this area.
- 10.10 The site lies within the historic core of the town of Chatteris; Cambridgeshire County Council have advised that whilst they do not object to the scheme, a programme of archaeological investigation is required due to the site's potential and this can be secured by way of a condition.

Residential Amenity

- 10.11 To the north of the site on the opposite side of the road is the 2-storey dwelling of Bramley Cottage, this is set on the edge of the road as there is no footpath on the northern site, with a walled garden to the west. This property features 5 windows and entrance door on the front elevation and patio doors and window on the western side elevation. The proposed dwellings are a minimum of 14.6m from the Bramley Cottage and its garden, at this distance significant adverse impacts are not considered.

- 10.12 To the east of the site is the 2-storey dwelling of 1 King Edward Road, which also has an outbuilding adjacent. The application site is now separated from this dwelling and outbuilding by a strip of land and as a result the proposed dwellings are located a minimum of 5m from the dwelling and garden. There are 2 first floor windows in the side of the proposed dwellings facing towards No.1, however these serve a bathroom and en-suite and as such would be obscure glazed which can be conditioned. Views from the rear of the proposal would be oblique and the relationships are considered to be acceptable.
- 10.13 To the west, south and south-east of the site are car parks serving the Conservative Club and The George Hotel, these are not considered to be significantly adversely affected by the proposal.
- 10.14 The proposed dwellings have approximately a third of each plot for private amenity space, in accordance with Policy LP16 (h). The relationships with surrounding buildings are generally considered acceptable, it is acknowledged that there are 4 first floor window in the side elevation of the Conservative Club which face towards the site, however these are opposite the proposed dwellings which only feature obscure glazed windows in the western side elevation and views of the gardens would be oblique. The site is surrounded by car parking areas which may lead to some noise and disturbance. However, this is not considered significant enough to warrant a refusal in this regard and the principle of a residential use of the site has been established. Bin storage areas are indicated in the rear gardens and collection would be roadside as there is access to the rear gardens to enable this.

Highways/parking

- 10.15 The LHA have no objections to the proposal (noting the shortfall in parking but deferring the matter to the Council for assessment) subject to a condition being imposed to prevent surface water run off onto the highway.
- 10.16 The development proposes 4 parking spaces to the front of the site; 1 per dwelling and an additional visitor space. Each space measures 2.5m x 5m though it is acknowledged that the hardstanding is longer than this to achieve pedestrian visibility splays and sufficient depth for cars to exit the spaces due to the narrowness of King Edward Road. Spaces should be at least 2.7m wide where there is an obstruction (such as another car) 1 side and 2.9m where there is an obstruction both sides, the proposed development does not currently achieve this and as such concerns are raised regarding the usability of these spaces.
- 10.17 Policy LP15 and Appendix A set out the required parking standards and for 2 bed dwellings 2 spaces are required per dwelling. This would equate to a total of 6 spaces, a shortfall of 2 (albeit 1 of the proposed spaces would not be allocated to a specific dwelling which could result in disagreements given the limited parking available). The site is in a sustainable town centre location and Appendix A does advise that in such locations a reduction in car parking provision may be negotiated. However, it is acknowledged that King Edward Road is narrow with double yellow lines and therefore no opportunity for on street parking, as such any shortfall would force the burden elsewhere. The development has an under provision of on-site parking and the spaces provided are not considered wide enough to be useable, as such the proposal is considered contrary to the aforementioned policy.

Flood Risk

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

11 CONCLUSIONS

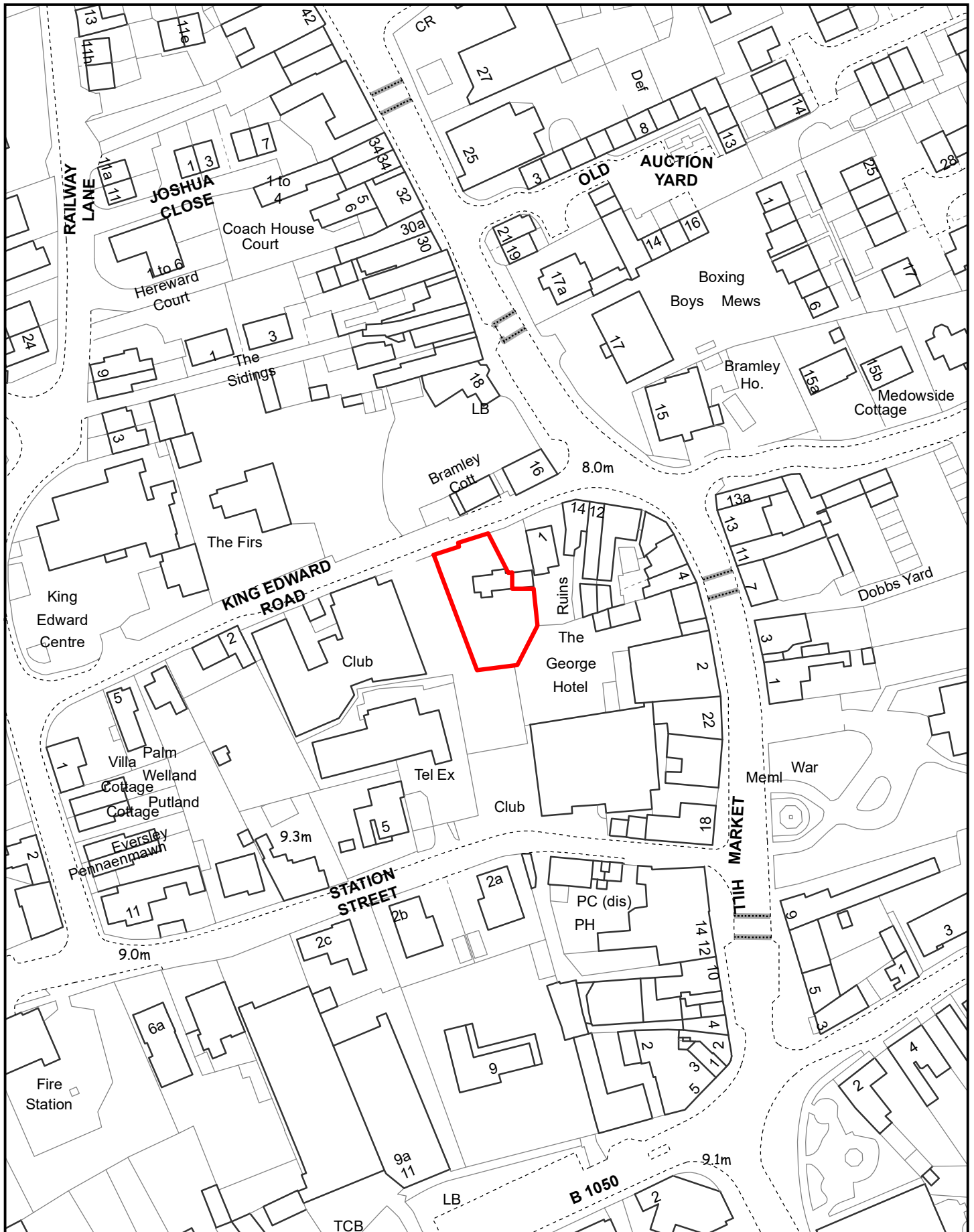
- 11.1 The principle of development is supported, and the application site is located in a prominent town centre location, it is currently vacant, underutilised and its redevelopment has the potential to have a positive impact on the character of the area subject to a suitable scheme being put forward.
- 11.2 There are no issues to address in relation to residential amenity, highway safety or flood risk, subject to conditions.
- 11.3 However, the proposal results in a parking dominated open fronted scheme, similar to the previously dismissed at appeal, which would disrupt the flow of the prevailing frontage development and the sense of enclosure along King Edward Road and introduces a scale of built form not in keeping with the area, which would materially harm the character and appearance of the conservation area and the setting of the listed buildings. Furthermore, there is an under provision of onsite parking.

12 RECOMMENDATION

Refuse for the following reason:

1.	<p>Policy LP16 and LP18 of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 and 197 of the NPPF 2021 and Chapters C1, C2, I1, I2 and M3 of the NDG 2021, seek to ensure that developments make a positive contribution to local distinctiveness and the character of the area, respect the local built environment and settlement pattern, that developments are not parking dominated and achieve high quality environments by protecting and enhancing heritage assets and their settings.</p> <p>The application proposes a terrace of 3 dwellings set back behind 4 parking spaces, significantly behind the established building line on the southern side of King Edward Road and lacking in frontage boundary treatments which form the character of the area. The height and scale of development is in excess of anything in the vicinity, exacerbated by the width of the proposal accommodating 3 dwellings, and would therefore form an incongruous feature dominant in the street scene.</p> <p>The proposal therefore results in a parking dominated open fronted scheme, which would disrupt the flow of the prevailing frontage development and the sense of enclosure along King Edward Road and introduces a scale of built form not in keeping with the area, which would materially harm the character and appearance of the conservation area and the setting of the listed buildings contrary to the aforementioned policies.</p>
2	<p>Policy LP15 and Appendix A of the Fenland Local Plan 2014 and Chapter M3 of the NDG 2021 seek to ensure that developments provide adequate, well designed and functional parking provision.</p>

	King Edward Road is narrow with double yellow lines and therefore no opportunity for on street parking, as such any shortfall would force the burden elsewhere. The development has an under provision of on-site parking and the spaces provided are not considered wide enough to be useable, as such the proposal is considered contrary to the aforementioned policies.
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Created on: 27/09/2022

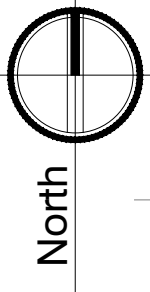
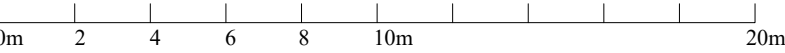
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F/YR22/1076/F

Scale = 1:1,250



Scale: 1:200



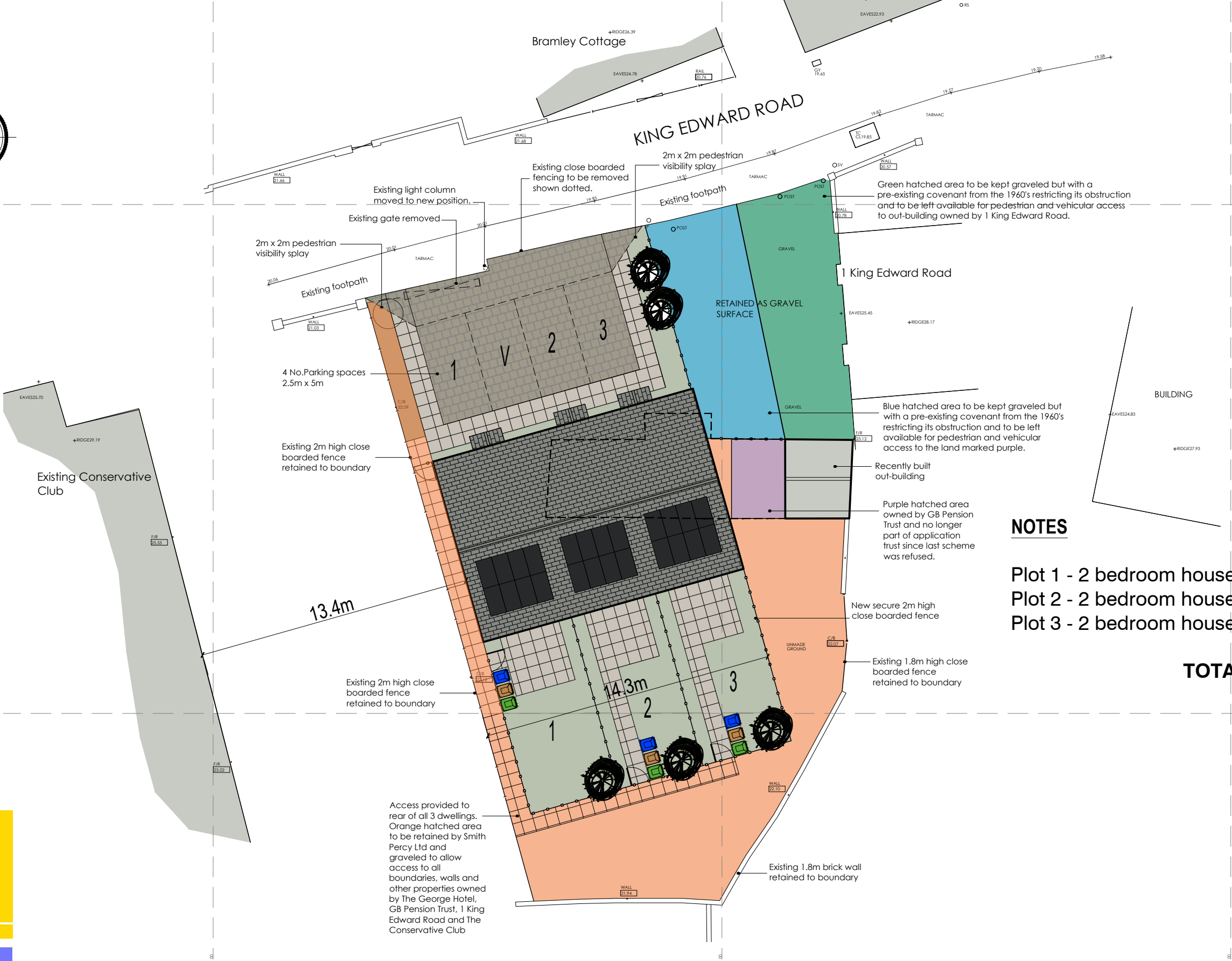
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NOTES

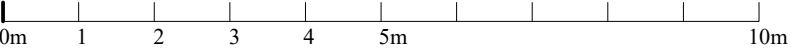
Plot 1 - 2 bedroom house - 714 SQ.FT
Plot 2 - 2 bedroom house - 714 SQ.FT
Plot 3 - 2 bedroom house - 714 SQ.FT

TOTAL - 2142 SQ.FT



<div>L BEVENS ASSOCIATES LTD ARCHITECTS The Doghouse, 10 Cricketers Way, Chatteris, Cambridgeshire. PE16 6UR Tel: 01354 693969 Mob: 07739 562818</div>	<div>Land west of 1 King Edward Road, Chatteris, Cambridgeshire</div> <div>Project Smith Percy Ltd</div>	<div>Proposed Site Plan</div> <div>Title</div>	Scale 1:200 @ A3	Date August 2022	Drawn L B	Checked
			Drawing Number CH21/LBA/571/FP-2-101		Revision	

Scale: 1:100

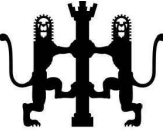


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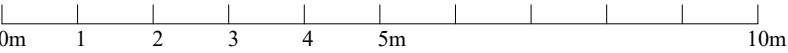
CLIENT
Smith Percy Ltd

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

DRAWING TITLE
Proposed Street Elevation

SCALE 1:100 @ A2	DATE August 2022	DRAWN LB	CHECKED
DRAWING NUMBER CH21/LBA/571/FP-2-200			REVISION

Scale: 1:100



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

Grey slates to be agreed with Local Authority

U-PVC cottage casement windows in grey

Black U-PVC rainwater goods.

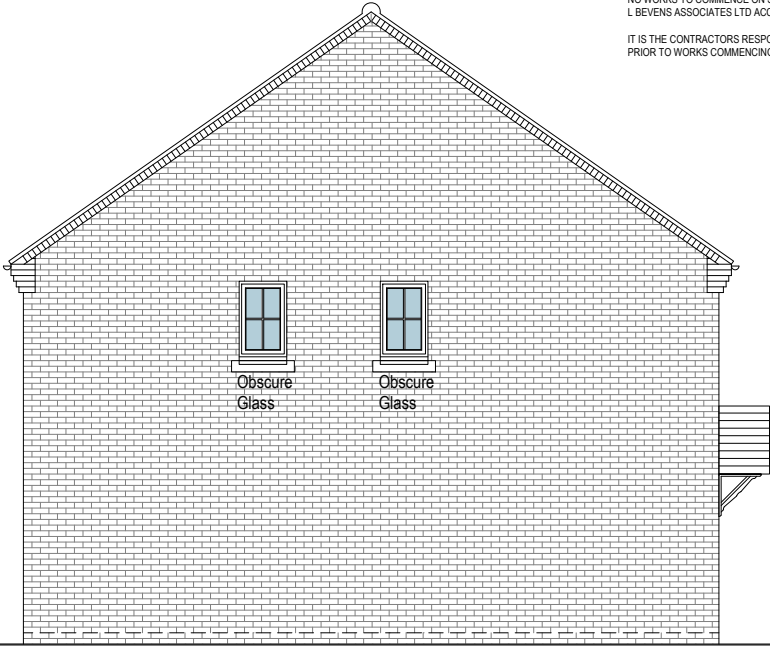
Timber canopy to entrance.

Facing brickwork to be agreed with Local Authority

Re-constituted cills. Colour - Portland



Proposed North Elevation

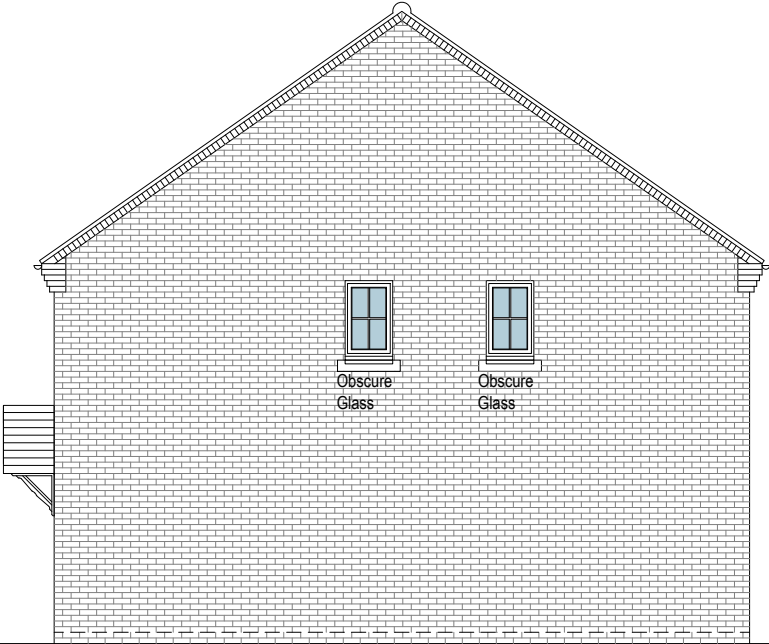


Proposed East Elevation

Approximate position of solar pv panels.



Proposed South Elevation

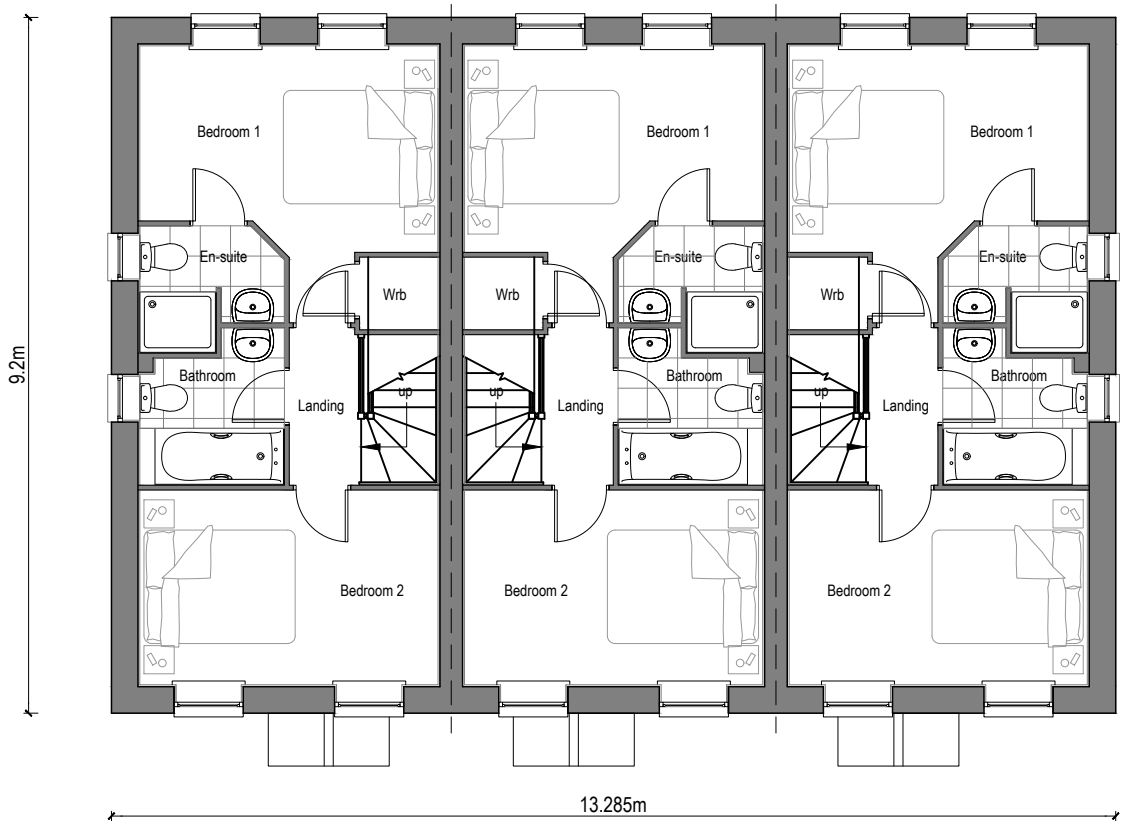
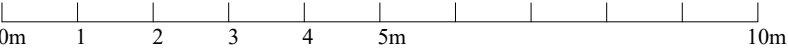


Proposed West Elevation

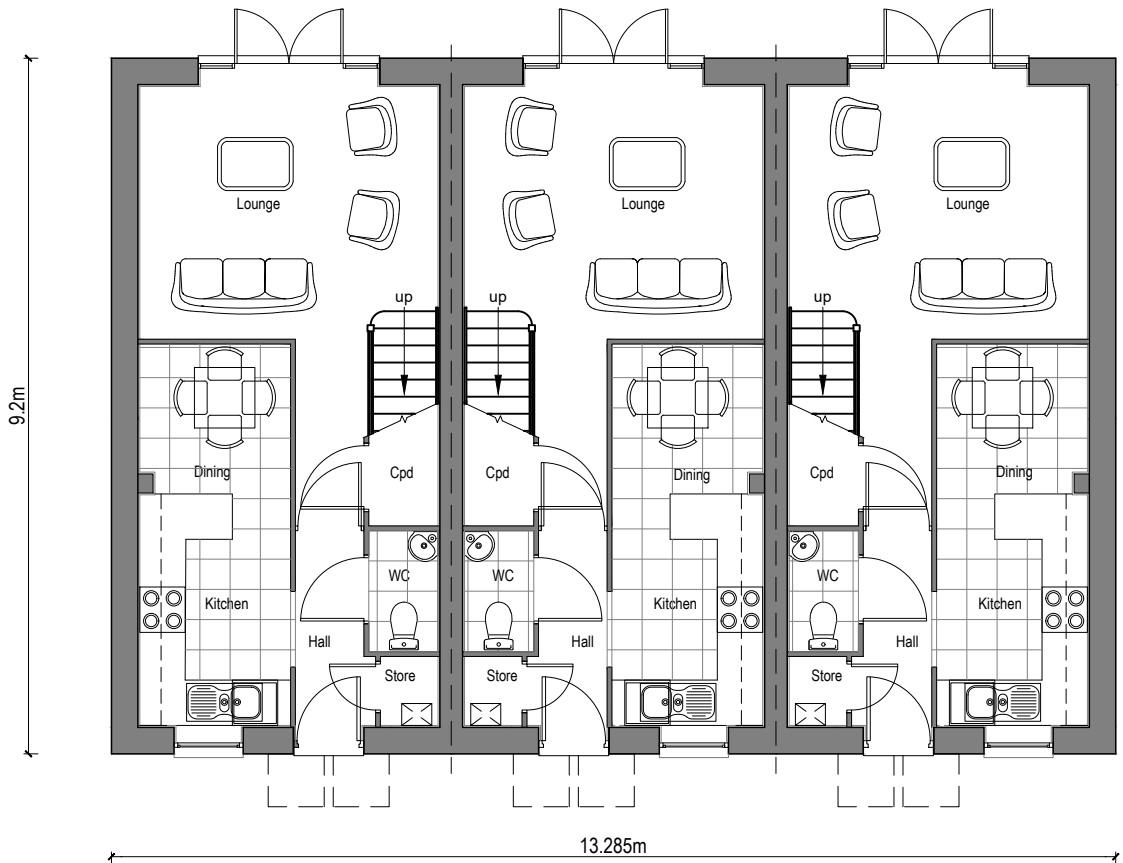


<div>L BEVENS ASSOCIATES LTD ARCHITECTS</div> <div>The Doghouse, 10 Cricketers Way, Chatteris, Cambridgeshire. PE16 6UR</div> <div>Tel: 01354 693969Mob: 07739 562818</div>	<div>Land West of 1 King Edward Road, Chatteris, Cambridgeshire.</div> <div>Project Smith Percy Ltd</div>	<div>Proposed Elevations</div> <div>Title</div>	<div>Scale</div> <div>1:100 @ A3</div>	<div>Date</div> <div>August 2022</div>	<div>Drawn</div> <div>LB</div>	<div>Checked</div>	
			<div>Drawing Number</div> <div>CH21/LBA/571/FP-2-105</div>				<div>Revision</div>

Scale: 1:100



Proposed First Floor Plan



Proposed Ground Floor Plan

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L BEVENS ASSOCIATES LTD ARCHITECTS The Doghouse, 10 Cricketers Way, Chatteris, Cambridgeshire. PE16 6UR Tel: 01354 693969  Mob: 07739 562818		Land West of 1 King Edward Road, Chatteris, Cambridgeshire.	Proposed Ground and First Floor Plans	Rev A Sep. 2022 Floor plans amended to show Kitchen/Dining.			
Project Smith Percy Ltd		Title		Scale 1:100 @ A3	Date August 2022	Drawn LB	Checked
				Drawing Number CH21/LBA/571/FP-2-104		Revision A	

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F/YR22/0709/O

**Applicant: Mr Robert Sears
Sear's Brothers Ltd(1978)Retirement
Benefit Scheme**

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

Land East Of Station Farm, Fodder Fen Road, Manea,

Erect up to 5 dwellings (outline application with matters committed in respect of access) including formation of a footpath on the western side of Fodder Fen Road

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for up to 5 dwellings with matters committed in relation to access only. A single access point is proposed off Fodder Fen Road, with the agricultural access retained. Illustrative drawings show a row of 5 detached dwellings, with garages, set back from the road behind a shared access. It is also proposed to provide a footpath on the western side of Fodder Fen Road from opposite the access to link to the footpath constructed for the station car park.
- 1.2 The principle of development in this location is considered unacceptable as it is beyond the established settlement of Manea, and there is no justification for dwellings in this elsewhere location under PolicyLP12 Part D.
- 1.3 The development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area.
- 1.4 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 1.5 Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land
- 11.5 Overall, the proposed development is considered to be unacceptable and the recommendation is one of refusal.

2 SITE DESCRIPTION

The application site is located to the north of the main settlement of Manea, on the eastern side of Fodder Fen Road (B Class road with a 40-60mph speed limit) and is within an agricultural field with open countryside beyond. To the south are two historically established dwellings and to the west Station Farm and associated bungalow, there is a newly constructed car park to serve the station to the south of this. The site appears to slope down from the road, is served by an informal access and is currently being actively farmed, the western and southern boundaries are formed by drains. The site is located in Flood Zone 3, the highest risk of flooding.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 5 dwellings with matters committed in relation to access only.
- 3.2 A single access point is proposed off Fodder Fen Road, with the agricultural access retained. Illustrative drawings show a row of 5 detached dwellings, with garages, set back from the road behind a shared access. It is also proposed to provide a footpath on the western side of Fodder Fen Road from opposite the access to link to the footpath constructed for the station car park.
- 3.3 Full plans and associated documents for these applications can be found at:

[F/YR22/0709/O | Erect up to 5 dwellings \(outline application with matters committed in respect of access\) | Land East Of Station Farm Fodder Fen Road Manea \(fenland.gov.uk\)](https://www.fenland.gov.uk/F/YR22/0709/O | Erect up to 5 dwellings (outline application with matters committed in respect of access) | Land East Of Station Farm Fodder Fen Road Manea (fenland.gov.uk))

4 SITE PLANNING HISTORY

Application site:

F/YR21/0555/O	Erect up to 5 dwellings (outline application with matters committed in respect of access)	Refused 23/9/2021
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Of relevance in the vicinity in relation to whether the area is considered as part of the settlement is the following:

F/YR14/0113/F	Erection of 3no dwellings comprising of 1 x 2-storey 4-bed with detached double garage/workshop/store, 1 x 2-storey 4-bed with attached garage with store above and 1 x 4-bed with attached double garage	Refused 1/7/2014 Dismissed on appeal 9/1/2015
	At Land South Of Bungalow Station Farm Fodder Fen Road Manea Cambridgeshire	(current local plan had been adopted and was considered)

5 CONSULTATIONS

5.1 Parish Council

Object. Outside the development area, agricultural land, greenfield site. Sets precedent.

5.3 Wildlife Officer (FDC) (4/8/2022)

Recommendation:

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

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

Pre-Commencement Conditions(s) –

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

-Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting, in line with the mitigation recommendations within the Preliminary Ecological Appraisal;

-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) -

- *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:

The proposed application is unlikely to have significant negative impacts on biodiversity or protected species so long as the proposed mitigation within the PEA is carried out. The landscaping document conditioned above should include these mitigations, specifically related to the species suggested for the landscaping belt.

5.4 Wildlife Officer (FDC) (2/9/2022)

I can confirm that I agree with the applicants ecologists points that the overall land take is small but also comprises of habitat which is heavily disturbed. I do not see any need to modify my previous comments on the application.

I would also like to point out that the development has a vegetated boarder which will help to mitigate the potential negative impacts on the surrounding habitats.

It may be worthwhile to further reinforce this boarder to have a denser vegetation to further reduce impacts.

5.5 Natural England (4/7/2022)

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Further Information Request

The Ecological Impact Assessment (EclA) should recognise that the development site falls within the Ouse Washes 'swan functional land' Impact Risk Zone (IRZ) due to the potential for the site and surrounding land to provide suitable foraging and roosting habitat for qualifying SPA wintering birds, particularly whooper swans. Whilst risks to any SPA functionally linked land is likely to be limited by the scale and nature of the scheme, as currently proposed, the EclA should confirm through desk records, obtained from suitable sources including RSPB, BTO and the Wildfowl and Wetlands Trust, that the site and surrounding area is not regularly used by SPA birds and can therefore be excluded as Ouse Washes functionally linked land. If desk and/or field records indicate otherwise, the EclA will need to assess the potential displacement / disturbance impacts of the proposed scheme, alone and in-combination, on Ouse Washes functional land / qualifying species and identify appropriate mitigation measures to address any adverse impacts.

5.6 Natural England (7/9/2022)

The letter from Wild Frontier Ecology (3 August 2022) considers that the proposed development site and surrounding areas are unsuitable for Ouse Washes SPA birds and are therefore not functionally linked to the SPA. The letter indicates that the scale of development, and its location on the urban edge, are key factors in establishing the unsuitability of the site for SPA birds, such as whooper swan, thereby ruling out any likely significant effect on the SPA through impacts to functionally linked land (FLL).

We accept that risks to the SPA associated with the proposed development are likely to be low based on the scale of development and urban edge effects. However, in the absence of desk records, Natural England's view is that it is not possible to determine with sufficient certainty that the site and surrounding area is not regularly used by SPA birds and can therefore be excluded as Ouse Washes FLL. For the purpose of informing the LPA's HRA 'likely significant effect' screening, in accordance with their requirement as Competent Authority under the Conservation of Habitats and Species Regulations 2017, as amended, Natural England's advice is that the desk-study should be supported by data searches from relevant sources such as WWT, RSPB and BTO. We are aware from previous casework that such data is available. This should provide sufficient certainty as to the FLL status of the development site and surrounding land and the requirement for any further survey work.

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, the noise climate or be affected by ground contamination.

Having studied the content of the Environmental Noise Survey, Noise Break-in Assessment & Sound Insulation Scheme report provided by Nova Acoustics (Project Number: 7694RS) I am satisfied with the methodology and subsequent findings having regard to the appropriate acoustic standards in this scenario. This is however based on the assumption that glazing standards will be installed in accordance with those in Table 6.0 (Glazing Specification – All Façades – Living Rooms and Bedrooms) to ensure that internal noise levels fall within the accepted parameters as stated within the aforementioned report.

5.8 Environment Agency

Thank you for consulting us on the above application. We have reviewed the documents as submitted and can confirm that we have no objection to the proposed development. We have provided further information in the Flood Risk section below.

Flood Risk

We have no objection to the proposed development, but recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be 0.4m above ground level*
- Flood resistant and resilient measures will be incorporated up to 0.6m above finished floor levels.*

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.

It is up to local planning authorities to determine whether any evacuation plan is sufficient in line with advice contained in Paragraph 58 of the Planning Practice Guidance. You should consult your emergency planners with regards to this.

Advice for the Applicant

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction", which can be downloaded from the following website: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

We operate a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Flood Warnings Service (F.W.S.) is a national system run

by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit <https://www.gov.uk/sign-up-for-flood-warnings>

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

5.9 Cambridgeshire County Council Highways (7/9/2022)

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

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

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

Conditions

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

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

5.10 Cambridgeshire County Council Highways (14/9/2022)

Visibility splays of 2.4m x 120m are detailed. It is right on the 40/derestricted which requires further details.

There is turning detailed but no swept path or dimensions to confirm this or the access width.

In the vicinity of the proposed footway there appears to be a ditch, trees and a lot of foliage, the devil is in the detail but there does appear to be a reasonable width of Highway available.

Finally this is not something that the LHA would seek to adopt.

Whilst I would agree with Ini's comments I would have gone further and highlighted/asked for the following:

- There is a lack of detail, please include;
Proposed dimensions, of the access, and footway width. (Minimum footway width of 1.5m).
The highway boundary in the vicinity of the proposed footway.

Design a short link on the eastern side from the site that includes a safe dropped crossing on both east and western footways.

- As this is right on the speed limit change a change to the TRO may be required to relocate the speed limit.*
- As this is right on the speed limit change detail a “Y” distance of 215m towards the derestricted section as speeds are likely to be higher in the derestricted area.*
- Plan 6567-PL01 depicts swales directly adjacent to Fodder Fen Road. There is a ditch in this area that will need to be culverted across the access, this design must be approval by the LLFA.*
- Providing the new kerb line for the footway on the western side will require drainage along the channel line. It is unclear how this can be achieved.*

The LHA are concerned only with the element within/ where it joins the public highway. The private road is not something we would consider, and the LPA need to be satisfied that the means of access is satisfactory in amenity terms, or seek improvements thereto.

Lastly I would ask that an acceptable variation of the following be conditioned. I am sorry but I do not have a copy of the current standard conditions that FDC would accept.

Before any dwelling hereby permitted is occupied the footway shown in principle on Drawing 6567-PL01 shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the LPA, and such a scheme shall include levels, forms of construction and surface water drainage.

5.11 Arboricultural Officer (FDC)

The Council's Arboricultural Officer considers that it is likely any roots present in the highway verge would have been lost as a result of previous works and that as much of the large vegetation is in or on the other side of the ditch there is unlikely to be an issue.

5.12 Local Residents/Interested Parties

2 objections have been received (1 from Short Drive and 1 from Fodder Fen Road, both Manea), in relation to the following:

- Land used for agriculture and outside the village development
- Would set a precedent
- Manea is not in need of more of this type of housing
- Impact of development on neighbouring dwelling
- Road cannot cope with extra traffic

6 supporting comments have been received (2 from Westfield Road, 1 from Days Lode Road, 1 from Pingle Wood Row, 1 from Willow Drive, 1 from School Lane and 1 from Valentine Close, all Manea), in relation to the following:

- location next to station
- further away from station than Charlemont Drive so less noise impact
- regular bus service to March
- village has facilities
- fronts the highway, not behind other houses
- quality housing
- similar to other developments in Manea

- insufficient executive housing in/around village
- eco-friendly design and supporting wildlife
- this area of the village neglected

Comments, where they relate to planning matters will be addressed in the sections below. It should be noted however that this application is in Outline with matters reserved other than in respect of access, hence all other details submitted are indicative only.

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

Movement – M1

Nature – N3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation 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 LP18 – Development in the Countryside
 Policy LP20 – Accessibility and Transport
 Policy LP22 – Parking Provision (Appendix 6)
 Policy LP24 – Natural Environment
 Policy LP25 – Biodiversity Net Gain
 Policy LP26 – Carbon Sinks and Carbon Sequestration
 Policy LP27 – Trees and Planting
 Policy LP28 – Landscape
 Policy LP32 – Flood and Water Management
 Policy LP49 – Residential site allocations in Manea

Delivering and Protecting High Quality Environments in Fenland SPD

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
 DM6 – Mitigating Against Harmful Effects

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of Development and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways**
- **Flood Risk**
- **Ecology**

9 BACKGROUND

- 9.1 This site has been subject to a pre-application enquiry (20/0110/PREAPP), which advised that the site is not considered to adjoin the developed footprint of the village, would create character harm to the openness of the area and result in an urbanising impact, is not considered to be sustainably linked to the settlement and as such would likely result in a reliance on private motor vehicles and was unlikely to pass the sequential test as there is a high likelihood that there are other sites at a lower risk of flooding which could accommodate the proposal.
- 9.2 It was advised that the scheme was unlikely to receive officer support for the above reasons; however, should an application be submitted (contrary to recommendation) then it should be accompanied by a phase 1 habitat survey due to the potential for the site to provide habitat for protected species and a noise assessment at the request of the Council's Environmental Health team due to the proximity of the site to the railway line.
- 9.3 Subsequently an outline planning application was submitted (F/YR21/0555/O) which was refused by Planning Committee for the following reasons:
1. *Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.*

Furthermore, Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, and do not adversely impact on the landscape character.

This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.

- 2 *Policy LP2 and LP16 (l) of the Fenland Local Plan, DM6 of the Delivering and Protecting High Quality Environments in Fenland SPD and para 130 of the NPPF seek to promote health and well-being and high levels of residential amenity whilst identifying, managing and mitigating against sources of noise and avoid adverse impacts.*

The site is in the relatively close proximity to the railway line and it is recognised that noise can lead to reduced living conditions and impacts on health and well-being and quality of life. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would result in adverse impact in this regard and as such it is considered contrary to the aforementioned policies.

- 3 *Policy LP2 and LP15 of the Fenland Local Plan seek to provide sustainable, adequate and safe access to essential services, paras 110 and 112 of the NPPF and chapter M1 of the NDG 2019 seek to prioritise pedestrians and cyclists by ensuring that routes are safe, direct, convenient and accessible for people of all abilities and that people should not need to rely on the car for everyday journeys.*

Fodder Fen Road has a 60mph speed limit alongside the site, it does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict. Hence it is likely there would be reliance upon the use of private motor vehicles, and as such the site is not considered to be sustainably linked to the settlement. The development is therefore considered contrary to the aforementioned policies.

- 4 *The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of*

flooding the exception test will then apply

Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.

- 5 *Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2019 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.*

Due to the location and features surrounding and within the site there is potential for protected species to be affected by the proposed development, particularly as it would be necessary to undertake works to the drain to the west for accesses. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species and as such it is considered contrary to the aforementioned policies.

10 ASSESSMENT

Principle of Development and visual amenity of area

- 10.1 Policy LP3 of the Fenland Local Plan identifies Manea as a 'growth village' where development within the existing urban area or as small village extensions of a limited scale will be appropriate as part of the strategy for sustainable growth. This policy also states that development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP3 must be read in conjunction with other policies in the Local Plan which steer development to the most appropriate sites:
- 10.2 Policy LP12 Part A states that for villages, new development will be supported where it contributes to the sustainability of that settlement (para 79 of the NPPF concurs), does not harm the wide-open character of the countryside (para 174 of the NPPF recognises the intrinsic value of the countryside) and complies with criteria (a) – (k). Policy LP12 makes it clear that the developed footprint is defined as the as the continuous built form of the village and excludes the following:
- Individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area,
 - 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,
 - agricultural buildings and associated land on the edge of the settlement,

- outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.
- 10.3 This site is considered to be located beyond the established settlement of Manea; development north of the railway line is limited and reasonably dispersed, with the form of land and buildings relating more to the surrounding countryside than the built-up area of development. This is a position that is supported by the previous recent refusal for development on this site (F/YR21/0555/O) and also the refusal of application F/YR14/0113/F and subsequent appeal APP/D0515/A/14/2227264 which was dismissed, in relation to an application for dwellings on a site on the opposite side of Fodder Fen Road, closer to the railway. Para 13 of the appeal decision stating:
- ‘.....due to its largely open character and the modest structures within it, in my judgement the rail corridor including the station forms a visual break and material buffer between the continuous settlement to the southwest and the more sporadic development and open countryside to the northeast. Therefore, the appeal site is neither within or adjacent to the existing development footprint of Manea in the terms of Policy LP12 of the Local Plan. Consequently, in this regard, the proposed development conflicts with this Policy and the associated spatial strategy for the District.’*
- 10.4 LP12 Part A (a) which requires the site to be in or adjacent to the existing developed footprint of the village cannot be satisfied as demonstrated above.
- 10.5 LP12 Part A (c) and (d) which require that developments do not have an adverse impact on the character and appearance of the surrounding countryside and are in keeping with the core shape and form of the settlement cannot be satisfied as the development would result in an encroachment into the open countryside resulting in an urbanising impact.
- 10.6 LP12 Part A (e) which requires that development does not extend linear features or result in ribbon development cannot be satisfied as the development would result in ribbon development extending onto the countryside.
- 10.7 LP12 Part A (j) which requires that development would not put people or property in danger from identified risks has not been fully addressed with respect to flood risk (please refer to Flood Risk section below).
- 10.8 It is acknowledged that planning permission has been granted (F/YR20/0427/F) for a car park in association with the railway station on land adjoining the railway line on the western side of Fodder Fen Road. In determining this application, it was acknowledged that the land does not adjoin the developed footprint of the village and would therefore be classed as an ‘elsewhere location’; however, Policy LP3 supports such development, and it is necessary to be located in close proximity to the railway. As the site was considered to relate more to the countryside than the built settlement it was considered important that this character was retained as much as possible to limit the impact. The site is bounded by trees and vegetation which it is proposed to retain and enhance, a buffer also surrounds the car park which mitigates the impact of the development on the character of this rural location; any impact was considered to be outweighed by the public benefit of the scheme. This development is not considered comparable to the current application for dwellings, which has no such policy support and creates a significant detrimental impact on the character of the area.

- 10.9 Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, and do not adversely impact on the landscape character. The proposed development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm.
- 10.10 Policy LP12, Part D is the overarching policy for considering proposals for new dwellings in elsewhere locations (which as detailed above this site is considered to be) and sets out that the *'applicant should provide supporting evidence (Officer underlining) as part of the application'*:
- (a) *The existing functional need for the dwelling*
 - (b) *The number of part time and full time worker(s) to live in the dwelling*
 - (c) *The length of time the activity has been established*
 - (d) *The financial viability of the enterprise*
 - (e) *The availability of other suitable accommodation on site or in the area*
 - (f) *How the proposed size of the dwelling relates to the viability of the enterprise*
- 10.11 The applicant's agent advises that the applicant's daughter will be taking over the running of Sears Bros Ltd, and will have one of the plots to allow her to live closer to the business. Information submitted states that the main farm is at the top end of Days Lode Road, Manea, though no maps or further information have been provided to indicate the precise location or extent of land. Extremely limited information has been submitted in relation to the nature of the business or the relationship of the application site to this in respect of need and functionality. Notwithstanding the information provided, no evidence has been forthcoming to establish essential need in relation to the above requirements. The proposal would therefore be contrary to the aforementioned policies. Furthermore, the proposal is for up to 5 dwellings, hence even if the need for 1 dwelling was established this would not render the remaining dwellings applied for acceptable.
- 10.12 Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

Policy LP1, Part A identifies Manea 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. LP49 defines residential site allocations in Manea and this site does not have such an allocation. As such the proposal is also considered contrary to the aforementioned policies of the emerging local plan.

Residential Amenity/Health and wellbeing

- 10.13 The site is separated from Victoria House to the south by the agricultural access, a drain, a vegetation belt on the boundary and a number of outbuildings serving Victoria House. To the west on the opposite side of the road is the Bungalow at Station Farm and the site of the railway car park. The separation distances, scale of the existing sites surrounding and the application site are such that significant detrimental impacts are not expected, and it is considered a policy compliant scheme could be achieved in relation to the relationships between existing and proposed sites.

- 10.14 The site is located in relatively close proximity to the railway line and the application is accompanied by a noise assessment due to concerns raised and reason for refusal 2 of the previous application in relation to this. The report concluded that providing the recommendations specified were implemented the internal and external noise levels are expected to be within the relevant British Standard criteria. The Council's Environmental Health team are satisfied with the methodology and subsequent findings having regard to the appropriate acoustic standards in this scenario. This is however based on the assumption that glazing standards will be installed in accordance with those in Table 6.0 (Glazing Specification – All Façades – Living Rooms and Bedrooms) to ensure that internal noise levels fall within the accepted parameters as stated within the aforementioned report. Hence subject to relevant conditions the previous reason for refusal in this regard is considered to be overcome.

Highways

- 10.15 Aside from the principle of development, access is the only matter being committed as part of this application. A 6m wide shared access point is proposed off Fodder Fen Road, requiring the drain to be culverted, full details of which can be secured by way of a condition. Visibility splays as required by the LHA are indicated and the agent has confirmed that this is achievable within Highways land. The shared access leads to a private road within the site and individual parking and turning areas; the detailed layout would be a Reserved Matter should this application be successful.
- 10.16 Fodder Fen Road is some distance from the majority of facilities and services, and in order to provide a sustainable link to existing infrastructure, the railway station and village beyond, a 1.8m wide footpath is proposed on the western side of Fodder Fen Road to adjoin the recently constructed footpath serving the station car park. LHA comments indicate that it would be necessary to design a short link on the eastern side from the site that includes a safe dropped crossing on both east and western footways and that full construction details including drainage would be necessary, these details can be secured by way of a condition.
- 10.17 Notwithstanding the above, the LHA have indicated that it may be necessary to relocate the speed limit given the proximity to the proposed access. The proposed footpath would be in close proximity to a drain and a number of trees, whilst the area has already been disturbed by the construction of the car park, it would be necessary to establish and consider the potential impact of the footpath on these trees and ecology. These matters remain outstanding, however in the interests of expediting the application, and on the basis there are a number of other reasons for refusal, it was not considered reasonable to seek further details in this regard.

Flood Risk

- 10.18 The site lies in Flood Zone 3, the highest risk of flooding; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.

- 10.19 Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. Given that the site is considered outside the settlement, the scope for the sequential test would need to be the whole of the rural area (villages and open countryside), as set out in the Flood Risk Sequential Test Methodology 2018.
- 10.20 The application has been accompanied by a Flood Risk Assessment which states that if the Middle Level Barrier Bank is considered the site has a low probability of flooding and the development is considered to pass the Sequential Test; this is insufficient. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD clearly sets out the stages that are required; the developer should identify and list reasonably available sites irrespective of land ownership within the search area which could accommodate the proposal, obtain flood risk information for all sites and apply the sequential test by comparing the flood risk from all sources on the sites identified; this has not been done.
- 10.21 The application is accompanied by a Sequential and Exception Test which advises that the area of search is Manea rather than the whole rural area, the Council disagree with this as the site is considered to be outside the settlement and as such the Sequential Test is considered to fail.
- 10.22 Notwithstanding this, even if the site was considered part of the settlement and the search area was the village of Manea, the Sequential Test is considered to be inadequate as it discounts smaller/larger sites, specifies a type of dwelling where all matters are reserved in this case so this is unknown and does not consider whether there are sites in Flood Zone 3 at lesser risk of flooding. Reference should be made to application F/YR21/1439/O for up to 4 dwellings at Land West Of 78-88 Station Road Manea, which was refused by Planning Committee in November this year for failure to adequately apply or meet the Sequential Test.
- 10.23 Planning Practice Guidance (Paragraph: 028 Reference ID: 7-028-20220825) states that: *'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. 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'.*
- 10.24 Even if the Sequential Test could be passed the Exception Test would also need to be passed. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific flood risk assessment must demonstrate that the development will be safe from all sources of flooding and will not increase flood risk elsewhere.
- 10.25 Para 4.5.9 of the adopted Cambridgeshire Flood and Water SPD advises that provision of housing by itself would not be considered a wider sustainability benefit. The Exception Test indicates that the proposal would utilise renewable energy solutions, however the application is in outline only and as such this is not detailed (though it would be possible to condition a scheme). It also relates to biodiversity mitigation/enhancement measures and landscaping which would be required irrespective of flood risk and as such this is not a benefit. The development does

propose a footpath link however this is only required to mitigate the unsustainable location of the site and as such is not of wider benefit.

- 10.26 Environment Agency (EA) data indicates that in the event of a breach of flood defences the site could flood to a depth of up to 1m. The EA do not object to the application in relation to site specific risk, but recommend that the development is carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 0.4 metres above existing ground levels
- A further 0.6 metres of flood resistant construction shall be provided

The submitted FRA also recommends that occupants register with Floodline Direct Warnings Service to receive any future flood warnings.

Ecology

- 10.27 Public Authorities have a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to conserving biodiversity in policy and decision making.
- 10.28 The application is accompanied by an Ecological Appraisal which considers that the minor increase in population would have no discernible recreational impacts to designated sites and the site provides limited opportunities for breeding birds, mitigation and enhancement measures are recommended.
- 10.29 The Council's Wildlife Officer considers that the proposed application is unlikely to have significant negative impacts on biodiversity or protected species so long as the proposed mitigation measures are carried out and subject to recommended conditions.
- 10.30 Natural England advised that the development site falls within the Ouse Washes 'swan functional land' Impact Risk Zone (IRZ), and as such requested further information to enable the potential impact to be assessed. Further information was forthcoming, however Natural England's view is that in the absence of desk records, it is not possible to determine with sufficient certainty that the site and surrounding area is not regularly used by Special Protection Area birds and can therefore be excluded as Ouse Washes Functionally Linked Land. As such insufficient information has been submitted to inform the Habitat Regulations Assessment 'likely significant effect' screening and the proposal is considered contrary to Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021.

11 CONCLUSIONS

- 11.1 The principle of development in this location is considered unacceptable as it is beyond the established settlement of Manea, and there is no justification for dwellings in this elsewhere location under PolicyLP12 Part D.
- 11.2 The development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area.
- 11.3 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with

a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.

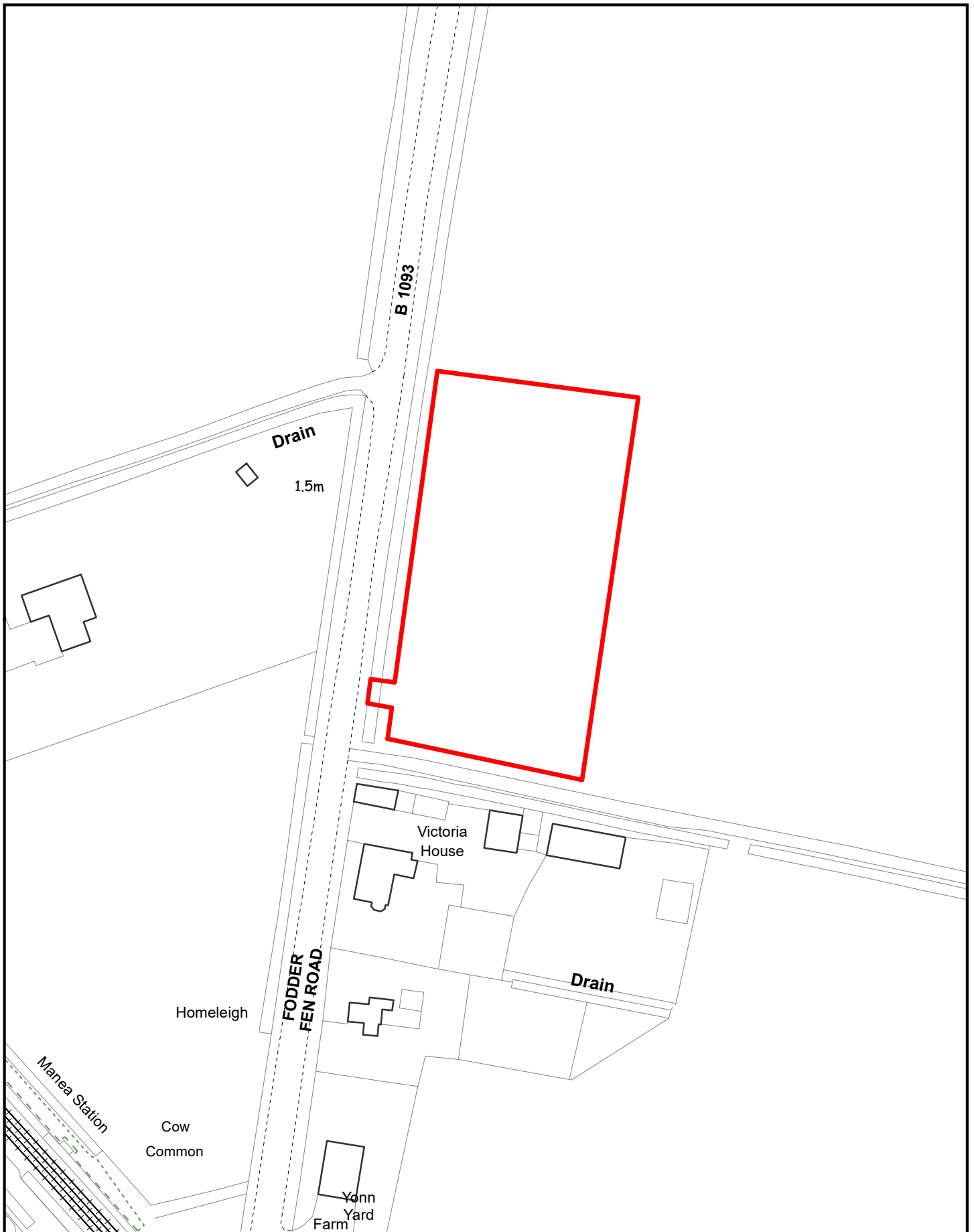
- 11.4 Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land.
- 11.5 Overall, the proposed development is considered to be unacceptable and the recommendation is one of refusal.

12 RECOMMENDATION

Refuse for the following reasons:

1.	<p>Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.</p> <p>Furthermore, Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, and do not adversely impact on the landscape character.</p> <p>This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.</p>
2.	<p>Policies LP3 and LP12 Part D of the Fenland Local Plan 2014 seek to restrict development in elsewhere locations, such as the application site, to that which is demonstrably essential to be so located, and to ensure that any such applications are accompanied by robust evidence of the need and suitability of the development.</p> <p>No evidence has been forthcoming to establish need in relation to the requirements of LP12 Part D. Furthermore, the proposal is for up to 5 dwellings, even if the need for 1 dwelling was established this would not render the remaining dwellings applied for acceptable. As such, the proposal is contrary to the aforementioned policies.</p>
3	<p>The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed</p>

	<p>development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.</p>
4	<p>Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.</p> <p>Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land, and as such the development is considered contrary to the aforementioned policies.</p>



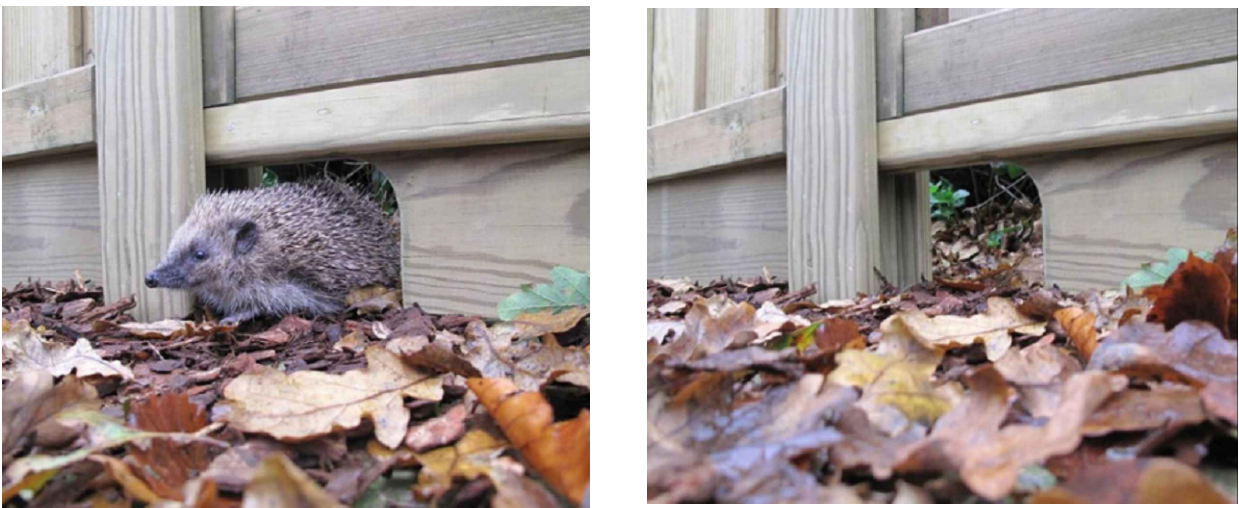
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F/YR22/0709/O

Scale = 1:1,250





Boundary fence to have 1 hedgehog gravel board to each boundary



Schwegler triple cavity swift box
1 to each East elevation plots 2,3,4 and 5



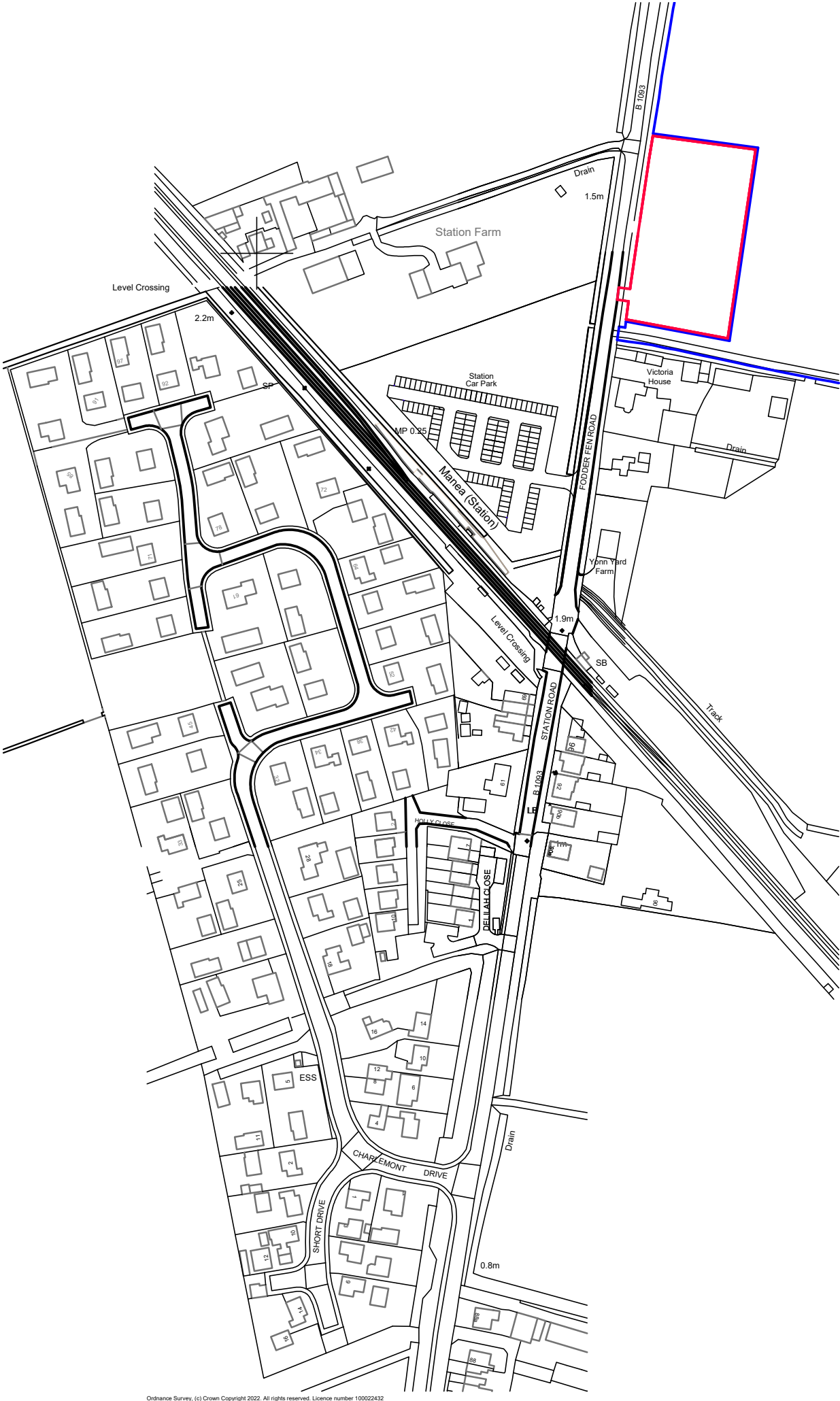
Eco House Martin nest
1 to each East elevation plots 1 & 5(2 No. on 5,1.00m gap between)



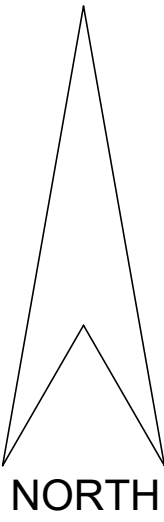
NHBS Habitat bat box
One on each South
Elevation plots
1 & 4



Site Plan including indicative layout 1:500



Location Plan 1:2500



All finished floor levels to be 400mm above ground level

REVISIONS



**PETER HUMPHREY
ASSOC**

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CLIENT

Mr Robert Sears
Sear'sBrothers Ltd(1978)Retirement Benefit Scheme

PROJECT

SITE
LAND EAST OF VICTORIA HOUSE
FODDER FEN
MANEA
PE150HQ

DRAWING		
6567-PL01		
JOB NO.	PAPER SIZE	DATE
6567a	A1	April 2022

Notes:
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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 been apparent to a competent contractor.

F/YR21/1141/O

Applicant: Mr Nick Price

**Agent : Mr Ian Gowler
Gowler Architectural**

45 Westfield Road, Manea, March, Cambridgeshire PE15 0LS

Erect up to 2no dwellings (outline application with all matters reserved) involving demolition of existing dwelling

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

1.1 This application seeks outline planning permission, with all matters reserved, for the erection of two dwellings and the demolition of the existing dwelling on site at 45 Westfield Road.

1.2 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 Whilst the principle of development is acceptable purely in a spatial sense being within the built form of Manea, given the sites positioning within flood zone 3 and the failure to meet the sequential test, the proposal is contrary to Para 162 of the NPPF (2021) and Policy LP14 of the Fenland Local Plan (2014).

2 SITE DESCRIPTION

2.2 The site is situated on the corner of West Field Road and Fallow Corner Drove within the village framework of Manea and is currently occupied by a detached two storey dwelling.

2.3 The site is within Flood Zone 3, an area at highest risk.

3 PROPOSAL

3.1 This application seeks outline planning permission with all matters reserved for future consideration in respect of the erection a replacement dwelling (following demolition of the existing) and the erection of an additional single dwelling. An illustrative layout accompanies the submission which details one dwelling is to utilise the existing Fallow Corner Drove access, albeit widened, with a new access proposed for the other dwelling taken from West Field Road.

- 3.2 The scheme was reduced from 3 dwellings to 2 following concerns regarding overdevelopment of the site. The Parish Council and all neighbours/contributors were reconsulted on the amendment.
- 3.3 Full plans and associated documents for this application can be found at: [F/YR21/1141/O | Erect up to 2no dwellings \(outline application with all matters reserved\) involving demolition of existing dwelling | 45 Westfield Road Manea March Cambridgeshire PE15 0LS \(fenland.gov.uk\)](https://www.fenland.gov.uk/F/YR21/1141/O | Erect up to 2no dwellings (outline application with all matters reserved) involving demolition of existing dwelling | 45 Westfield Road Manea March Cambridgeshire PE15 0LS)

4 SITE PLANNING HISTORY

No relevant recent formal history for this site.

5 CONSULTATIONS

5.1 Manea Parish Council

19/10/2021 - *No objection in principle. Comments: Density and Access*
23/08/2022 - *No objection*

5.2 Environment Agency

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

National Planning Policy Framework Flood Risk Sequential Test

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.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Taking a sequential approach at this site, the proposed dwelling on the corner is more at risk from flooding as breach analysis shows 0.5-1m depths just covering part of that dwelling, consideration should be made to raise the finished floor level here further than the 0.3m proposed or move the house back slightly to mitigate the risk from higher depths on this part of the site.

Review of Flood Risk Assessment (FRA)

We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) ECL0527/IAN are adhered to. In particular, the FRA states that:

- Finished floor levels will be set no lower than 0.3m above ground levels.*
- Flood resistance / resilient measures will be incorporated up to 0.3m above finished floor levels.*

5.3 Natural England

Please refer to Natural England's letter dated 12 July 2019 (copy attached) regarding appropriate consideration of recreational pressure impacts, through

relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI) Natural England's generic advice on other natural environment issues is set out at Annex A.

5.4 CCC Highways

Indicative highway boundary plans show that they do not exactly follow the site boundary that the applicant has submitted.

The applicant should contact the highway search team and confirm the highway limits and adjust the application accordingly.

Subject to a revised red line and site proposals I would have no objections to the proposals – please consult with me further when the revised proposals are received.

As part of a future reserved matters application I will be expecting:

- *Parking to be in accordance with FDC parking standards;*
- *Accesses to be sealed and drained for 5m;*
- *Section of footway to front the site and wrap around the corner of West Field Road and Fallow Corner Drove.*

5.5 FDC Environmental Health

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

As the proposal involves demolition of existing structures, 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.

We note one of the outbuildings on the proposed site appears to have a corrugated asbestos cement sheeting roof. As it is proposed this will be demolished I would recommend a condition requiring removal by a licensed asbestos removal contractor. Although it is accepted that low amounts of asbestos cement sheeting, which is what the shed roof may consist of, can be removed by householders provided it is taken to a licensed waste management facility which is licensed to receive such waste.

5.6 Local Residents/Interested Parties

Objectors – original scheme

6 objection letters were received in relation to the original scheme for 3 dwellings which raised the following material considerations:

- *Out of keeping*
- *Overdevelopment*
- *Loss of light*
- *Overlooking*

- Safety concerns regarding the new access and lack of turning on site
- Inadequate parking provision
- Impact of increase in traffic movements
- Flood risk, drainage

Supporters – revised scheme

1 supporting letter was received as a result in the reduction of the quantum of development from 3 dwellings to 2 dwellings, as set out below:

I have no objection to this revised application. Would like to have seen 2 X 3 bed bungalows in keeping with the adjacent bungalows but it is what it is.

Representations – revised scheme

1 representation was received as a result in the reduction of the quantum of development from 3 dwellings to 2 dwellings, as set out below:

The revised plan for 2 properties is more appropriate for the available plot size. We would have preferred 1 x house (replacement for current building) and 1 x bungalow (new build) to maintain and respect the current privacy and outlook for the neighbouring properties on both Westfield Road and Fallow Corner Drove which are both bungalows. However, it is what it is.

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

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

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
LP22 – Parking Provision
LP25 – Biodiversity Net Gain
LP32 – Flood and Water Management
LP49 – Residential site allocations in Manea

8 KEY ISSUES

- **Principle of Development**
- **Flood Risk**
- **Other Matters**

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 Under Policy LP3 of the Local Plan, Manea is identified as a Growth Village in which new development and service provision within the existing urban area will be considered appropriate. With regards to Policy LP3 of the Local Plan, the development may therefore be supported.
- 9.3 The site is located within Flood Zone 3 and therefore in accordance with Local Plan Policy LP14 flood risk must also be considered.
- 9.4 The principle of the development is therefore acceptable subject to all policy considerations being assessed.

Flood Risk

- 9.5 The proposed development is in Flood Zone 3, identified as an area of high risk of flooding, and therefore representing a risk to property and life. Residential development is classified as a 'more vulnerable' use.
- 9.6 A flood risk assessment accompanies the application, and which has been deemed by the Environment Agency to satisfactorily address the Exception Test.
- 9.7 However, a Sequential Test is also required to be addressed in areas at high risk of flooding, directing new development to areas at lower risk of flooding in the first instance. There are available and deliverable sites within Manea at a lower risk of flooding than the application site, and the Applicant has not shown that these alternative sites are not suitable or readily available for the development proposed.
- 9.8 In this case the Sequential Test has not been met. Accordingly, the proposal would fail to accord with the NPPF (2021) and Policy LP14 of the Fenland Local Plan (2014).

Other Matters

- 9.9 Details pertaining to the scheme's access, appearance, landscaping, layout and scale are not committed as part of this application and will be subject to further consideration at Reserved Matters stage. However, the following assessment is based on indicative plans submitted with this application for information purposes only.

Design and Character

- 9.10 The indicative site plan demonstrates that the site is comfortably capable of sustaining two dwellings with parking and private amenity space. The dwellings roughly follow the existing linear form of development and would therefore reflect the prevailing pattern of development.
- 9.11 The indicative elevations show simple two storey dwellings and whilst it is noted that the adjacent dwellings are primarily bungalows, given that the existing dwelling to be demolished is two storey and the presence of existing two storey dwellings in the immediate vicinity no objections are raised in this regard.

Residential Amenity

- 9.12 Notwithstanding the indicative site plan, matters such as overlooking, overshadowing and loss of privacy, both in relation to the dwelling proposed and the impact upon all neighbouring properties, would be considered at reserved matters stage.
- 9.13 However, it is accepted that the quantum of development sought could be accommodated by the application site without significant harm to residential amenity subject to final design.

Access and Parking

- 9.14 Indicative access and parking have been detailed which evidences that a suitable arrangement can be achieved, subject to full details which could have been secured as part of a reserved matters application if the application was acceptable in all other regards.
- 9.15 With regards to the highway boundary, revised plans were received illustrating that the proposal is outside highways land and the red line of the site has been amended accordingly.

10 CONCLUSIONS

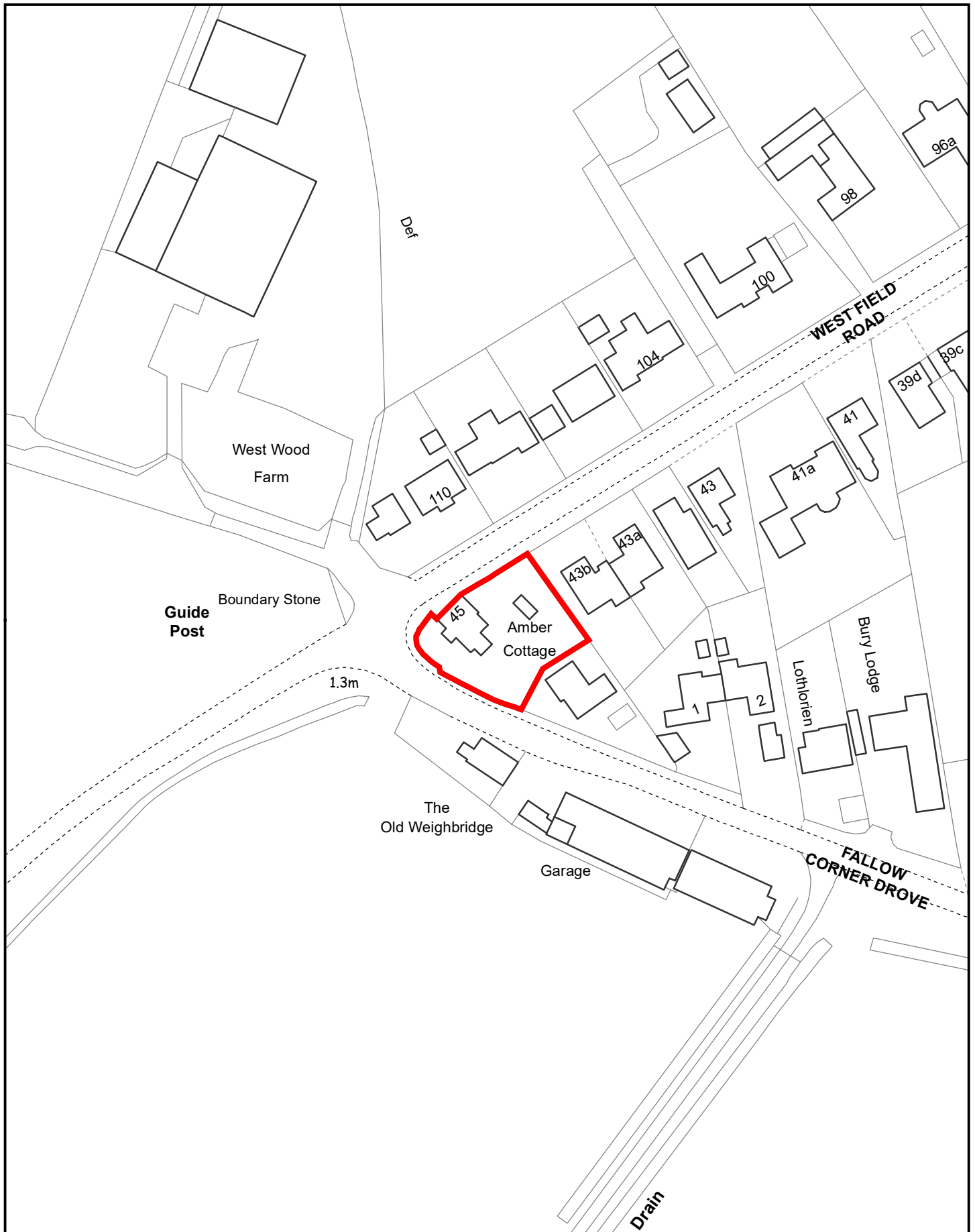
- 10.1 The objective of an outline application with all matters reserved is to determine if the principle of residential development at the application site is acceptable.
- 10.2 Whilst the principle of development is acceptable purely in a spatial sense, given the sites positioning within flood zone 3 and the failure to meet the sequential test, the proposal is contrary to Policy LP14 of the Fenland Local Plan.

11 RECOMMENDATION

Refuse: for the following reason:

1	The application site is categorised as Flood Zone 3 land, an area at high risk of flooding. Where development is necessary in areas at risk of flooding,
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	<p>Paragraph 162 of the NPPF (2021) requires development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding.</p> <p>With extant consents and sites reasonably available throughout Manea on land which is categorised as Flood Zones 1 and 2, the proposal would involve the construction of one additional permanent dwelling on land which is at greater risk of flooding and the development therefore fails to pass the Sequential Test.</p> <p>The application is accordingly considered to be contrary to Para 162 of the NPPF (2021) and Policy LP14 of the Fenland Local Plan (2014).</p>
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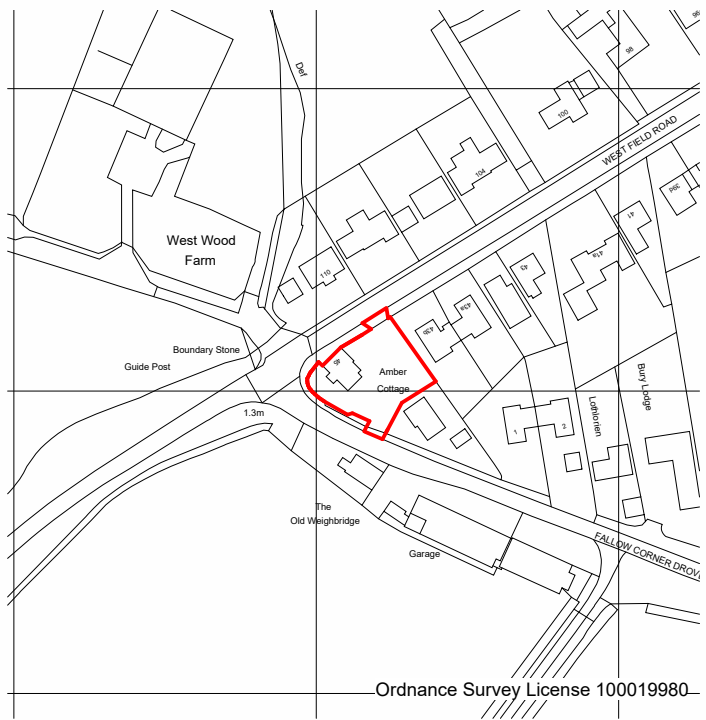
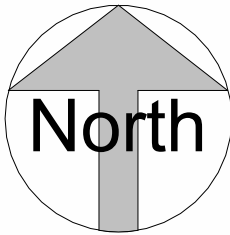
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F/YR21/1141/O

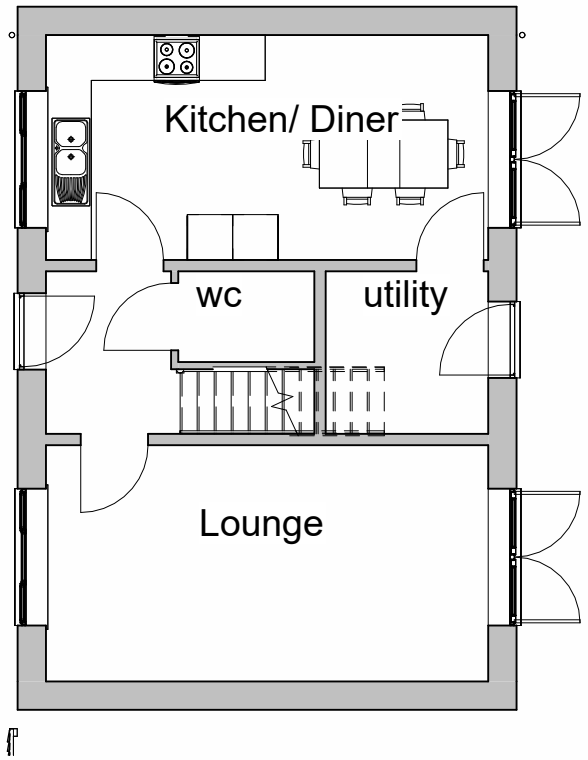
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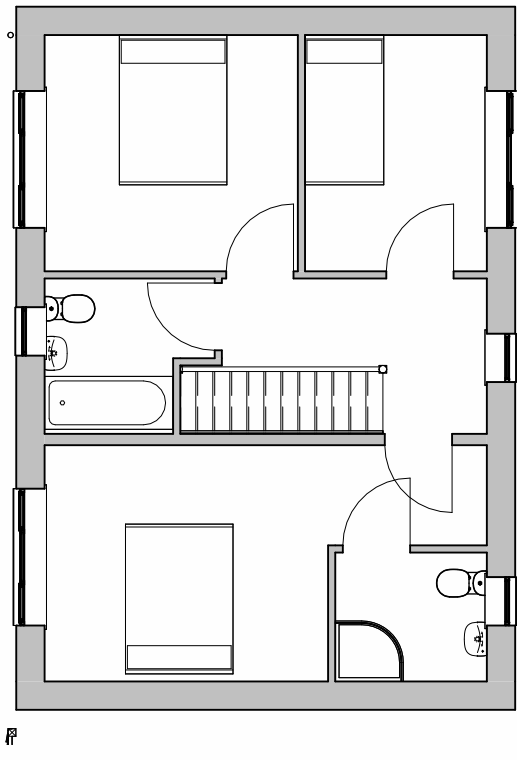
Notes
Any discrepancies to be brought to attention of Author as soon as possible.
All dimensions shown in "mm" unless otherwise shown.
Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



Location Plan
Scale 1 : 2500



Indicative Proposed Ground Floor
Scale 1 : 100



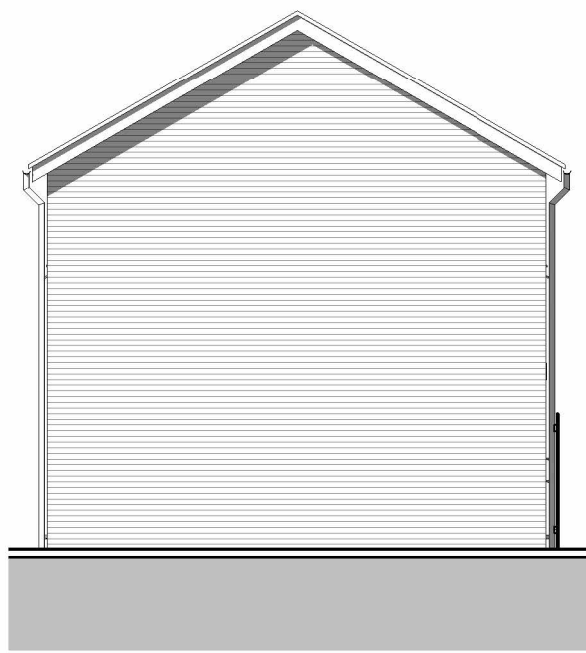
Indicative Proposed First Floor
Scale 1 : 100



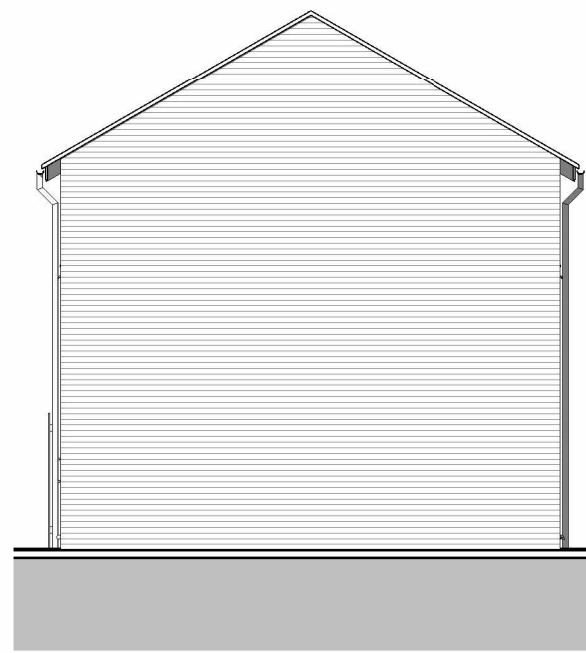
Indicative Front Elevation
Scale 1 : 100



Indicative Rear Elevation
Scale 1 : 100



Indicative Side Elevation 1
Scale 1 : 100



Indicative Side Elevation 2
Scale 1 : 100



Indicative Proposed Block Plan
Scale 1 : 200




Indicative Proposed Site Plan
Scale 1 : 200



Existing Block Plan
Scale 1 : 200

B	Location plan amended	14-11-22
A	Amended to 2 Plots, New Footpath Added	13-02-22

 Ian Gowler Consulting Ltd Architectural and Domestic Energy Consultant Grove House, 22 Primrose Hill, Doddington, Cambs, PE15 0SU tel. 01354 667005 email. ian@gowler-architectural.co.uk			
Proposed Development at Amber Cottage, Fallow Corner Drive, for Mr Nick Price			
Planning			
date created 10/04/21	scale As indicated @ A1	drawing no. 454 - P01	rev B

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F/YR22/0942/FDC

Applicant: Fenland District Council

**Agent : Mr R Harrington
BHD Ltd**

Garage Site, Drybread Road, Whittlesey, Cambridgeshire

Erect up to 5 x dwellings involving the demolition of existing garages (outline application with all matters reserved)

Officer recommendation: Grant

Reason for Committee: Fenland District Council application

1 EXECUTIVE SUMMARY

- 1.1. This site is within the built-up settlement of Whittlesey and is within a sustainable location. The application is submitted by Fenland District Council and is in outline with all matters reserved for up to five dwellings.
- 1.2. It is considered that there are no site constraints which would render the development of the site for up to five residential units unacceptable; subject to detailed design and appropriate safeguarding conditions.
- 1.3. In its current state the site as a former garage site has the characteristics of a potential area for anti-social behaviour, with a poor level of passive surveillance as such the development of this site is likely to have a positive impact on the locality.
- 1.4. The scheme complies with both national and local planning policy and may be favourably recommended.

2 SITE DESCRIPTION

- 2.1. The application site relates to an area of land between the rear of Nos.98-112 Drybread Road and Nos. 49-55 Feldale Place, Whittlesey. The land predominately comprises hard standing and disused garage blocks, accessed from Drybread Road by an existing access road between Nos. 98 and 98b. The site includes an area of overgrown grassland positioned to the south east of the wider garage block site to the east of 55 Feldale Place.
- 2.2. The site is bounded by a mix of vegetation and fencing, and is surrounded on the north, west and southern sides by existing residential development. To the east is agricultural land, further residential development and Whittlesey Athletic Football Club.
- 2.3. The site lies within Flood Zone 1 (low risk).

3 PROPOSAL

- 3.1. This application is submitted by Fenland District Council and is an outline application proposing the erection of up to 5 dwellings, with all matters reserved.

The development will be facilitated by the demolition of the existing garage blocks.

- 3.2. The indicative site plan suggests that four dwellings, in semi-detached 2-storey pairs will be set to the centre of the site facing west, with an area of open space and parking for the dwellings to the western side of the site. Rear garden space for these dwellings will be set to the east of the site. Access to this part of the site will utilise the existing access off Drybread Road, with a 6m wide rear access apron maintained for the existing dwellings to the north of the site.
- 3.3. The fifth, a single storey dwelling with separate access off Feldale Place, is proposed within the existing vegetated land to the east of No.55 Feldale Place.
- 3.4. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

- 4.1. No pertinent planning history.

5 CONSULTATIONS

5.1. Whittlesey Town Council

The Town Council have no objection on this outline application and therefore recommend approval.

5.2. Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and would advise that we have 'No Objections' as it is unlikely to affect or be affected by the existing or future noise or air climate.

In our earlier consultation under 22/0031/PREAPP this service advised due to the potential for contaminants to exist on site and the apparent presence of asbestos as a result of the site's former use of vehicle garaging, it would be necessary for a Phase 1 contaminated land assessment to be undertaken to identify if plausible contamination linkages existed.

We note the results of the above assessment have not yet been provided. If permission is granted we ask for this assessment to be added as a pre-commencement condition, forming the first part of the contaminated land conditions to be included so the interests of both human health and the environment can be preserved.

This service advised in our earlier consultation the location of the proposed development site was in close proximity to existing residential properties and therefore a construction management plan (CMP) demonstrating how noise, dust and potentially vibration mitigation measures would be implemented during the demolition and construction phases. Should permission be granted we ask for the CMP be added as a condition to protect the amenity of the existing sensitive uses in the area of the application site.

The CMP should include as a minimum the following elements:

- *Construction hours meeting current industry approved guidelines*
- *Delivery times for construction purposes*

- *Soil Management Strategy including a method statement for the stripping of top soil for reuse; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007*
- *Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS:5228*
- *Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS:5228*
- *Dust suppression management and wheel washing measures to prevent the deposition of debris on the highway and the general environment*
- *Site lighting*
- *Liaison, consultation and publicity arrangements including dedicated points of contact*

5.3. CCC Lead Local Flood Authority – Original comments received 08.09.22

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

1. Insufficient Information

Paragraph 163 of the National Planning Policy Framework requires planning applications to be supported by a site-specific flood risk assessment. Such an assessment should include a surface water strategy and must demonstrate that the proposed development incorporates sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate. The SuDS should:

- a) Take account of advice from the Lead Local Flood Authority;*
- b) Have appropriate minimum operational standards;*
- c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) Where possible, provide multifunctional benefits*

As a flood risk assessment/surface water strategy containing the above information has not been submitted there is insufficient information in order for us to determine the impacts of the proposal.

In order to assist developers with the preparation of surface water strategies Cambridgeshire County Council has prepared a guidance document which is available to view [here](#).

For an outline application the following should be included within the surface water strategy:

- i. Existing impermeable area*
- ii. Proposed impermeable area / developable area (including an allowance for urban creep)*
- iii. A description of site topography*
- iv. A description of ground conditions (using site investigation where possible)*
- v. Identification of any surface water flood risk*
- vi. Existing site drainage arrangements*
- vii. Proposed method of surface water disposal*
- viii. Existing and proposed runoff rates (if discharging off-site)*
- ix. Existing and proposed runoff volumes (if discharging off-site)*
- x. Required volume of attenuation (m³ per m² of impermeable area)*
- xi. Preliminary SuDS proposals*
- xii. Infiltration test results in accordance with BRE365 (or second viable option for surface water disposal if testing hasn't yet been undertaken)*

Until the above information has been provided we are unable to suitably review this application.

5.4. CCC Lead Local Flood Authority – Reconsultation comments received 24.11.22

We have reviewed the following documents:

- *Sustainable Drainage Strategy, Ellingham Consulting Ltd, Ref: ECL0852a, Dated: November 2022*
- *Email from Applicant, BH to DB, Subject: Drybread Road, Whittlesey - F/YR22/0942/FDC, Dated: 9 November 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 a detention basin, restricting surface water discharge to 2.1 l/s with a 75mm orifice.

The LLFA is supportive of the use of a detention basin as, in addition to providing attenuation, it also provides water quality treatment, which is of particular importance when discharging into a watercourse, as well as providing a biodiversity and amenity value.

It has been demonstrated that an appropriate width access strip will be maintained around the proposed SuDS system, as well as the existing watercourse at the rear of the properties. This is to ensure that appropriate access to these features can be gained at all times for regular and emergency maintenance and management.

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

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 Sustainable Drainage Strategy prepared by Ellingham Consulting Ltd (ref: ECL0852a) dated November 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 nonstatutory 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.

5.5. CCC Highways Authority – Original comments received 18.10.22

The widths of both accesses appear to be very tight for this development, particularly the width of the access off Feldale Place. There is a ditch and a pedestrian bridge adjacent to the proposed access for the bungalow.

Please check and add the width of the access to the drawing. This is required to ensure that the application is actually viable for vehicular accesses.

Furthermore, please note for the development should provide sufficient space within the site to enable vehicles to enter, turn and leave the site in forward gear.

5.6. CCC Highways Authority – Reconsultation comments received 30.11.22

On the basis of the information submitted, from the perspective of the Local Highway Authority the proposed development is acceptable.

Conditions

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

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

5.7. Local Residents/Interested Parties

Two letters of objection received from residents of Drybread Road raising the following issues:

- potential disruption due to construction traffic;
- noise;
- dust;
- hazardous materials; and
- the suitability of the access.

These matters form material planning considerations that will be addressed in the below assessment.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) July 2021

Para 2 – Applications be determined in accordance with development plan;
Para 11 – Presumption in favour of sustainable development;
Para 48 – Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
Para 80 – Development within the countryside;
Para 110 – 112 – Promoting sustainable transport;
Para 130 – Creation of high quality buildings;
Section 14 – Meeting the challenge of climate change, flooding and coastal change

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2021

Context
Built Form

7.4. Fenland Local Plan 2014

LP1 – A presumption in favour of sustainable development
LP2 – Facilitating health and wellbeing of Fenland residents
LP3 – Spatial strategy, the settlement hierarchy and the countryside

LP14 – Responding to climate change and managing the risk of flooding
LP15 – Facilitating the creation of a more sustainable transport network
LP16 – Delivering and protecting high quality environments across the district

7.5. Emerging Local Plan

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

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP7 – Design

LP8 – Amenity Provision

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP32 – Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Highways and access**
- **Design and Character**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Contaminated Land**

9 BACKGROUND

- 9.1. This application was preceded by a Pre-Application Enquiry in respect of a proposal to erect four dwellings at the site. Recommendations were offered in respect of matters relating to appropriate design and character, parking and highways safety (including the suitability of the proposed accesses) and the need for appropriate environmental health considerations.

10 ASSESSMENT

Principle of Development

- 10.1. Policy LP3 of the Fenland Local Plan classifies Whittlesey as a Market Town, where the majority of the district's development should be located. Policy LP16 supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance. Policy LP2 seeks to ensure that development does not result in harm to the amenity of the area or the environment in general. Policy LP15 seeks to ensure safe and convenient access for all in the interest of highway safety.

- 10.2. The principle of the development is acceptable subject to the policy considerations set out below.

Highways and access

- 10.3. This is an outline planning application with all matters reserved. However, it is clear that there is an existing access available from Drybread Road. It is

acknowledged that the access width is restrictive and there is potential for pedestrian conflict, however the likely traffic generation arising from the proposal will be significantly less than the authorised use of the site as a former Council garage site. An additional access point is proposed at the end of Feldale Place, providing access to one additional dwelling off this road, which is not likely to result in a significant increase in vehicular traffic within this residential street.

- 10.4. Consultations with the Highways Authority offered no objection to the scheme. A recommended condition was suggested, however as specific details will form part of the future Reserved Matters application, it is not considered necessary to impose this condition at this outline stage. Notwithstanding, the access proposals are considered acceptable in principle.
- 10.5. It is anticipated that five modest sized dwelling are likely to be delivered, and this typically would require 2 parking spaces per dwelling. There is sufficient site area to provide parking in accordance with these parking standards.
- 10.6. Bin collection arrangements will need to be undertaken where the access meets the existing highway. Full details will need to be secured at reserved matters stage and can be secured by condition.
- 10.7. Based on the above there would be no matters arising that would indicate that planning permission should be withheld for this development on the grounds of LP15 or LP16 in so far as they are related to access, servicing and highway safety.

Design and Character

- 10.8. In its current state, the site has characteristics of a potential area for anti-social behaviour, with a poor level of passive surveillance. As such, the redevelopment of this site is likely to have a positive impact on the character of the area more generally.
- 10.9. Specific details pertaining to the scheme's appearance, landscaping, layout and scale are not committed as part of this application and will be subject to further consideration at Reserved Matters stage.
- 10.10. The indicative site plan suggests that the main dwellings to the centre of the site are likely to be of a scale and layout that is congruous with the surrounding development.
- 10.11. The proposed bungalow off Feldale Place could be considered out of character, given the surrounding development and prevailing character along this street is typically 2-storey semi-detached dwellings with a relatively uniform appearance. However, the indicative positioning of the bungalow appears to be set back within the plot, and likely shielded from view within the streetscene given the highway geometry and adjacent, more frontage development along Feldale Place.
- 10.12. In addition, when considering the 'horn' of land to the south of the site where this bungalow is proposed, the overall shape of this area does not lend itself to more coherent development across its entirety. As such, the development of the bungalow in this position, whilst unusual in its single-storey nature and positioning, will allow this area of land to be appropriately developed to remove the potential of this area becoming an 'island' of neglected land within the context of the wider site.

- 10.13. As such, it is considered that the proposal can, on balance, be considered acceptable with regard to Policy LP16 (d). However, detailed design will be subject to further consideration at Reserved Matters stage.

Residential Amenity

- 10.14. From the indicative plans submitted, it appears that there will be limited impact as a result of overlooking or overshadowing from the dwellings within Plots 1-4 to reconcile, given the orientation and distances of the dwellings in respect to surrounding development. There may be some issues to reconcile with respect to Plot 5, however these details cannot be fully confirmed at this time as proposed elevation drawings were not submitted with this Outline application. In addition, there may be some shading from this plot to the neighbouring garden area at No.55 Feldale Place, although these impacts are unlikely to be significant enough to justify refusal of the scheme at this stage.
- 10.15. There may be some limited impacts from vehicular movements alongside existing dwellings when accessing the site, particularly to those dwellings either side of the access at Drybread Road. However, when compared with the original use of the site with a substantial number of garages, the quantum of potential vehicular movements in respect of the proposed development is likely to be reduced overall.
- 10.16. As such it is likely the proposal will be considered acceptable with regard to Policy LP16 (e), subject to detailed design at Reserved Matters stage.

Flood Risk and Drainage

- 10.17. The site lies within Flood Zone 1 and as such the requirement to achieve the sequential and exception tests are not applicable in this case, as the development is proposed in an area of lowest flood risk.
- 10.18. The applicant is proposing a SuDS approach to drainage with surface water runoff from the development attenuated within a detention basin located to the east of Plots 1 and 2 close to the eastern boundary of the site. The outlet from the detention basin will be limited and water discharged to the watercourse to the east of the site.
- 10.19. Consultation with the LLFA, in response to revised information received from the applicant, resulted in the LLFA removing earlier objections to the scheme subject to agreement of a detailed surface water drainage scheme, secured by condition.
- 10.20. In that respect, the drainage strategy appears acceptable subject to agreement and consent by the IDB and Anglian Water to receive the any foul or surface water connections, and subject to adherence to the LLFA conditions. Thus, it is considered reasonable to determine that the proposal is acceptable in terms of flood risk and drainage and there are no issues to address in respect of Policy LP14.

Contaminated Land

- 10.21. Concerns from residents were raised in respect of possible environmental health hazards arising from the demolition of the existing garage structures. These matters were considered by the environmental health team in their consultation response, and it was determined that owing to the previous use of the site, and the potential for contaminants to be present, it would be necessary to undertake a Phase 1 contaminated land assessment to identify if plausible contamination linkages existed, secured by condition.

10.22. With respect to potential amenity issues arising from environmental health matters such as noise, dust and vibration, and given the proximity of residential development surrounding the site, it was recommended that a robust construction management plan be issued for further approval, again secured by condition.

10.23. These conditions were considered necessary to impose as pre-commencement owing to their nature, to ensure the development would be carried out in accordance with the agreed methods going forward and to ensure continued compliance with Policy LP16 (l) & (m); as such agreement was secured with the applicant in this respect.

11 CONCLUSIONS

11.1. It is considered that the erection of up to five dwellings on the site identified is acceptable and accords with the relevant policy framework, subject to safeguarding conditions regarding contamination, and submission of a construction management plan, refuse and drainage strategies as required. The area of land identified demonstrates that the site may accommodate the quantum of development proposed and that subject to detailed design it is considered that the development could be delivered without detriment to existing visual or residential amenity.

12 RECOMMENDATION

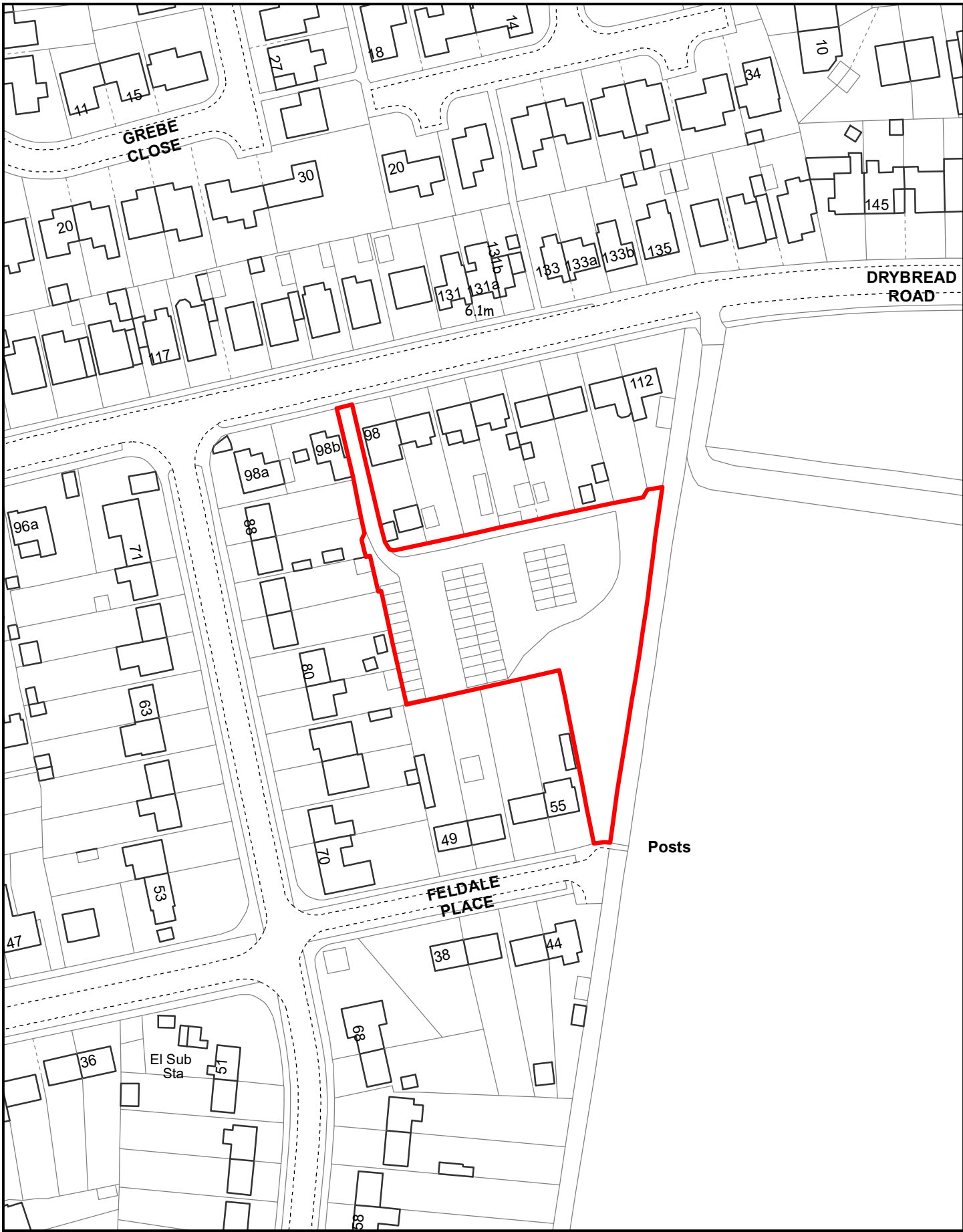
Grant; subject to the following conditions;

1	<p>Approval of the details of:</p> <ul style="list-style-type: none">(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 <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 to control the details of the development hereby permitted and to ensure the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.</p>
2	<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 (as amended).</p>
3	<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</p>

	Compulsory Purchase Act 2004.
4	<p>The residential elements of the development shall not exceed 5 dwellings (Use Class C3).</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <p>1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:</p> <p>2.A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:</p> <p>(i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.</p> <p>(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and</p> <p>(iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Following written LPA approval of the Site Investigation the LPA will require:</p> <p>3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p> <p>4. The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant</p>

	<p>linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy LP16 of the Fenland Local Plan 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that the appropriate investigations are undertaken prior to any groundworks taking place.</p>
6	<p>No works shall commence on site until such time as a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include (but not exclusively) the following:</p> <ul style="list-style-type: none"> - Construction hours meeting current industry approved guidelines - Delivery times for construction purposes - Soil Management Strategy including a method statement for the stripping of top soil for reuse; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007 - Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS:5228 - Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS:5228 - Dust suppression management and wheel washing measures to prevent the deposition of debris on the highway and the general environment - Site lighting - Liaison, consultation and publicity arrangements including dedicated points of contact <p>Thereafter the details shall be implemented in accordance with the approved plan.</p> <p>Reason: In the interests of highway safety and residential amenity in accordance with Policy LP15 and LP16 of the Fenland Local Plan 2014.</p>
7	<p>No works shall commence on site until such time until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with the National Planning Policy Framework and Policy LP14 of the Fenland Local Plan 2014.</p> <p>This is a pre-commencement condition to ensure surface water is managed appropriately during the construction phase of the development, so as not</p>

	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.
8	<p>The details for submission under condition 1 shall include a refuse collection strategy for the site.</p> <p>Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan 2014.</p>
9	<p>The details for submission under condition 1 shall include a detailed design of the surface water drainage of the site. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.</p> <p>The scheme shall be based upon the principles within the agreed Sustainable Drainage Strategy prepared by Ellingham Consulting Ltd (ref: ECL0852a) dated November 2022 and shall also include:</p> <ul style="list-style-type: none"> 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 nonstatutory 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 <p>Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with the National Planning Policy Framework and Policy LP14 of the Fenland Local Plan 2014.</p>
10	Approved Plans



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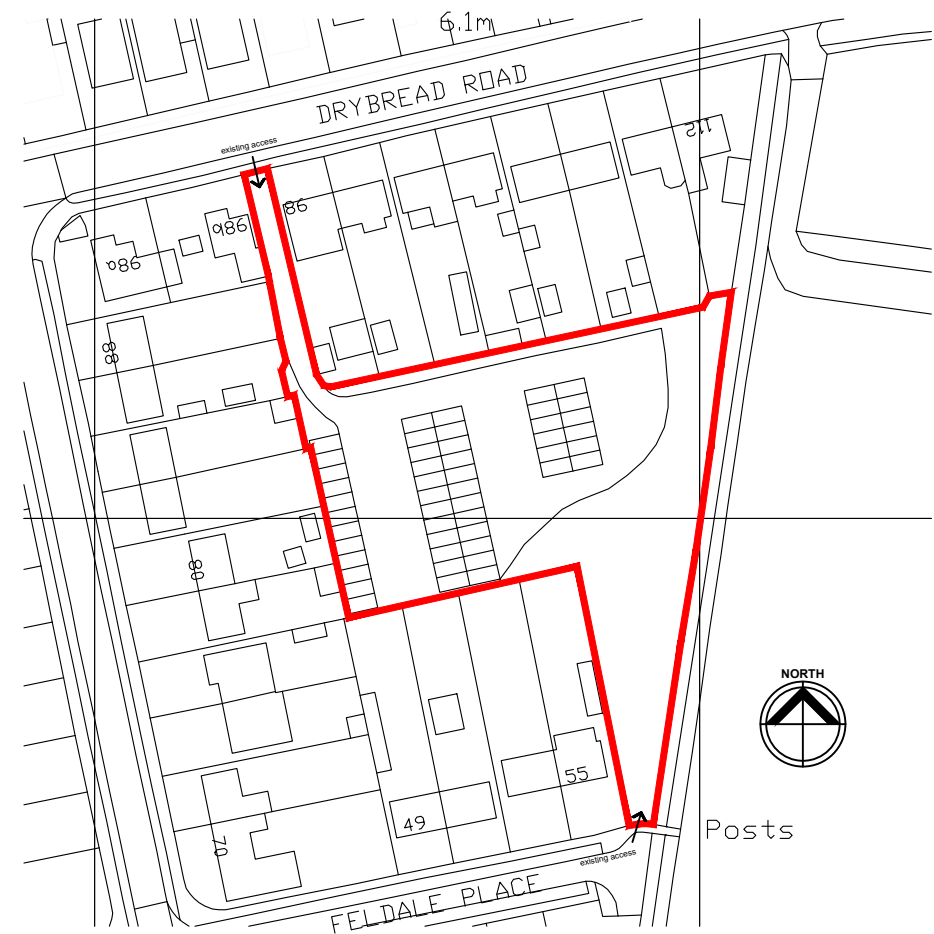
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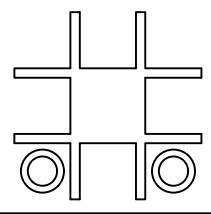
ILLUSTRATIVE SITE PLAN 1:500



LOCATION PLAN 1:1250

P:\2022 projects\Drybread Rd, Whittlesey\BHD Docs, Drawings & PDFs\2 Planning Drawings\scheme design.dwg

REVISION:	DATE:	DRAWN:	CHECKED:	DESCRIPTION:	REVISION:	DATE:	DRAWN:	CHECKED:	DESCRIPTION:
A	08.08.22	BH	-	MINOR REVS					
B	13.10.22	AC	-	SUDS AREA SHOWN					
C	07.11.22	AC	-	VEHICLE ACCESS REVISED PLOT 5					

 bhd R. HARRINGTON, 1st FLOOR 12 CHURCH SQUARE LEIGHTON BUZZARD BEDS. LU7 1AE Tel: 01525 854770 Fax: 01525 854778			PROJECT: DRYBREAD ROAD WHITTLESEY		
DRAWING TITLE: INDICATIVE DEVELOPMENT PLAN LOCATION PLAN			SCALE: 1500, 1:1250	PROJECT CODE: 2223	
DRAW DATE: 08.06.22			DRAWN: AC	CHECKED: BH	DRAWING NUMBER: PL-01
DRAWING STATUS: OUTLINE PLANNING			REVISION DATE: 07.11.22	DRAWN: AC	CHECKED: - REVISION: C SHEET: A2

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F/YR22/1149/F

Applicant: Mr J Jolley

**Agent : Mr Liam Lunn-Towler
Peter Humphrey Associates Ltd**

Land East Of Highland View, Benwick Road, Doddington, Cambridgeshire

Erect 3 x dwellings (2-storey 4-bed), and the formation of an access

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1. EXECUTIVE SUMMARY

- 1.1. The application site comprises agricultural land on the northern side of Benwick Road, approximately 1.3km to the west of the settlement of Doddington. Apart from the occasional sporadic dwelling, horticultural nursery, Fields End leisure/tourism site, the site is characterised by open and generally undeveloped arable farmland.
- 1.2. This application seeks full planning approval for the erection of 3no. 2-storey 4-bed dwellings at the site, with the formation of an access to the east side. The access is proposed to be shared by the proposed dwelling and will also form a field access to the agricultural land at the rear of the site.
- 1.3. This proposal was preceded by an earlier outline application for a similar scheme, refused on the basis of the principle of development, its impact on the countryside character and highway safety.
- 1.4. Of the three reasons for refusal of the earlier outline scheme, this revised proposal only addresses one of them (highway safety). There are still fundamental issues in respect of the principle of development and its impact on the character of the countryside, remaining in contravention of Policies LP3, LP12, and LP16. Hence, the recommendation must remain as one of refusal.

2. SITE DESCRIPTION

- 2.1. The application site comprises agricultural land on the northern side of Benwick Road, approximately 1.3km to the west of the settlement of Doddington, 450m to the west of the access to Delfland Nurseries, and 500km to the east of Fields End Water Caravan Park.
- 2.2. The site has dimensions of 75m width and depth of 40m (excluding highway) and one indicated access point, and is broadly rectangular in shape.

- 2.3. Apart from the occasional sporadic dwelling, horticultural nursery, Fields End leisure/tourism site, the site is characterised by open and generally undeveloped arable farmland.

3. PROPOSAL

- 3.1. This application seeks full planning approval for the erection of 3no. 2-storey 4-bed dwellings at the site, with the formation of an access to the east side. The access is proposed to be shared by the proposed dwelling and will also form a field access to the agricultural land at the rear of the site.
- 3.2. The dwellings will include gable rooflines reaching a maximum of approximately 7.7m to the ridge and 2.7m to the eaves, with upper floor accommodation located within the roof space, serviced by dormer windows. The dwellings also propose attached double garages and porches, with a single storey rear offshoot projection. The garages will reach a ridge height of approximately 7m, and the rear offshoots will have a cross gable roofline reaching approximately 5.1m.
- 3.3. The dwellings are proposed to be constructed of Hoskins Flemish Antique facing brickwork, under Marley Mendip roof tiles in old English dark red, with white uPVC joinery.
- 3.4. The site is proposed to be bounded to the front by hedging, with 1.2m timber post and rail fencing to the rear, with 1.8m fencing separating the plots. The eastern boundary will be retained existing hedging.
- 3.5. Hard and soft landscaping is proposed, including a shared gravel driveway with gravel parking areas, rear patios, and rear gardens predominately laid to lawn with the inclusion of planted hedgerows and some trees throughout the site.
- 3.6. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4. SITE PLANNING HISTORY

F/YR22/0793/O	Erect up to 3 x dwellings (outline application with matters committed in respect of access)	Decline to Determine 20.07.2022
F/YR21/1423/O	Erect up to 3 x dwellings and the formation of 4 x accesses (outline application with matters committed in respect of access)	Refused 12.05.2022
F/YR11/0207/NONMAT	Non-material amendment: Change the dormer window from curved lead work roof to pitched roof with tiles, relating to planning permission F/YR10/0956/F (erection of a single storey extension and insertion of a dormer window to rear of existing dwelling Meadow Field House, Benwick Road, Doddington	Approved 01.04.2011
F/YR10/0956/F	The erection of a single storey extension and insertion of a dormer window to rear of existing dwelling Meadow Field House, Benwick Road, Doddington	Granted 21.02.2011
F/YR05/1120/F	Erection of an agricultural storage building	Granted 02.11.2005
F/YR05/0532/O	Erection of a dwelling	Granted 31.05.2006

5. CONSULTATIONS

5.1. Doddington Parish Council

Doddington Parish Council notes the changes that have been incorporated into this fresh application to develop this site but they still have safety concerns. Benwick Road has a 60mph speed limit and traffic travelling from the Benwick village area towards Doddington will have to negotiate a left hand bend before travelling at high speed past the development. It is not unreasonable to assume that each 4 bedroomed property being built on the site could have 3 or 4 cars and therefore the number of traffic movements between the site and Benwick Road could be significant.

The Parish Council is not against development taking place on this site but asks that the number of units and their bedroom numbers are reduced.

5.2. Environment & Health Services (FDC)

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

5.3. CCC Highways

*The Local Highway Authority raises no objections to the proposed development. **I noticed the field access leads to the rear field which is***

not part of this site. This might be an issue in the future should the land at the rear be sold. This field access might become a ransom strip.

Conditions

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

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

2. Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to:

- a. enter, turn and leave the site in forward gear*
- b. park clear of the public highway*

The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

Reason: In the interests of satisfactory development and highway safety.

3. The gradient of the vehicular access shall not exceed 1:12 for a minimum distance of 5.0m into the site as measured from the near edge of the highway carriageway.

Reason: In the interests of highway safety.

Informatives

Works in the Public Highway

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

5.4. Local Residents/Interested Parties

The LPA have received one letter of objection in respect of this proposal from an adjacent neighbour. The reason for objection is cited as an inappropriate quantum of development within the open countryside.

Conversely, six letters of support have been received from six separate address points within the ward and in proximity of the site. Reasons cited for support include:

- Appropriate design without impacting landscape
- Will bring vitality to the area without over populating the village centre
- In keeping with the surrounding area

- May help to prevent rural crime
- A quiet environment preferred by more vulnerable or elderly people
- A small development that will cause limited impact

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) July 2021

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

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

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

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

Para 80: Planning policies and decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply.

7.2. National Planning Practice Guidance (NPPG)

Determining planning applications

7.3. National Design Guide 2019

Context

Identity

Built Form

Homes and Buildings

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

7.5. 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
LP7 – Design
LP8 – Amenity Provision
LP18 – Development in the Countryside
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP24 – Natural Environment
LP32 – Flood and Water Management

8. KEY ISSUES

- **Principle of Development in a Rural Area**
- **Visual Amenity, Form and Character of the Countryside**
- **Highway Safety**
- **Residential Amenity**
- **Flooding and Drainage**

9. BACKGROUND

9.1. This application follows an earlier outline planning application (F/YR21/1423/O) for the erection of up to 3 x dwellings and the formation of 4 x accesses (with all matters reserved) that was refused in May 2022. The reasons for refusal can be summarised as follows:

1. The proposal was for the construction of three unjustified new dwellings, un-associated with any of the specified criteria of Policy LP3 and LP12, and the proposal would therefore be contrary to these policies.
2. The development would result in the consolidation of existing sporadic built form and an urbanisation of the street scene, detracting from the open and sporadic character of this rural location. Resulting in harm to the existing distinctiveness and open character of the area which would be contrary to policy LP16 of the Fenland Local Plan (2014).
3. The proposal would be likely to result in a safety hazard to highway users (owing to the creation of 4 accesses) and the proposal would therefore fail to accord with the National Planning Policy Framework 2021 and Policies LP2, LP15 and LP16 of the adopted Fenland Local Plan 2014.

9.2. Following this, the Applicant submitted a revised outline planning application (F/YR22/0793/O) for the erection of up to 3 x dwellings (with matters committed in respect of access). However, the LPA declined to determine the application under the provisions of Section 70B of the Town and Country Planning Act 1990 as there had been no significant change in the development plan (so far as relevant to the application), nor had any other material considerations arisen, since the earlier outline application was refused. It was recommended that the applicant undertake an appeal of the refusal of F/YR21/1423/O to the Planning Inspectorate; however an appeal was not forthcoming.

- 9.3. Once the six month appeal deadline had effectively lapsed, the LPA received the application considered herein, along with six letters of support to trigger the Scheme of Delegation for the application to be decided by Planning Committee. The circumstances of the site in terms of the principle of development and the impact of the proposal on the countryside have not changed since the earlier refusal, as will be discussed in the below assessment.

10. ASSESSMENT

Principle of Development in a Rural Area

- 10.1. Whilst the site is located within the Parish of Doddington, the site is located a significant way from the built up area of the settlement and would not conform to the policy requirements of representing a small-scale infill within a continuously developed area within the built form of the settlement, and nor would it represent a small extension to the built form of village given its remote nature and surroundings.
- 10.2. This revised application submission has offered no justification for new development within the countryside and within a defined 'Elsewhere' location as set out under Policy LP3 of the Fenland Local Plan to justify the development as being demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport, utility services or minerals or waste development.
- 10.3. Accordingly, the proposal for new residential development in this location would fail to accord with Policy LP3 of the development plan.
- 10.4. Policy LP12 of the Local Plan sets out the criteria required following the application of LP3 in which new development will be considered. Under the development of a site within or adjacent to the existing 'developed footprint' of specified villages, the policy clearly defines that this excludes the following:
- (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.
- 10.5. With regard to the consultation draft of the emerging Local Plan, which carries limited weight at this time as per paragraph 48 of the NPPF, given that consultation has only recently commenced, the site is indicated as being outside of the defined settlement boundary of Doddington, and is therefore classed as open countryside, where development will only be permitted in the circumstances set out within the NPPF. Paragraph 80 of the NPPF is relevant. It states that:

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

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

10.6. Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the development would not accord given the circumstances of the site at considerable distance from the nearest settlement and could not be described as infill.

10.7. Clearly, the unjustified proposal in this location would remain in conflict with Policies LP3 and LP12 of the adopted Fenland Local Plan, nor would it comply with the policies of the emerging Plan.

Visual Amenity, Form and Character of the Countryside

10.8. Policy LP12 part (C) seeks to resist development in locations beyond the built-up area of defined settlements where it would have an adverse effect on the character and appearance of the surrounding countryside and farmland.

10.9. Policy LP16 refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside; therefore, consideration needs to be given to any harm caused.

10.10. Not only does the proposal fail to accord with requirements of Policies LP3 and LP12 in respect of the definition of appropriate development within, and forming an appropriate extension to, particular settlements, the proposal is located within an essentially rural and agriculture-dominated location with only very sporadic development within the rural area.

10.11. Accordingly, in addition to the principle of unjustified new housing in this location failing to accord with the development plan, the construction of three new detached dwellings within a principally isolated area, located on and effectively surrounded by rural countryside would undermine the rural character and appearance of the countryside to the detriment of the visual

amenities of this rural location and would fail to protect the countryside for its own character and intrinsic value.

- 10.12. The overall design of the dwellings are of a chalet style with design features, scale and proportion similar to a dwelling known as The Meadows, approximately 20m west of the application site. However, positioned between the application site and The Meadows, is Highland View, a modest, pyramid-hipped bungalow which is of a considerably smaller scale than The Meadows and the proposed dwellings. Development of this site, therefore, would result in Highland View being essentially alienated within the street scene, and dominated by the dwellings either side, contrary to Policy LP16 (d).
- 10.13. Given the above, the submitted proposal fails to accord with Policy LP12 of the development plan; notwithstanding the overall design, which is considered to be contrary to Policy LP16 (d). Furthermore, the proposed scheme design, is not considered as 'exceptional quality' as set out in Paragraph 80 (e) of the NPPF as a possible exceptional circumstance to development within the countryside, and would therefore not outweigh the fundamental issue in respect of unsustainable rural development.

Highway Safety

- 10.14. Policies LP15 requires new development to provide well designed, safe and convenient access for all.
- 10.15. The scheme put forward here differs from the earlier outline application in that it proposes a single access point off Benwick Road as opposed to the earlier scheme proposing four separate access points, which was refused owing to concerns pertaining to highway safety.
- 10.16. The proposed single access is intended to be shared by the three new dwellings, leading to a shared drive with separate private parking areas for the dwellings and also utilised as field access to the agricultural land to the north of the site.
- 10.17. Consultation with the LHA highlighted the possibility of this shared access arrangement resulting in a ransom strip, should the agricultural land to the north be sold. Currently this land is owned by the applicant, and as such any future land ownership or rights of way changes would be a civil matter outside of planning control. However, the requirement for a field access does further raise the question as to principle of development in this location and the suitability of positioning residential development on what is clearly utilised farmland requiring access.
- 10.18. Notwithstanding, ultimately the proposed access arrangements were considered acceptable by the LHA in terms of highway safety, subject to conditions.
- 10.19. The scheme proposes the creation of 3no, 4-bed dwellings, which require 3 parking spaces as per the current parking standards. Notwithstanding the proposed garages, the private areas of driveway offer sufficient parking availability of the quantum of accommodation proposed.

10.20. Thus, the proposed access arrangements have addressed the earlier reason for refusal in respect of highway safety, and raise no concerns in respect of parking availability. As such, it is considered unreasonable to maintain the reason for refusal pertaining to highway safety in this case.

Residential Amenity

10.21. The nearest dwelling to the site, Highland View, stands to be the most impacted from the proposed development owing to its comparatively modest scale. However, the position of the intended dwellings and the layout of Highway View itself will result in limited impacts of overshadowing or overlooking of Highland View. Rear facing upper floor windows are intended to be positioned furthest from the shared boundary with Highland View and the proposed single storey rear offshoot is such that it will obscure views toward Highland View from upper floor windows in Plot 1 and as such the relationships between these sites are considered acceptable.

10.22. In terms of plot-to-plot relationships, the proposed dwellings include the majority of fenestration to the front and rear elevations only. The dwellings are proposed to be positioned in such a way that upper floor windows have a standard relationship with the neighbouring properties. As such, there will be some views possible over neighbouring plot's gardens however these will be typical of frontage development. In addition, views from ground floor openings will be limited by the separating 1.8m boundary fences between the plots. On that basis, the relationship between the proposed dwellings are considered acceptable in terms of overlooking; and their respective positions will limit any overshadowing issues between each plot.

10.23. The proposals are unlikely to offer additional impacts to residential amenity to reconcile with respect to the generation of excessive noise, dust or odour.

10.24. Thus, given the above, the proposals are considered acceptable with regard to their impact to residential amenity in respect of Policies LP2 and LP16 (e).

Flooding and drainage

10.25. The application site lies within flood zone 1 and issues of surface water will be considered under Building Regulations.

10.26. The site lies within the Middle Level Commissioners Drainage Board area and were subsequently consulted. However, no comment was made in regard to this application, and in light of the fact that the use is established on site, it is considered reasonable to determine that this part of the proposal is acceptable in terms of flood risk and there are no issues to address in respect of Policy LP14.

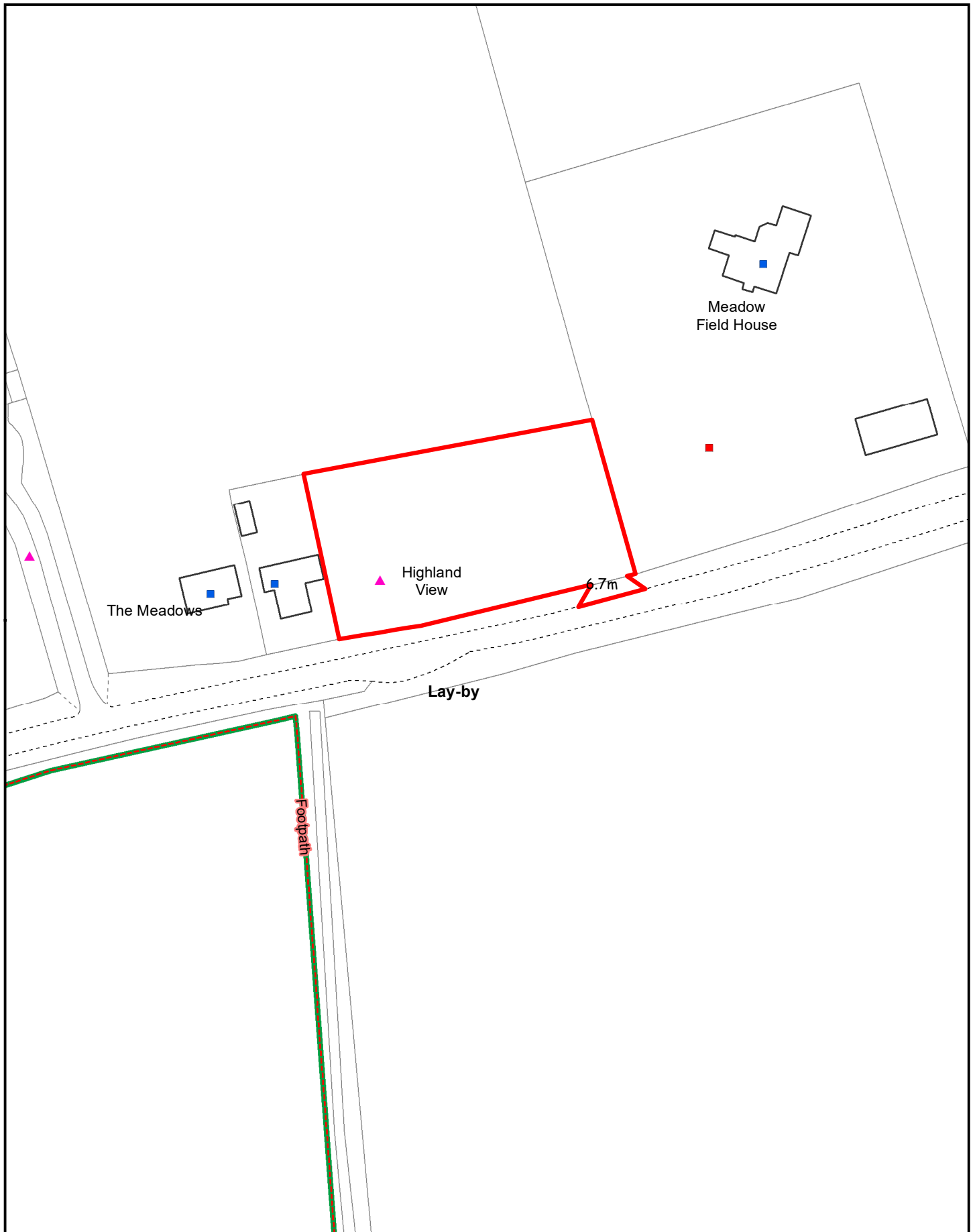
11. CONCLUSIONS

Of the three reasons for refusal of the earlier outline scheme, this revised proposal only addresses one of them (highway safety). There are still fundamental issues in respect of the principle of development and its impact on the character of the countryside, and the scheme remains in contravention of Policies LP3, LP12, and LP16. Hence, the recommendation must remain as one of refusal.

12. RECOMMENDATION

Refuse, for the following reasons;

1	Policy LP3 of the adopted Fenland Local Plan 2014 sets out the settlement hierarchy within the District, setting out the scale of development considered appropriate to each level of the hierarchy. The application site is situated within a rural location and an 'Elsewhere' location under Policy LP3, isolated from the nearest settlement and as defined under Policies LP3 and LP12. In such rural locations development is to be limited to specific uses only within a countryside location. The proposal is for the construction of three unjustified new dwellings that will not be associated with any of the specified criteria, and the proposal would therefore be contrary to Policies LP3 and LP12 of the Fenland Local Plan (2014).
2	Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The proposal is for the construction of three new dwellings on currently undeveloped land within a streetscape characterised by sporadic development with a close relationship to the wider open countryside. The development would result in the consolidation of existing sporadic built form and an urbanisation of the street scene, detracting from the open and sporadic character of this rural location. The result would be a development that results in harm to the existing distinctiveness and open character of the area which would be contrary to policies LP12, and LP16 of the Fenland Local Plan (2014).



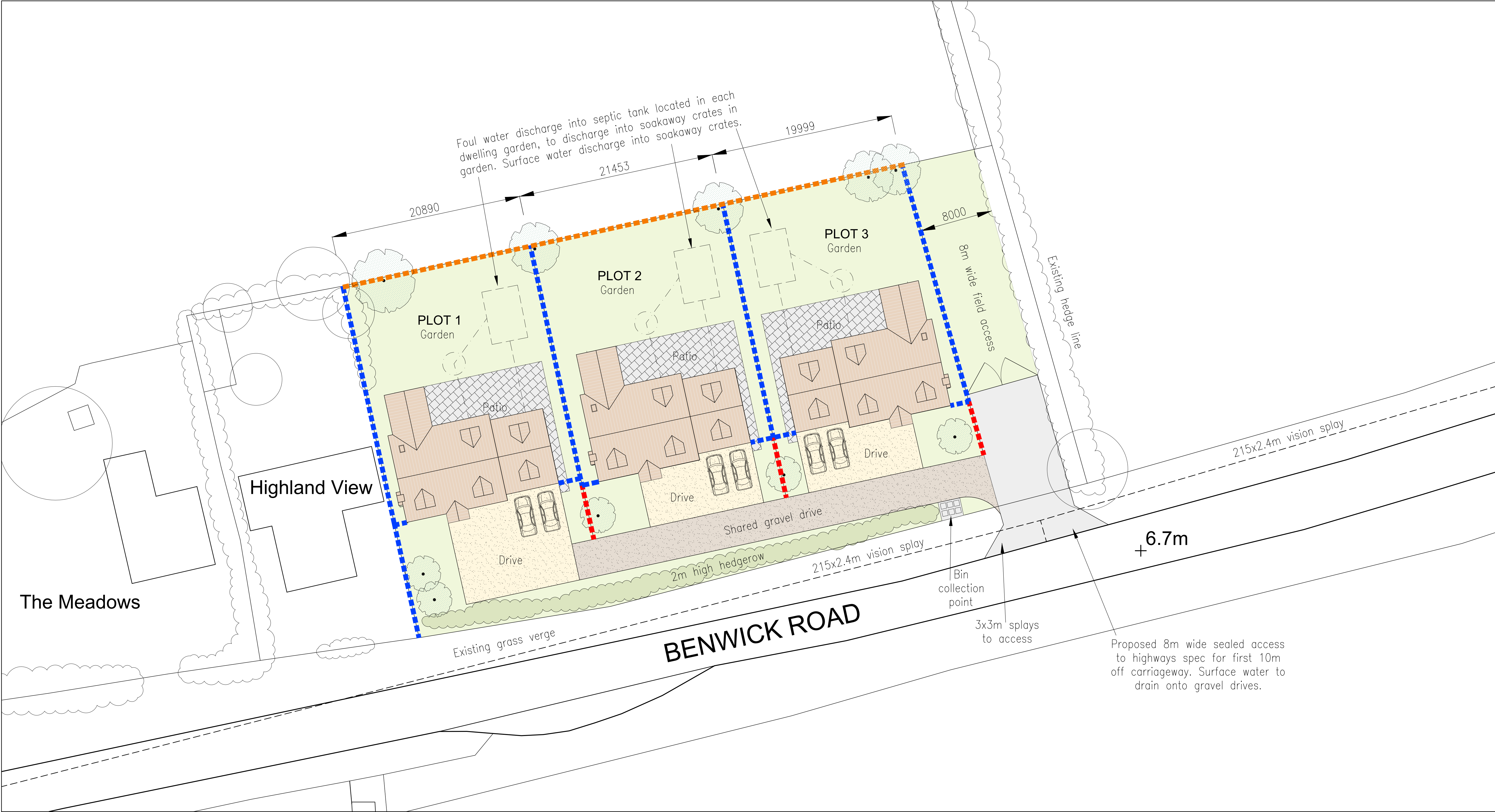
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Proposed Site Plan 1:200

BOUNDARY TREATMENT KEY

- 1.8m Close Boarded Fencing
- 1.8m Close Board Fencing sloping down to 1.2m
- 1.2m Post and Rail Fencing

A - 10.10.22 - Addition of boundary treatment info.		
REVISIONS		
JOB NO.	PAPER SIZE	DATE
6328/PL03A	A1	OCT 2022
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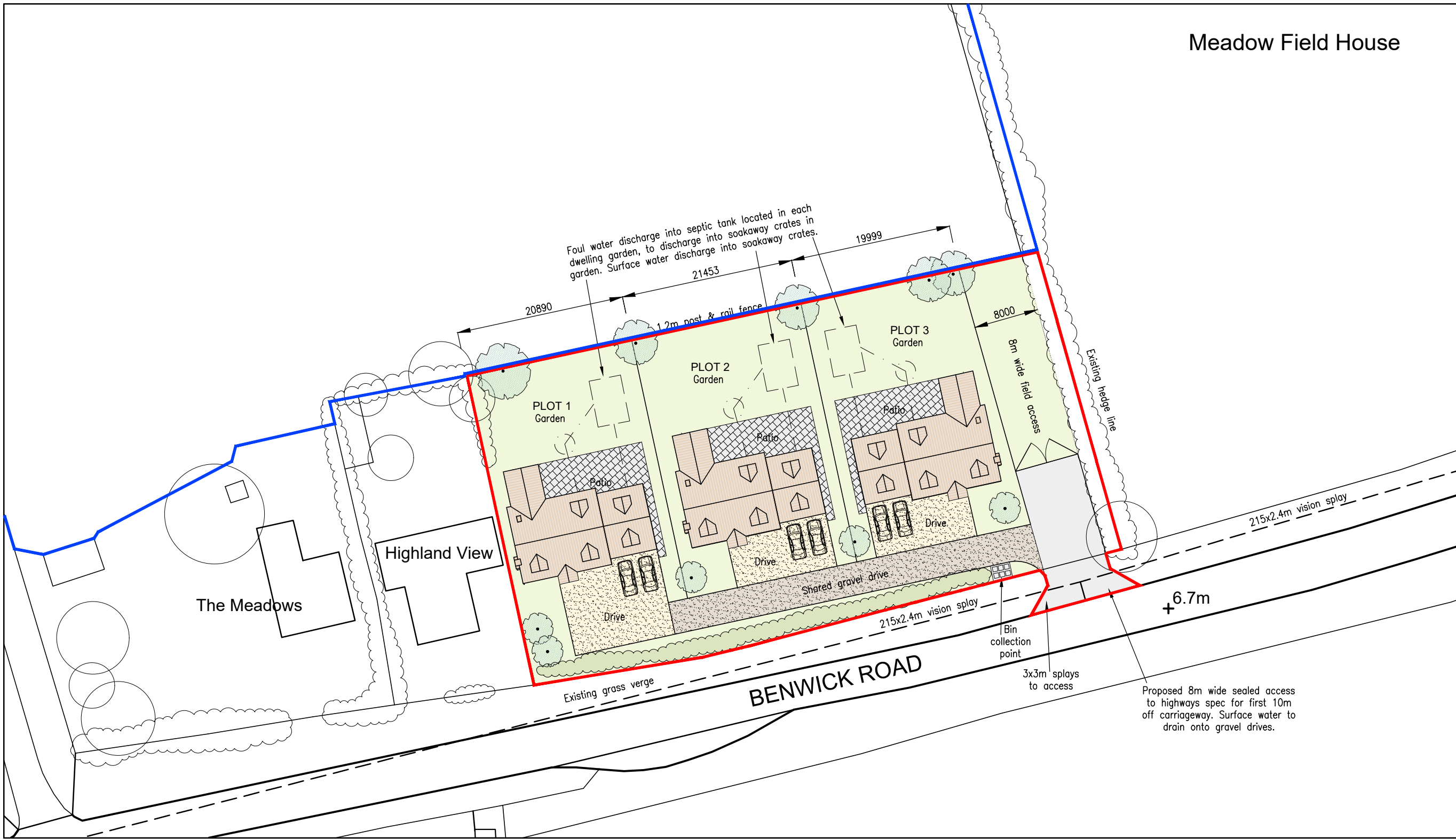
CLIENT	MR JASON JOLLEY
PROJECT	PROPOSED 3No. DWELLINGS/PLOTS
SITE	LAND ADJ 'HIGHLAND VIEW' BENWICK ROAD DODDINGTON CAMBS PE15 0TY
DRAWING	PLANNING DRAWING 3

PHA

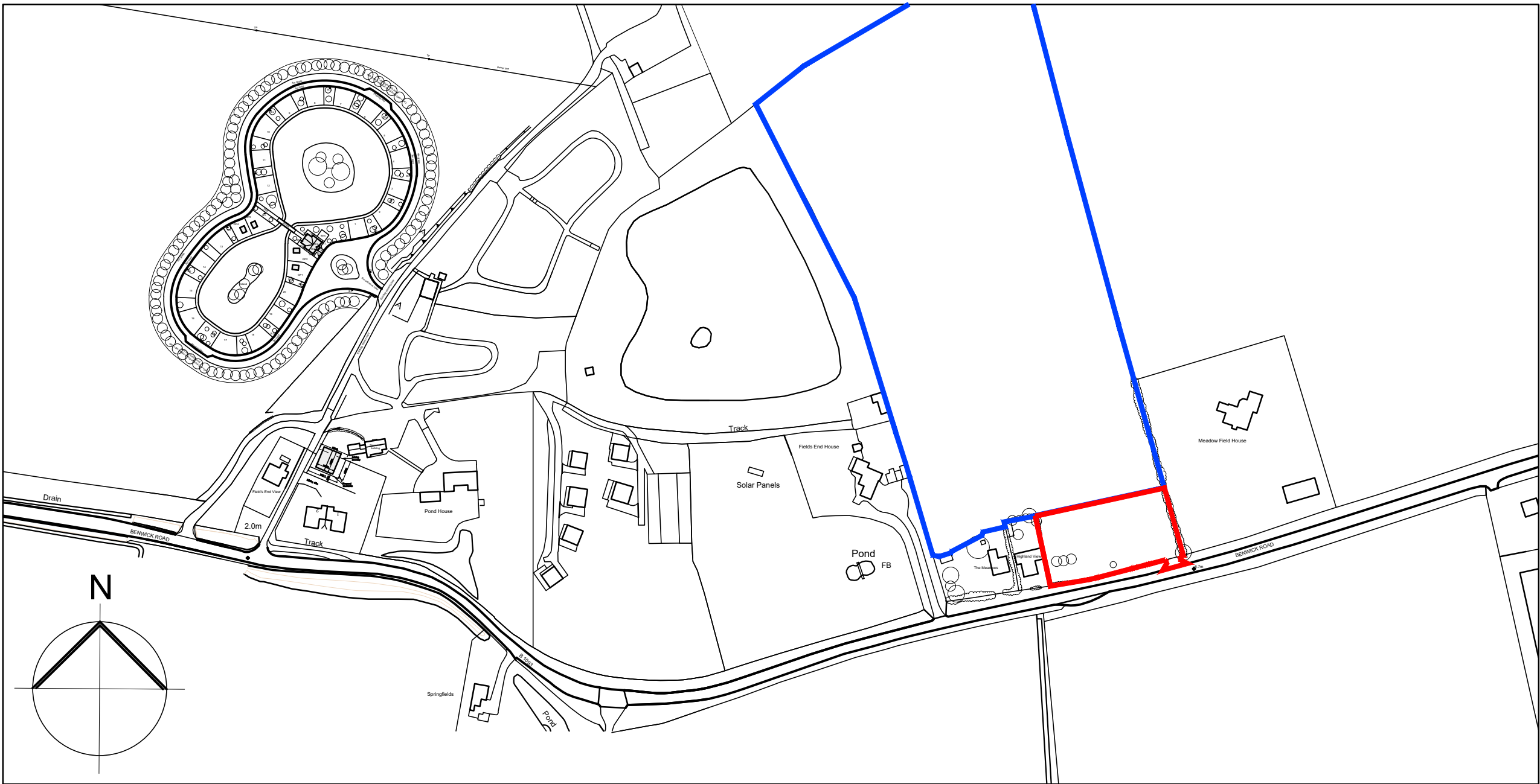
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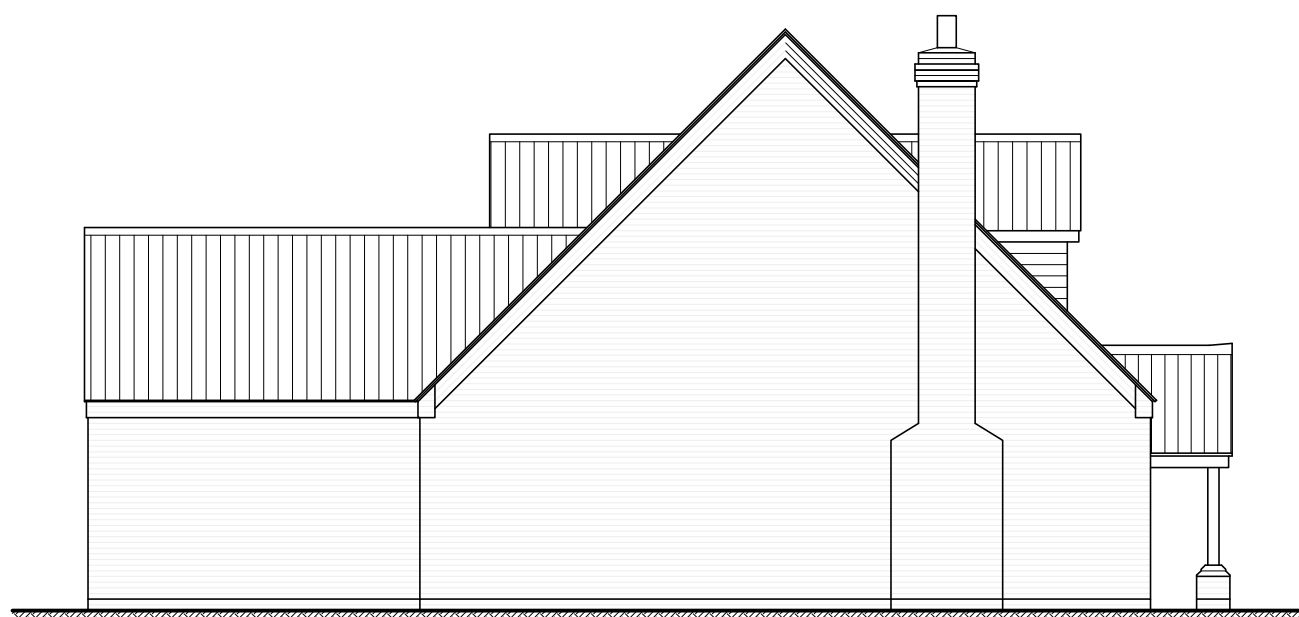
Proposed Site Plan 1:500



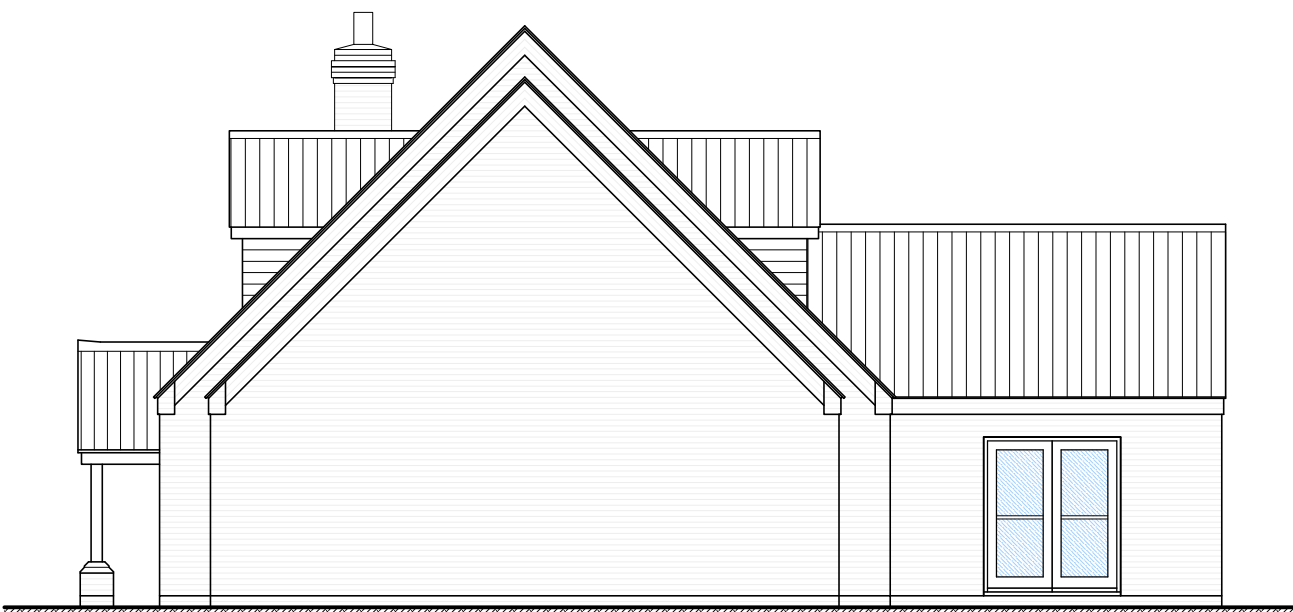
Location Plan 1:2500



Proposed Front (South) Elevation 1:100 (Plot 1 & 2)



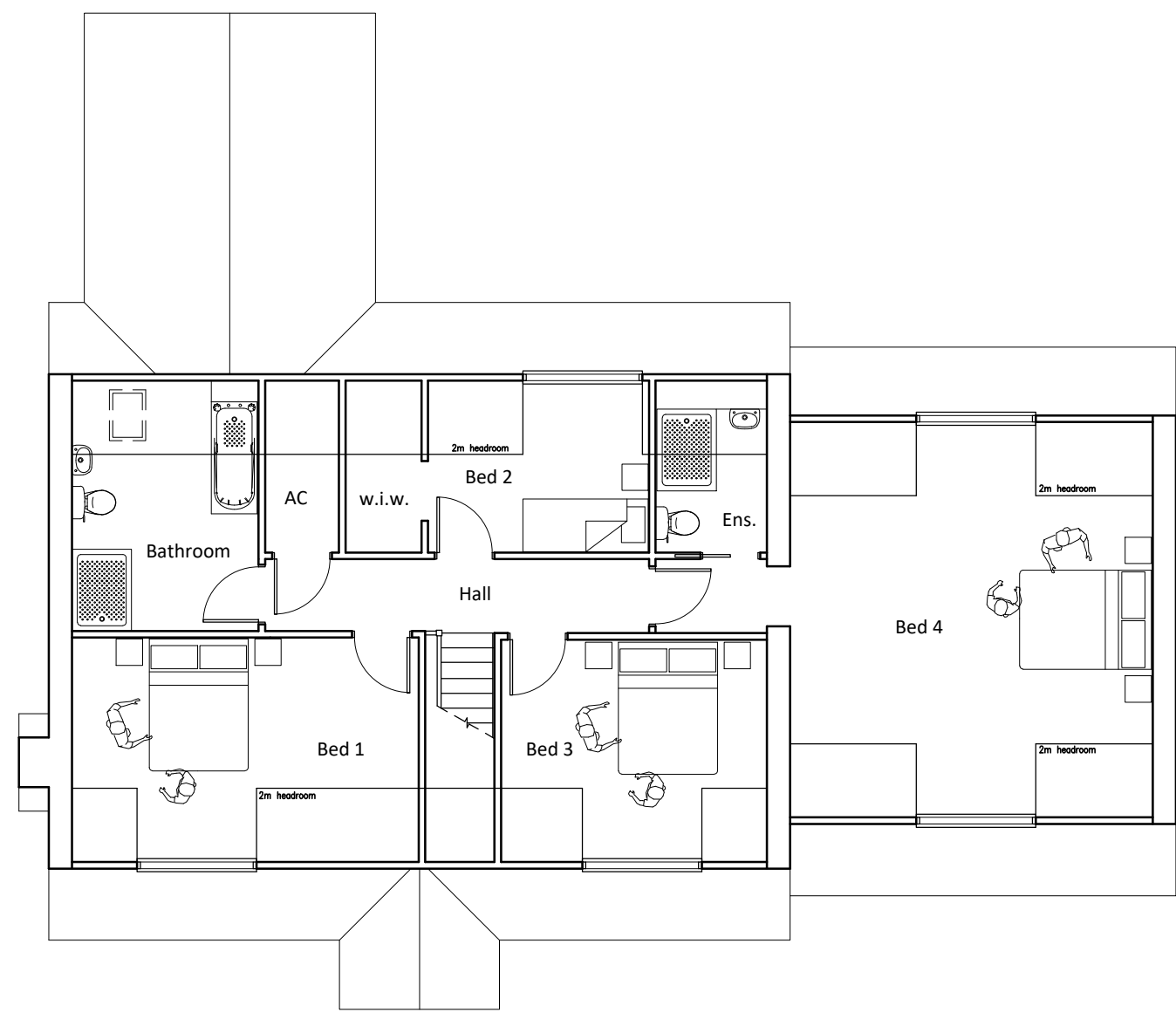
Proposed Side (West) Elevation 1:100 (Plot 1 & 2)



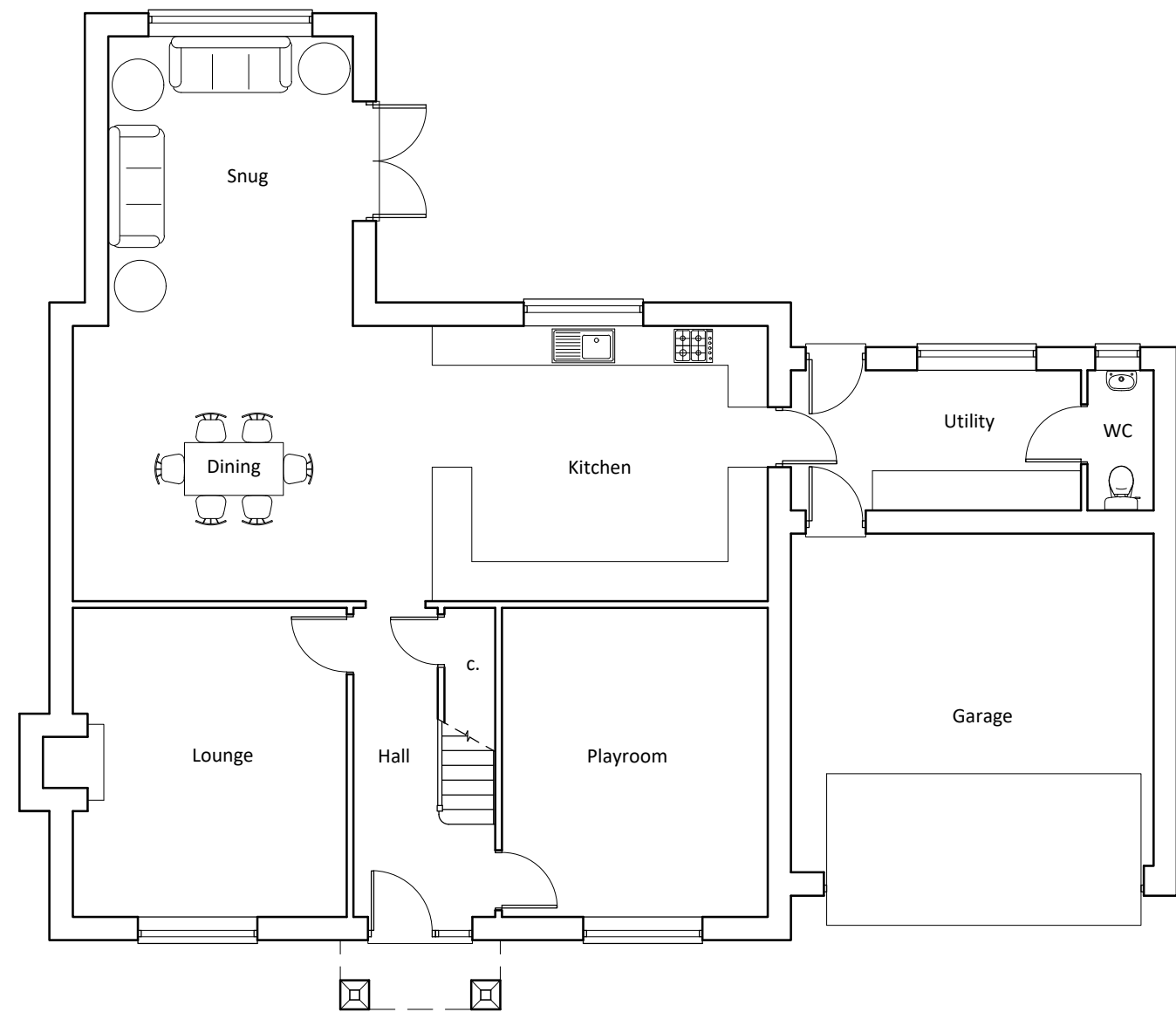
Proposed Side (East) Elevation 1:100 (Plot 1 & 2)



Proposed Rear (North) Elevation 1:100 (Plot 1 & 2)



Proposed First Floor Plan 1:100 (Plot 1 & 2)



Proposed Ground Plan 1:100 (Plot 1 & 2)

A -
REVISIONS



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CLIENT

MR JASON JOLLEY

PROJECT

PROPOSED 3No. DWELLINGS/PLOTS

SITE

LAND ADJ 'HIGHLAND VIEW'
BENWICK ROAD
DODDINGTON
CAMBS
PE15 0TY

DRAWING

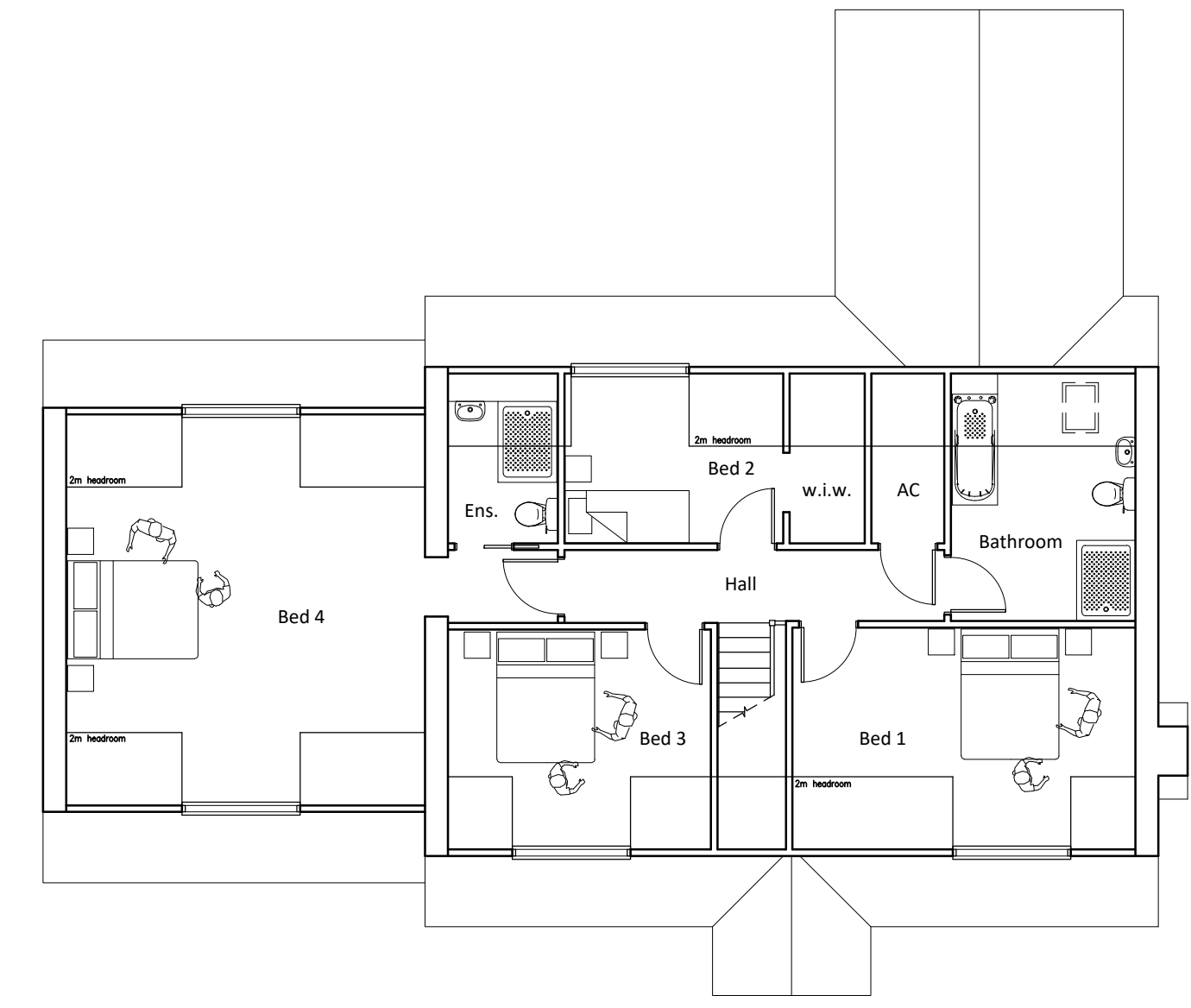
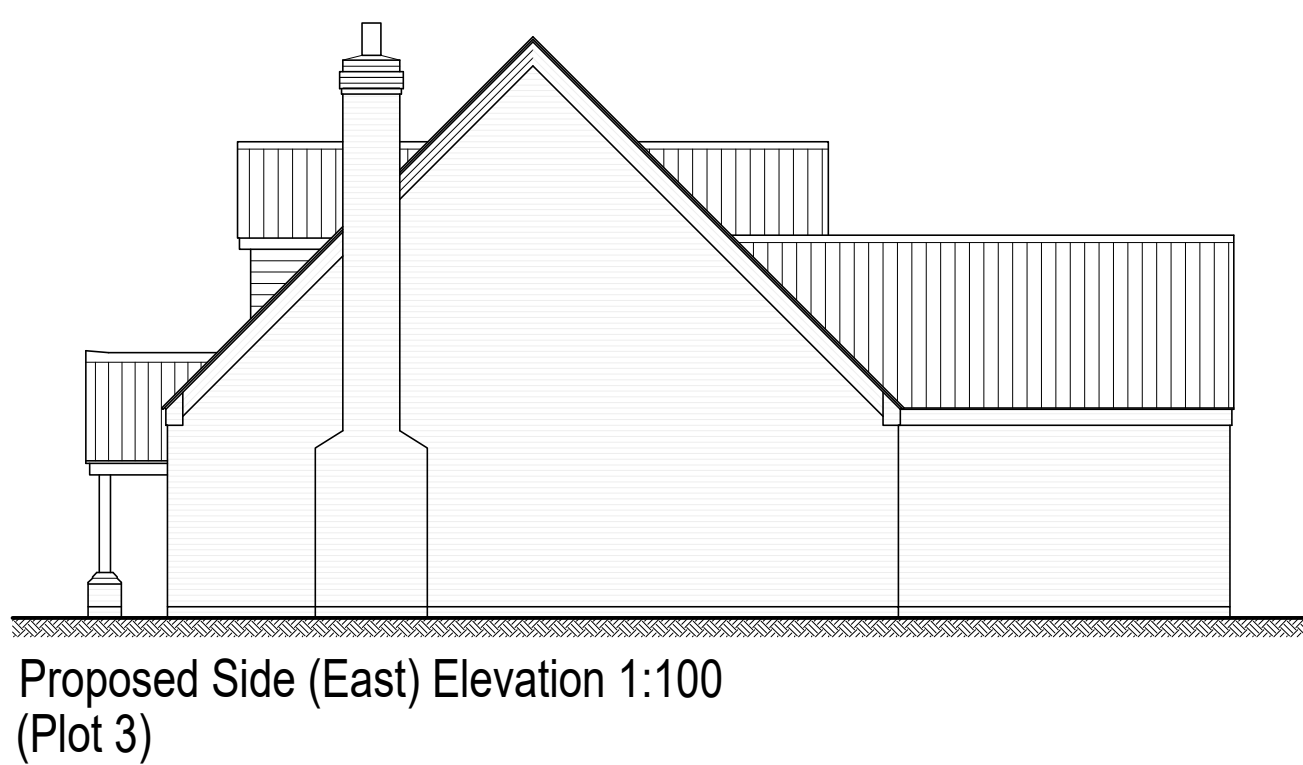
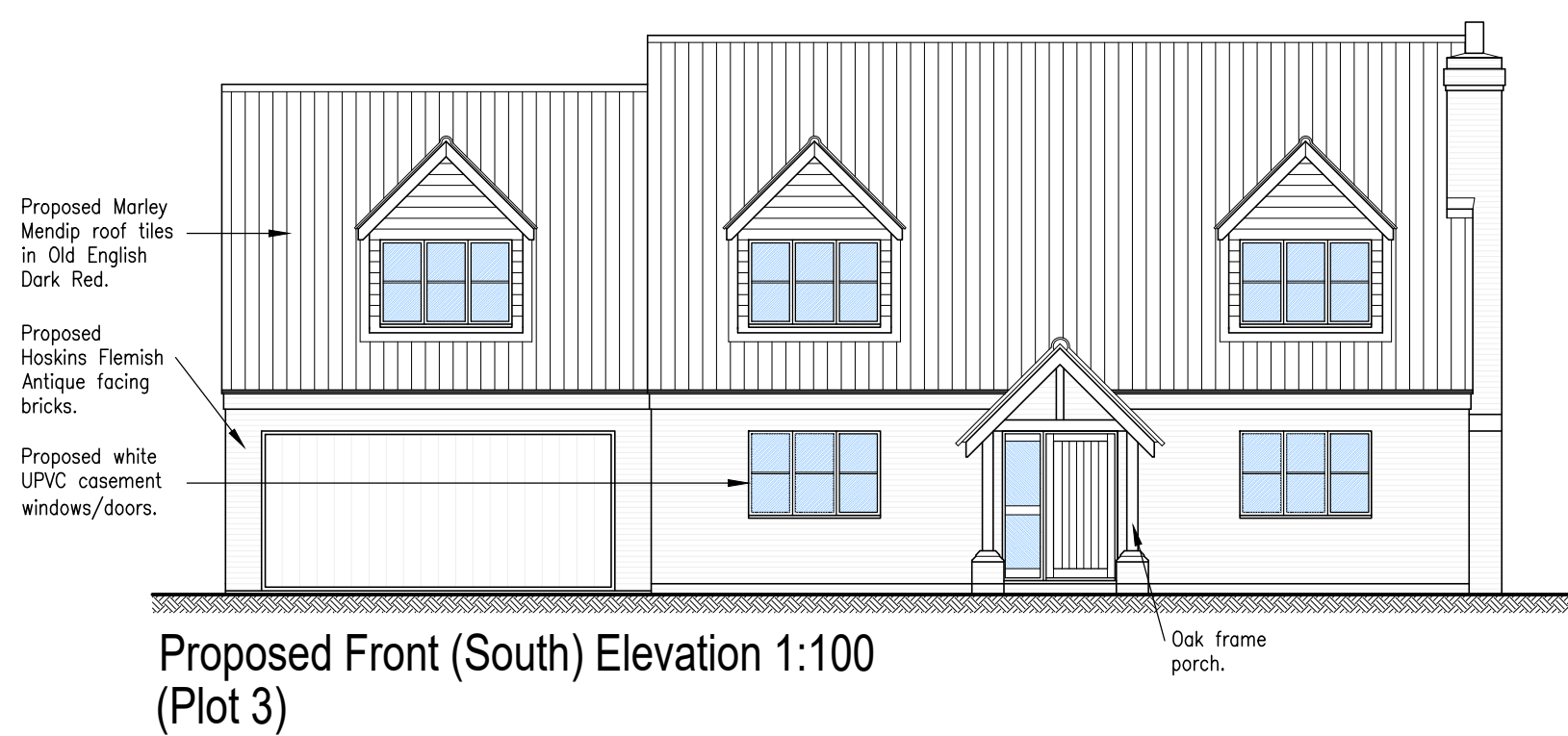
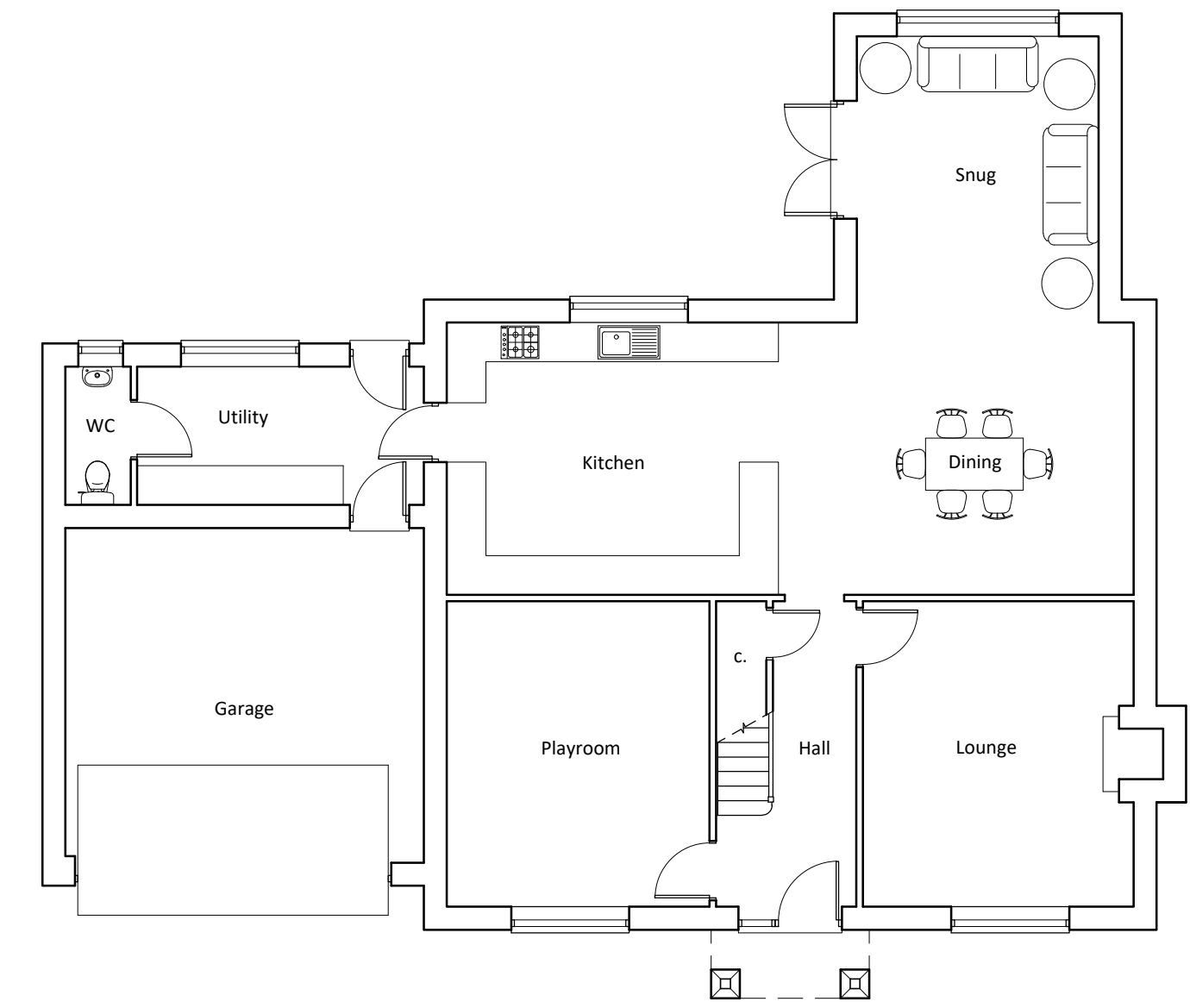
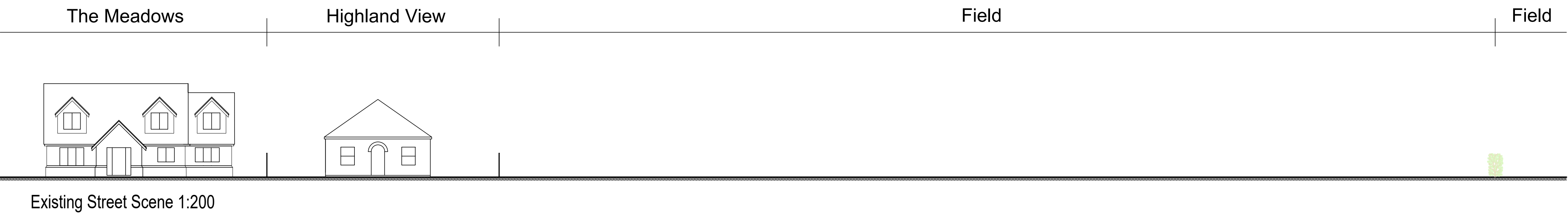
PLANNING DRAWING 1

JOB NO. 6328/PL01D	PAPER SIZE A1	DATE SEPT 2022
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CLIENT
MR JASON JOLLEY

PROJECT
PROPOSED 3No. DWELLINGS/PLOTS

SITE
LAND ADJ 'HIGHLAND VIEW'
BENWICK ROAD
DODDINGTON
CAMBS
PE15 0TY

DRAWING
PLANNING DRAWING 2

PHA

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F/YR22/0706/O

Applicant: Mr & Mrs J Humphrey

Agent: Helen Monk

Swann Edwards Architecture Ltd

**Land East Of Sandbank Farm House, Sandbank, Wisbech St Mary,
Cambridgeshire**

**Erect up to 4no dwellings (outline application with matters committed in respect
of access)**

Officer recommendation: Refuse

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

1. EXECUTIVE SUMMARY

- 1.1. This application seeks outline planning permission for the erection of up to four dwellings on agricultural grassland in Flood Zone 3, on the east side of Sandbank, Wisbech St Mary. The application commits matters of access, with remaining matters reserved for later approval.
- 1.2. Whilst Wisbech St Mary is a Growth Village as identified within Policy LP3, the application site would extend the existing linear feature of the developed footprint of the settlement into an area of agricultural grassland. This area of grassland at the site is mirrored by agricultural land opposite, which forms a natural demarcation between the developed built form of Wisbech St Mary and the surrounding countryside beyond. Development encroaching into this land would harm the character and appearance of the area. As such, the proposal would be contrary to the requirements of Policy LP12.
- 1.3. Flood mitigation measures propose the raising of finished floor levels to +1m above ground for the entire development, which will result in a cumulative dominance of the development within the streetscene, contrary to Policy LP16 (d).
- 1.4. Matters pertaining to access have been satisfactorily addressed. However, there are still fundamental issues pertaining to the principle of development and its harm to the rural character and streetscene in this location, with the below assessment outlining the unacceptability of the scheme in relation to these matters concluding that the proposed development is contrary to Policies LP3, LP12, and LP16; hence, the application is recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The site is located in Flood Zone 3, on the northeast side of Sandbank on the northwest fringe of Wisbech St Mary.
- 2.2. The site comprises an agricultural grassland field, set to the southeast of Sandbank Farm House. The site is bounded to the highway by a privet hedge and mature tree line, and the remainder of the field is bounded by 1.2m post and

wire fencing. At the time of site inspection appeared to be utilised as a hayfield and paddock.

- 2.3. Nearest the site to the northwest is Sandbank Farm House, associated with Sandbank Farm that includes several agricultural outbuildings; further sporadic residential development in the form of agricultural cottages and caravan sites lie further west and northwest. Immediately southeast of the site, within the existing paddock land, a detached 2-storey dwelling with attached garage was recently approved by Committee, contrary to officer recommendation, under F/YR22/0632/RM in Sept 2022.

3. PROPOSAL

- 3.1. The proposal is an outline planning application for the construction of up to four dwellings on the land, with matters committed in respect of access.
- 3.2. Two separate access points off Sandbank are proposed, each shared to serve two dwellings leading to parking/turning areas. A footpath on the north side of Sandbank is proposed to link to the footpath due to be provided under F/YR22/0632/RM and will extend to meet the northern-most proposed access to the site.
- 3.3. The submitted illustrative drawing submitted shows four detached dwellings with separate detached garages, parking and turning areas to front with gardens to the rear. Matters relating to appearance, landscaping, layout and scale are reserved for later approval.
- 3.4. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4. SITE PLANNING HISTORY

F/YR22/0632/RM	Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/0702/O	Approved 08.09.2022
	Land North Of 15 Sandbank Wisbech St Mary	
F/YR21/0702/O	Erect 1no dwelling (outline application with all matters reserved)	Granted 27.09.2021
	Land North Of 15 Sandbank Wisbech St Mary	

5. CONSULTATIONS

5.1. Wisbech St Mary Parish Council

At the meeting of Wisbech St. Mary Parish Council on 11th July 2022, the Council recommended APPROVAL. The Council consider these 4 plots to be within the village boundary and not in the open countryside nor an elsewhere location. They would like to request that the footpath up to and including plot four (4) is a condition on planning permission.

5.2. Environmental Health (FDC)

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

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

NOISE CONSTRUCTION HOURS

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

5.3. Environment Agency

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

Review of the Flood Risk Assessment

We have no objection to the proposed development but strongly recommend that the development is carried out in accordance with the submitted flood risk assessment (ECL0494-2/SWANN EDWARDS ARCHITECTURE May 2022) and the following mitigation measures it details:

- 2 storey properties with finished floor levels set no lower than 1.0m above the existing ground level*
- A minimum of 0.3m of flood resilient construction above finished floor level*

5.4. North Level Internal Drainage Board

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

It is noted that surface water will be discharged to the Boards Sayers Field Drain, and a formal application under the Land Drainage Act 1991 will be required for the proposed new outfall. A development levy in accordance with the enclosed will also be payable for dealing with the additional run-off from the site.

5.5. CCC Highways

Highways have no objections to this outline application.

Conditions

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

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

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

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

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

Reason: In the interests of highway safety.

5.6. Local Residents/Interested Parties

Eight letters of support were received (all from residents of Sandbank) for the application on the grounds that the proposal would be an acceptable extension to the village (with the intended footpath a welcome feature) and would not appear to cause any detrimental amenity impacts.

6. STATUTORY DUTY

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

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) July 2021

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

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

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

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

7.2. National Planning Practice Guidance (NPPG)

Determining planning applications

7.3. National Design Guide 2019

Context

Identity

Built Form

Homes and Buildings

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

7.5. 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

LP7 – Design
LP8 – Amenity Provision
LP18 – Development in the Countryside
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP24 – Natural Environment
LP32 – Flood and Water Management

8. KEY ISSUES

- **Principle of Development**
- **Highway Safety/Access**
- **Other Matters**
 - Character and appearance
 - Residential Amenity
 - Flooding and flood risk
 - Agricultural Land

9. ASSESSMENT

Principle of Development

- 9.1. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.
- 9.2. Wisbech St Mary is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate. The broad principle of developing the site for a residential use would be consistent with this policy.
- 9.3. However, Policy LP12 of the Local Plan provides guidance as to the restriction of such development to ensure that it has an acceptable impact on the settlement and its character.
- 9.4. Policy LP12 requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village, it must not result in coalescence with any neighbouring village, and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces etc. Finally the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 9.5. The development proposed would extend the existing linear feature of the developed footprint of the settlement, by adding a further four dwellings to a line of ribbon development along Sandbank, into an area of agricultural grassland. This area of grassland at the site is mirrored by agricultural land opposite, and forms a distinct and natural demarcation between the developed built form of Wisbech St Mary and the countryside beyond; save for sporadic rural development to the northwest, such as Sandbank Farm and rural cottages that are not considered to be within the built form of Wisbech St Mary.

9.6. Development encroaching into this land would be to the detriment of the character and appearance of the area; a circumstance that has unfortunately been initiated by the approval of the dwelling to the southeast (F/YR22/0632/RM) within the same parcel of agricultural land. Additional development on this land would arguably perpetuate a damaging precedent of advancing ribbon development along Sandbank, yet further eroding the rural character, contrary to the requirements of policy LP12.

9.7. With regard to the consultation draft of the emerging Local Plan, which carries limited weight at this time as per paragraph 48 of the NPPF, given that consultation has only recently commenced, the site is outside of the defined settlement boundary of Wisbech St Mary, and is therefore classed as open countryside, where development will only be permitted in the circumstances set out within the NPPF. Paragraph 80 of the NPPF is relevant. It states that:

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

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

9.8. Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the development would not accord given the circumstances of the site.

9.9. Consequently the proposed development is in clear conflict with the policies of the adopted Local Plan, the NPPF and also would not comply with the emerging Plan.

Highway Safety/Access

9.10. The application includes creation of two shared accesses off Sandbank, leading to a shared turning driveway, one per pair of dwellings. The driveways will lead to detached garages, with additional parking to the front of each. The vehicular accesses are intended as 4m wide and surfaced with tarmac for the first 10m; pedestrian access proposals also include an extended of a footpath leading from

existing development to the southeast. There is sufficient turning space provided to allow vehicles to enter and exit in a forward gear, and it is likely that the parking areas will offer sufficient parking in line with the parking provision requirements set out in Appendix A of Policy LP15. Notwithstanding, the exact requirement is unknown as details of layout and scale are reserved for later approval.

- 9.11. Consultations with the Highways Authority returned no objections to the scheme, subject to conditions. As such, it is considered that the proposal conforms to Policy LP15 of the Fenland Local Plan.

Other Matters

Character and appearance

- 9.12. Within the vicinity of the site, Sandbank includes a mixture of semi-detached and detached two-storey properties of mixed ages and characters.
- 9.13. Matters relating to the specific appearance, layout and scale will be committed at Reserved Matters stage. However, the indicative site plan suggests that the proposed quantum of development on the site could be achieved.
- 9.14. Owing to recommendations regarding the mitigation of flood risk from the Environment Agency (and set out within the submitted FRA), namely: the raising of finished floor levels to 1m above ground level on two-storey dwellings, this will impact on the streetscene as a result of the development's overall height.
- 9.15. Notwithstanding, the adjacent site approved under F/YR22/0632/RM included a similar mitigation strategy, with ground levels raised locally to accommodate the recommended +1m finished floor levels. Thus, in the context of the adjacent site, the proposed dwellings will likely coincide with this approved dwelling in terms of height. Yet, the requirement to raise the ground levels for this site, in addition to that already required on the adjacent site, will result in a cumulative impact of a cluster of dominant dwellings within the streetscene in terms of their overall scale which would exacerbate the detrimental impact on the landscape character and highlight their inappropriate siting through the need to artificially raise ground levels over a wider area to mitigate flood risk.
- 9.16. The adjacent development, approved by , was regarded as "*a grand design*" that would "*enhance the area and the entrance to the village*" and would have less of an impact as it was "*on the end*" ¹. However, development proposed on land to the northwest would enclose the gap at the entrance to the village and therefore result in either: the dilution of the 'gateway dwelling' implied by Members in their deliberations to justify the approval, or conversely, result in an assemblage of up to 5 dwellings of an unusual scale and character within the wider countryside landscape, further highlighting their discordance within this rural setting, in contravention of Policies LP12 and LP16.

Residential Amenity

- 9.17. There were no indicative floor plans or elevations offered with the application and as such the LPA are unable to establish definitively if issues such as overlooking will need to be reconciled. However, owing to the relative position of the proposed dwellings, shown indicatively, it would appear that there may be

¹ Planning Committee Minutes, Wednesday, 24 August 2022

negligible issues relating to impacts on residential amenity to reconcile from the scheme.

- 9.18. The illustrative site plan also indicates that suitable amenity space may be provided for each dwelling to meet the requirements of Policy LP16 of the Local Plan.

Flooding and flood risk

- 9.19. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. The site is located within Flood Zone 3.

Sequential Test

- 9.20. It is for the applicant to demonstrate through an assessment that the Sequential Test has been met. In February 2018, the Council amended the approach to agreeing the scope of the Sequential Test to a settlement by settlement basis, instead of the entire district as set out in the Cambridgeshire Flood and Water SPD (2016). As such, the settlement of Wisbech St Mary is the area of search for the Sequential Test for this application.

- 9.21. The application is accompanied by a Flood Risk Assessment (FRA) and separate Sequential/Exception Test (SET) report. The FRA states that an internet search of available development sites within Wisbech St Mary has resulted in no available sites being found. The SET report considered all the relevant planning application sites within Wisbech St Mary since 2017 and discounted them systematically, with each falling into one of the following categories:

- Replacement dwelling;
- Permission implemented;
- Conversion of an existing building; or
- Site no longer for sale (and evidenced).

The test concludes that there are no available sites to accommodate development such as the proposed within an area of lower flood risk within the built framework of Wisbech St Mary. The LPA could not find any evidence to the contrary and as such it is considered that the sequential test is passed.

Exception Test

- 9.20. Further to the passing of the sequential test, it is necessary for the application to also pass the Exception Test, which comprises of demonstration of the following:

- 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.

- 9.21. a) *Wider sustainability benefits*

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.

9.22. Having regard to the scale and nature of development, it would likely be difficult to achieve wider benefits through much of the list above. However, the submitted SET report outlines that features such as the installation of photovoltaic panels, air source heat pump, or rainwater harvesting could be utilised to assist in achieving sustainability benefits. These measures could be considered and included at Reserved Matters stage and may result in the satisfactory compliance with the Exception Test in this regard.

9.23. b) *Flood safety*

The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures and sustainable drainage systems within the proposal are highlighted within the flood risk assessment that address the need for safety in times of flooding at the site, and as such would satisfy the Exception Test in this regard. Consultation with the Environment Agency raised no objection to the FRA or the proposed mitigation measures, subject to conditions.

9.24. *Flooding and Flood Risk - Conclusion*

The evidence submitted has demonstrated that there are no sequentially preferable sites that could accommodate the quantum of development proposed under the terms of the current scheme and thus the proposal has passed the Sequential Test. Subsequently the implementation of renewable energy methods and the outlined flood risk mitigation measures satisfy the exception test. As such, it is considered that the scheme is compliant with Policy LP14, subject to the imposition of necessary conditions to ensure the implementation of the measures proposed.

Agricultural Land

9.25. The site is Grade I agricultural land, the highest quality. While planning policy seeks to restrict development on such sites it is not considered that it would be reasonable to refuse the application on this basis given the abundance of high quality agricultural land within the district.

10. CONCLUSIONS

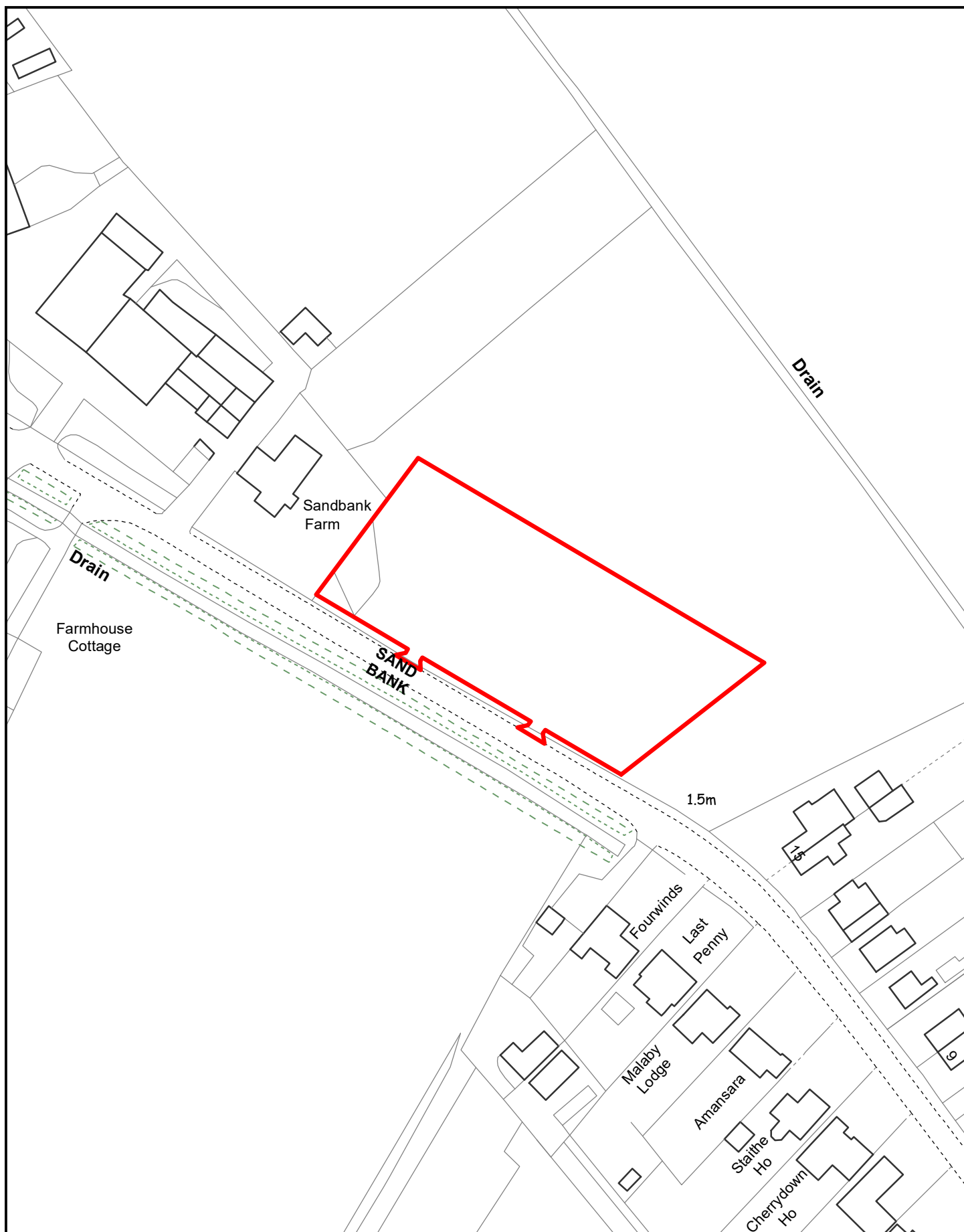
10.1. On the basis of the consideration of the three elements contributing to the principle of the development of the site listed above, there would be conflict with adopted planning policy in two of those areas. Such conflict arises through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan and must therefore be recommended for refusal.

11. RECOMMENDATION

11.1. **Refuse**; for the following reason:

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district; Policy LP12 details a range of criteria against which development within villages will be assessed. Policy LP16
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	<p>(d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The application site proposes the construction of up to four dwellings located beyond the existing built-up edge of the settlement, extending the developed frontage into the countryside. Development encroaching into this land would erode the open character and appearance of the countryside, exacerbated by the requirement for the finished floor level to be +1m above existing ground level resulting in a cumulative dominance and thus failing to make a positive contribution to local character and the streetscene. The application would therefore fail to comply with the requirements of policies LP12 and LP16 of the Fenland Local Plan (2014).</p>
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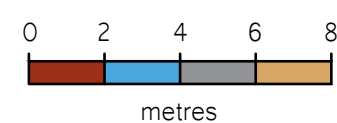
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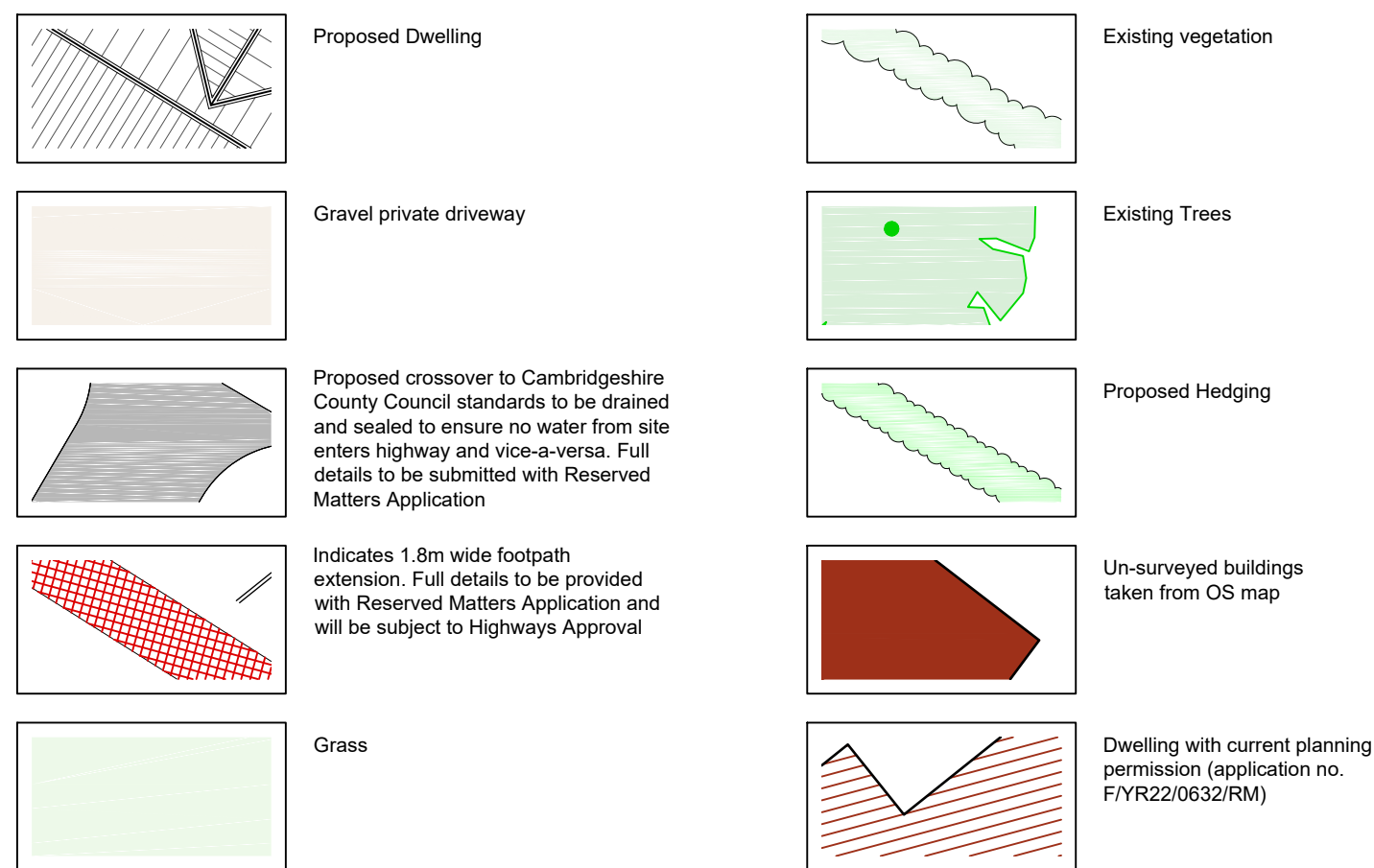




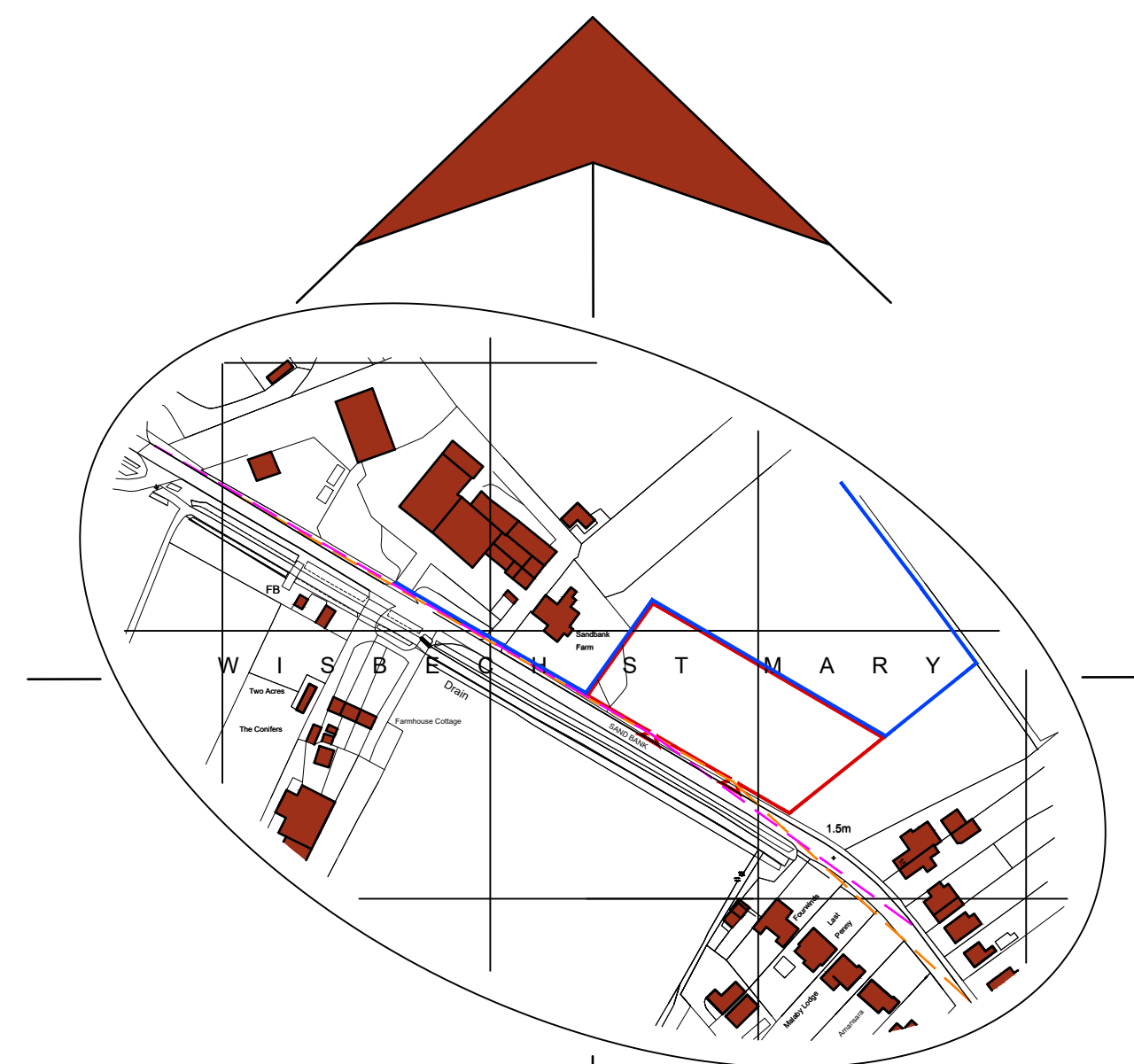
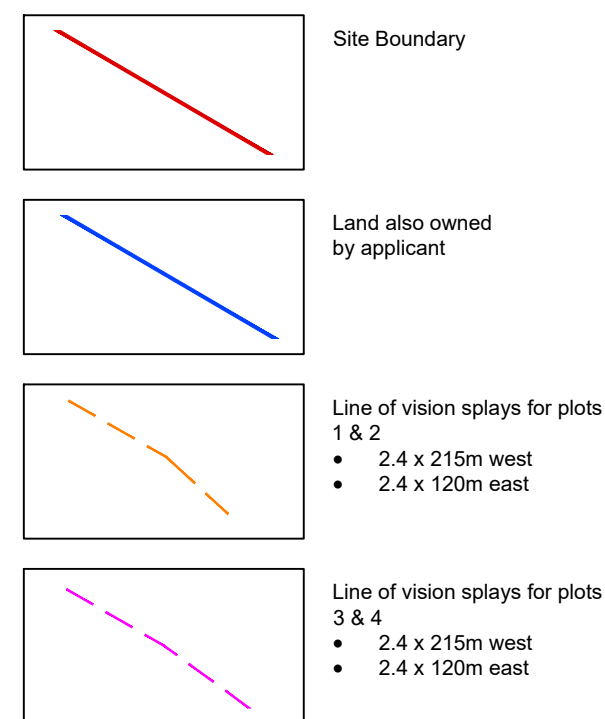
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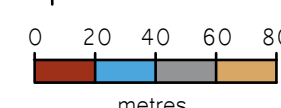
SITE PLAN KEY



LOCATION PLAN KEY



Location Plan
Scale: 1:2500



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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

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

AREA SCHEDULE

APPLICATION SITE AREA = 3950m²

Revisions			Next-Door proposed plan revised
B	Nov 2022		

Status

FOR COMMENT

SWANN EDWARDS
ARCHITECTURE

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

Job Title		Date	Drawn by
Proposed New Dwellings		April 2022	HM
Land West of Sandbank Farm		Checked by	
Wisbech St Mary		JB	
Wisbech, Cambs			
Drawing Title		Job No.	Sheet Size
Planning Drawing		SE1809	A1
Dwg No.		Revision	
PP1000		B	

F/YR22/1187/FDC

Applicant: Fenland District Council

Agent : BHD Ltd

Land North Of, 6 Riverside Gardens, Parson Drove, Cambridgeshire

Erect 1x dwelling involving demolition of existing garage block (outline application with matters committed in respect of access)

Officer recommendation: Grant

Reason for Committee: Fenland District Council Application

1 EXECUTIVE SUMMARY

- 1.1 The site relates to an existing garage block situated to the north of No6 Riverside Gardens within the settlement of Parson Drove.
- 1.2 The application seeks outline planning permission, with all matters reserved, for 1x dwelling. 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 1 dwelling with onsite parking and private amenity space and there would be no adverse impacts upon the character of the wider area.
- 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 at the end of a no through road, to the north of existing dwellings along Riverside Gardens within the built form of Parson Drove. The existing site has 6 unused garages on it. To the north of the site is an allotment leading to agricultural land, to the east is 'North Level drain' and to the south and west are residential dwellings.

- 2.2 The site lies within Flood Zone 3 (High Risk) and within the Flood Warning Area.

3 PROPOSAL

- 3.1 This application seeks outline planning permission with all matters reserved for future consideration in respect of the erection of one dwelling.
- 3.2 Full plans and associated documents for this application can be found at:
[F/YR22/1187/FDC | Erect 1x dwelling involving demolition of existing garage block \(outline application with matters committed in respect of access\) | Land North Of 6 Riverside Gardens Parson Drove Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

4.1 Pertinent planning history listed below:

Application	Description	Decision	Date
22/0016/PREAPP	Erection of 1x dwelling	Written response	
F/YR12/0938/RM	Erection of a 2-storey 3-bed dwelling with attached garage, involving demolition of existing garage block	Approved	25 Jan 2013
F/YR11/0416/FDC	Erection of a dwelling involving demolition of existing garage block	Granted	30 Aug 2011

5 CONSULTATIONS

5.1 Parson Drove Parish Council

Erect 1x dwelling involving demolition of existing buildings (outline application with matters committed in respect of access) was discussed, where it was commented that the application had been previously unsupported. Material concerns such as with the access problems, the site management issues that would arise, there not being any space on site to work and the parking issues it would create. It was noted that the turning circle proposed would not be sufficient and that it would cause delivery lorries to have to reverse down the road to reach the site. It was agreed to recommend for decline.

5.2 Environmental Services (FDC)

From a waste collection view point no objections to an additional property. Existing custom and practice is to access this private road to collect from the 10 current properties with no additional requirements for a further 1.

5.3 Environment & Health Services (FDC)

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

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

That said, given the former land use and therefore potential risk to end users as a result of ground contamination, in the event that planning permission is granted, this service recommends that the full contaminated land condition is imposed in the interests of public health;

No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) 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 agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

Due to the close proximity of existing nearby noise sensitive receptors, the following condition should also be imposed in the event that planning permission is granted;

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

5.4 North Level Internal Drainage Board

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

The Board's Old Wryde Drain forms the eastern boundary to the site and therefore the Board's Byelaws apply. In particular, Byelaw no. 10 which states "no person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain".

5.5 Environment Agency

Thank you for your consultation dated 03 November 2022 for the above application. We have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Flood Risk

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.

Notwithstanding the above we have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) Ref: FLOOD RISK ASSESSMENT FOR RESIDENTIAL DEVELOPMENT AT RIVERSIDE GARDENS, PARSON DROVE are adhered to.

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

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for Communities and Local Government (DCLG) guidance document

Local Residents/Interested Parties

Four letters of objection received from local residents (three from Riverside Gardens and one from Fen Road) regarding:

- Access and parking arrangement
- Turning area
- Proximity to neighbouring property
- Smell and noise during construction
- Devalue property

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paragraph 2 Application to be determined in accordance with the development plan unless material considerations indicate otherwise

Paragraph 11 Sustainable development

Paragraph 130 Achieving well-designed places

Paragraph 159 Development should be directed away from areas at highest risk of flooding.

Paragraphs 174 and 180 Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

C1 – Context – How well does the proposal relate to the site and its wider context
I1, 2 & 3 – Identity – Well-designed, high-quality places that fit with local character
H1 & H2 Homes and Buildings – healthy, comfortable and safe places well related to external amenity space

Fenland Local Plan 2014

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

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation 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 – Policies Map
Policy LP2 – Spatial strategy
Policy LP4 – Securing Fenlands Future (Sustainable development)
Policy LP5 – Health and Wellbeing
Policy LP7 – Design
Policy LP8 – Amenity Provision
Policy LP18 – Development in the Countryside
Policy LP22 – Parking provision
Policy LP24 – Natural Environment

Parson Drove Neighbourhood Plan 2020

Policy 1 – Housing Growth
Policy 2 – Scale of Housing Development
Policy 5 – Road and Pedestrian Safety

8 KEY ISSUES

- **Principle of Development**
- **Visual and Residential Amenity**
- **Access, Highways and Parking**
- **Flood Risk**

9 BACKGROUND

An application for a dwelling on the site was granted in 2011 with all matters reserved, the reserved matters relating to this application was granted in 2012. This permission has since lapsed. Pre-application advice was sort prior to the current application being submitted. The land is owned by Fenland District Council.

10 ASSESSMENT

Principle of Development

- 10.1 As an application for outline planning permission, the matter for consideration is the principle of the development of the site for residential purposes.
- 10.2 Local Plan Policy LP3 defines a settlement hierarchy for the district and seeks to steer development to the most sustainable locations. The settlement hierarchy specifies that the majority of new housing should take place in the four market towns. Parson Drove is identified as a Limited Growth Village, one of five such settlements in the third level of the hierarchy where policy LP3 identifies that “For these settlements a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village”. On that basis, and due to its location as a brownfield site with existing unused garages situated in it, the principle of the construction of a single new dwelling within Parson Drove is considered to be acceptable.

Visual and Residential Amenity

- 10.3 The application is for the construction of one dwelling and the indicative site plan demonstrates the site is capable of sustaining one dwelling with onsite parking and private amenity space. The plot size and amenity space broadly reflect the properties to the south along Riverside Gardens. The proposed dwelling continues the line of properties, although the properties to the south are terraced. However, the properties on the opposite side of Riverside Gardens to the west are detached bungalows and as such the development would not be considered out of keeping in principle
- 10.4 The dwelling is likely to appear as a continuation of the built form along Riverside Gardens and therefore its presence is considered to be acceptable subject to its final appearance and layout, which are reserved matters.
- 10.5 In terms of built development, the reserved matters application 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.

Access, Highways and Parking

- 10.6 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.
- 10.7 Comments received were concerned about the loss of a turning head at the end of Riverside Gardens. The indicative plan shows that the turning area could be accommodated within the development, and this would be a matter to be addressed at RM.

Flood Risk

- 10.8 The site is located within Flood Zone 3 and within the Flood Warning Area. Policy LP14 of the Fenland Local Plan 2014 and paragraph 161 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test and exception test as necessary. The submitted Sequential test information fails to identify any sites with extant permissions which would be at lower flood risk. No other sites are known, and the sequential test is therefore passed.
- 10.9 The Cambridgeshire Flood and Water Supplementary Planning Document para 4.5.9 advises that the general provision of housing by itself would not normally be considered as a wider sustainability benefit to the community which would outweigh flood risk, it does however identify that climate change mitigation and renewable energy may be considered as wider sustainability benefits and as such securing such outputs from the scheme may be deemed sufficient to satisfy the exceptions test in this instance. The submitted sequential and exception test document indicates the scheme would include renewable energy sources. These details will be conditioned to be required at reserved matters stage. The submitted Flood Risk Assessment demonstrates that development on site would be safe for its lifetime.
- 10.10 The IDB have no objection however pointed out that any development within 9m of the drain would require separate consent from the IDB. Issues of layout would be addressed at the reserved matters stage. The Environment Agency had no objection subject to the measures identified in the FRA being implemented.

11 CONCLUSIONS

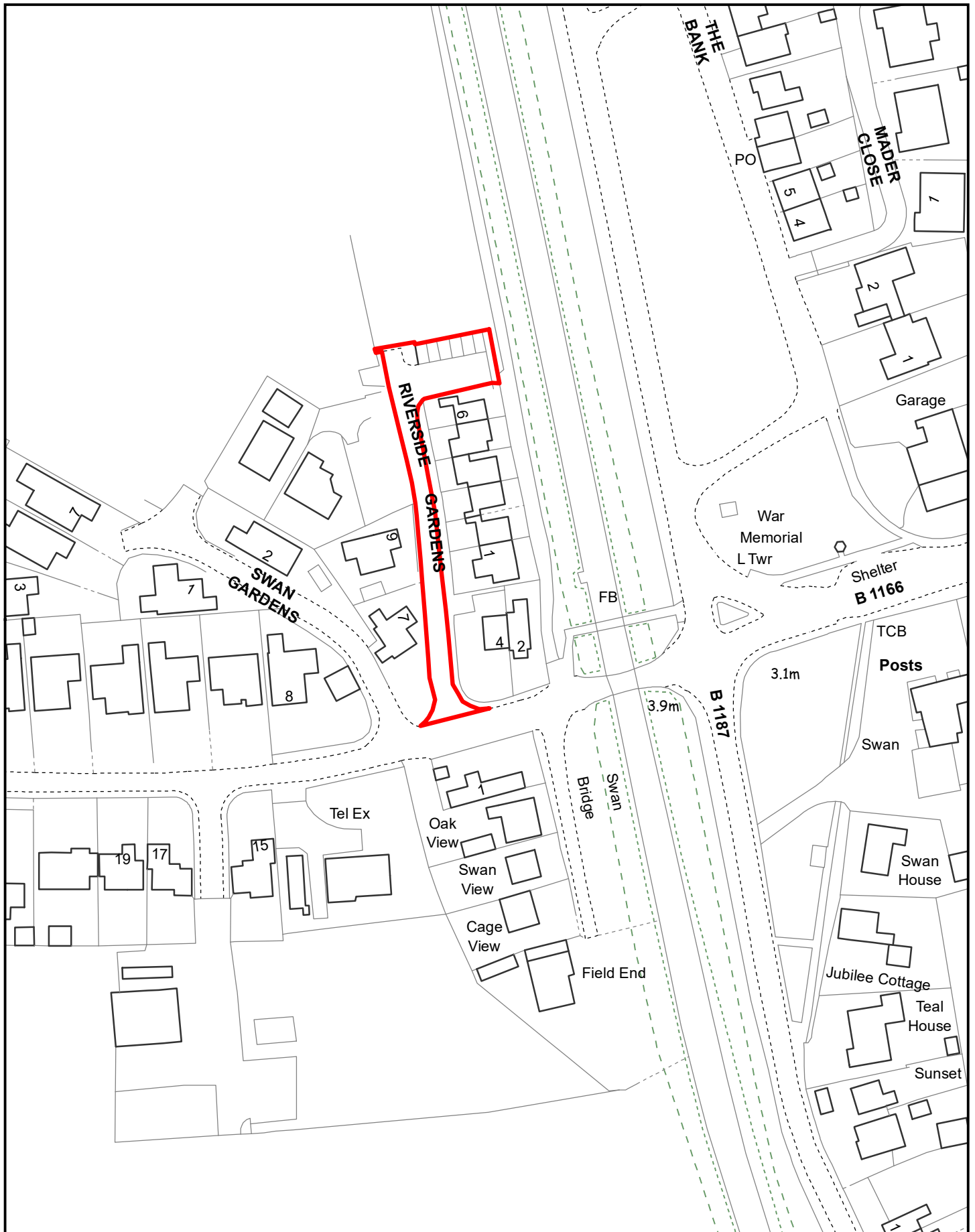
- 11.1 The objective of an outline application is to determine if the principle of residential development at the application site is acceptable. The principle to develop the site for residential use is considered acceptable with regard to necessary local and national planning policies.

12 RECOMMENDATION GRANT

1	<p>Approval of the details of:</p> <ul style="list-style-type: none">i. the layout of the siteii. the scale of the building(s);iii. the external appearance of the building(s);iv. the means of access thereto;v. the landscaping <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>
2	<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</p>

	<p>permission.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<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>
4	<p>The residential elements of the development shall not exceed 1 dwelling (Use Class C3).</p> <p>Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>The landscaping details to be submitted in accordance with Condition 01 of this permission shall include:</p> <ul style="list-style-type: none"> a) existing and proposed site levels including those on adjacent land and finished floor levels. b) means of enclosure ensuring that adequate gaps are provided under any new fencing to allow for the passage of hedgehogs. c) car parking, vehicle and pedestrian access (which shall be of a bound material) d) hard surfacing, other hard landscape features and materials 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. f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife <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>
6	<p>The details required by condition 1 shall include a scheme for the provision of renewable energy sources to be installed as part of the development.</p> <p>Reason: To ensure the sustainability benefits in respect of the exception test are implemented, in accordance with the Cambridgeshire Flood and Water SPD and Policy LP14 of the Fenland Local Plan 2014.</p>
7	<p>Before the first occupation of the dwelling hereby permitted a flood evacuation plan shall be submitted ensuring safe use of the development in extreme circumstances, such a plan shall include an appropriate method of</p>

	<p>flood warning and evacuation. The agreed plan shall remain in place thereafter.</p> <p>Reason - To ensure the safety of future occupants in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
8	Approved Plans



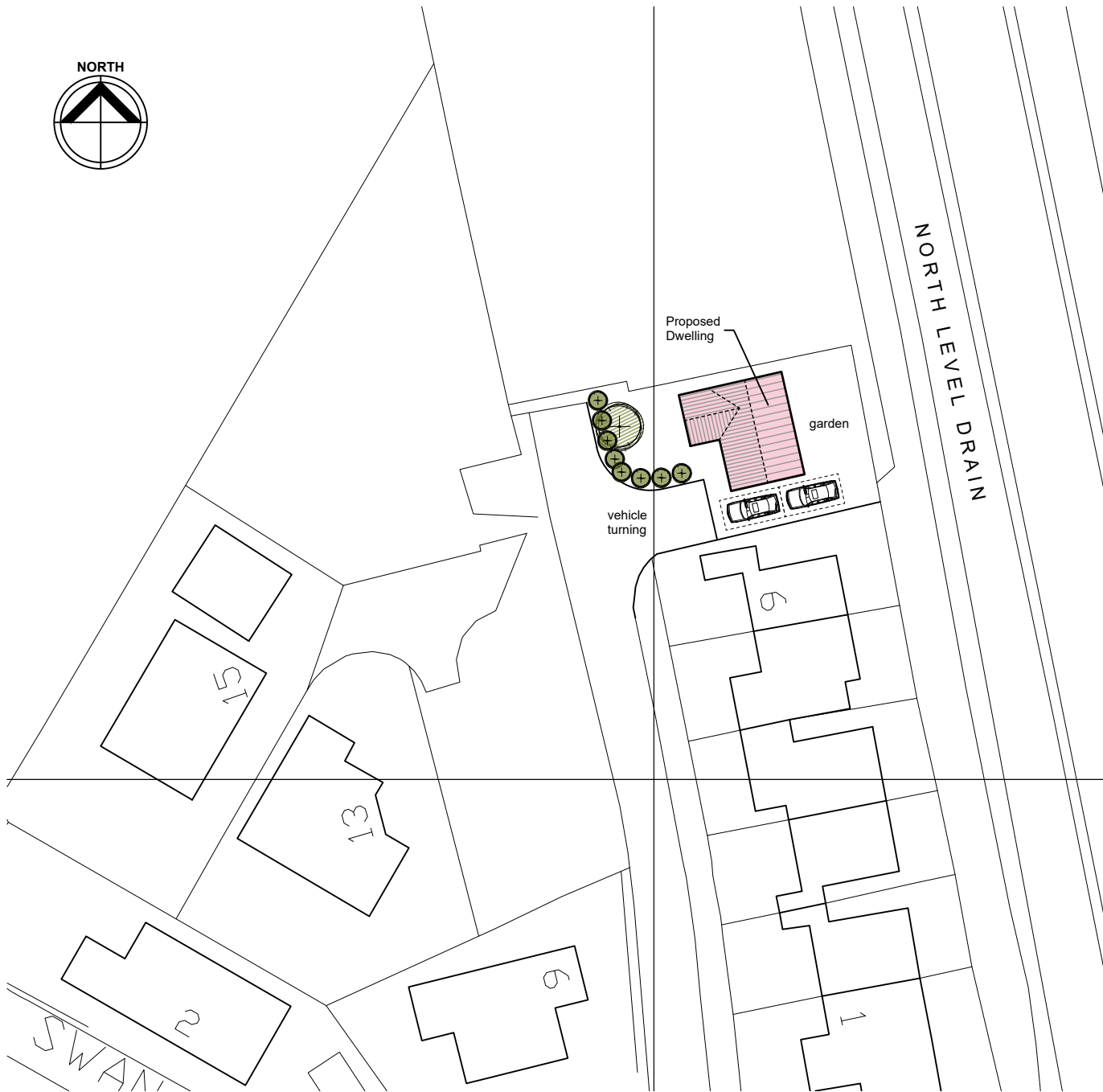
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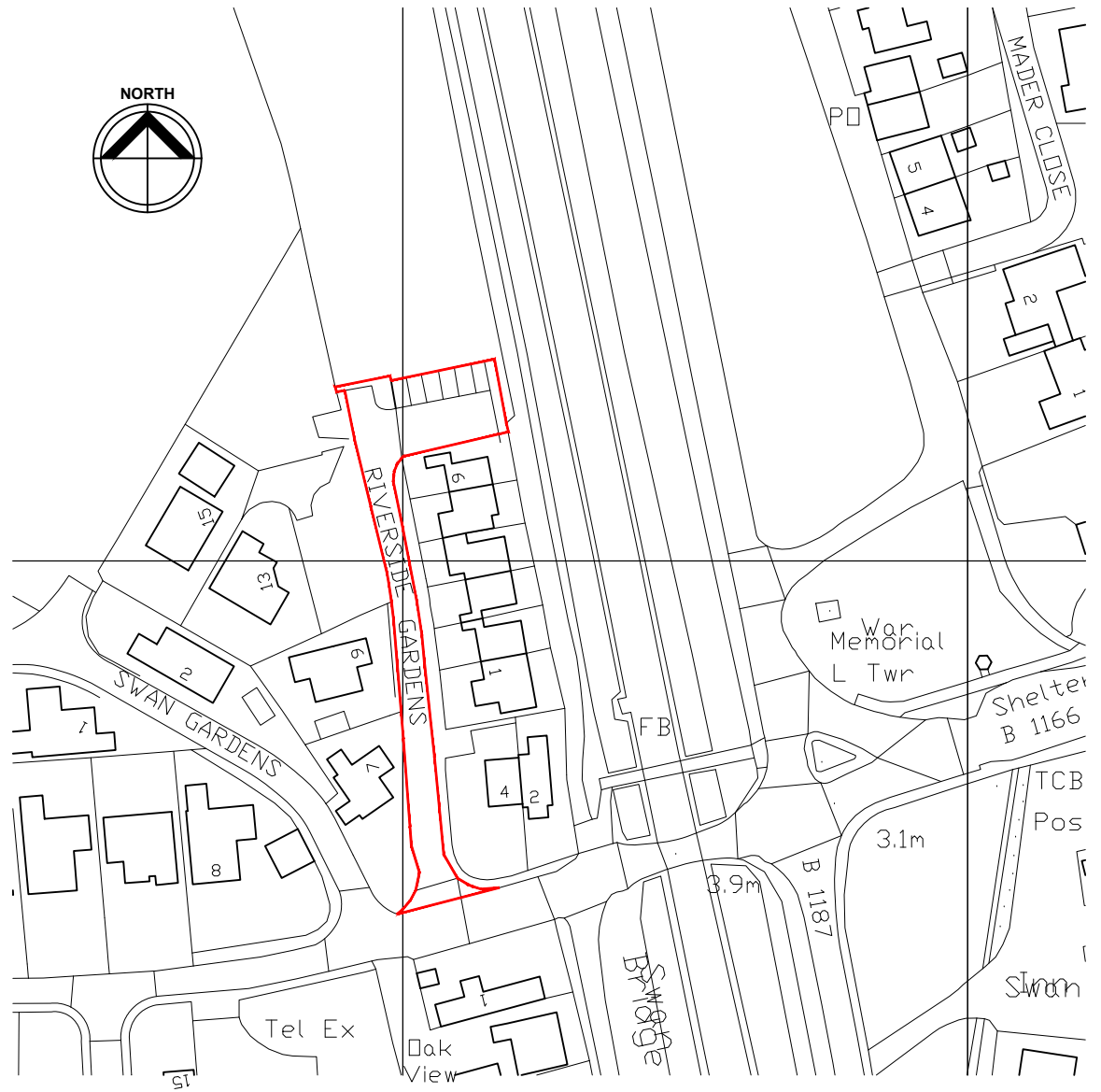
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SITE PLAN WITH INDICATIVE LAYOUT 1:500

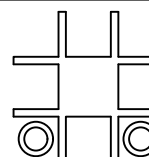


LOCATION PLAN 1:1250



P:\2022 projects\Riverside Gardens, Parson Drove\New Company Filing System\BHD Docs, Drawings & PDFs\2 Planning Drawings\scheme design.dwg

REVISION:	DATE:	DRAWN:	CHECKED:	DESCRIPTION:

 bhd R. HARRINGTON, 1st FLOOR 12 CHURCH SQUARE LEIGHTON BUZZARD BEDS. LU7 1AE Tel: 01525 854770 Fax: 01525 854778		PROJECT: RIVERSIDE GARDENS PARSONS GROVE	
DRAWING TITLE: SITE PLAN WITH INDICATIVE LAYOUT		SCALE: 1:500 1:1250	PROJECT CODE: 2241
DRAWING STATUS: OUTLINE		DRAW DATE: 29.09.22	DRAWN: AC CHECKED: PL-01
		REVISION DATE: 	DRAWN: AC CHECKED:
		REVISION: AC 	SHEET: A3

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F/YR21/1421/F

**Applicant: Mr Alex Knowles
Knowles Transport Ltd**

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

Land North Of Knowles Transport, Blue Lane, Wimblington, Cambridgeshire

Formation of a car park and access, and the erection of 2.0-metre-high palisade fencing, gates and 10 x 3m high lighting columns.

Officer recommendation: Grant

Reason for Committee: Number of representations contrary to Officer Recommendation.

1 EXECUTIVE SUMMARY

- 1.1 This is a full application for a gated staff car park for use in connection with the existing warehouse depot, to be accessed from a new opening off Blue Lane, perimeter fencing 2m high, lighting, hard/soft landscaping and an internal pedestrian link (also gated) which utilises part of the public right of way leading to the existing vehicular access on Blue Lane.
- 1.2 The principle of development finds support within Policies LP3 and LP6 subject to there being no adverse issues arising relating to the character of the area, residential amenity and highway safety.
- 1.3 Ten local residents living close to the application site object to the application. Officers acknowledge their concerns and accept there is likely to be some impact on amenity. However, the advice provided by the Environmental Health Team and Highways Officers confirm that any impacts can be managed and monitored or are not so adverse as to warrant a refusal of the proposal.
- 1.4 The recommendation is therefore for approval, subject to the attachment of conditions.

2 SITE DESCRIPTION

- 2.1 The site is to the north of a public right of way (No 8) off Blue Lane Wimblington. This footpath is in turn north of several large warehouses associated with Knowles Transport's business (327,000sq ft of B8 floor space). The site appears to be partly agricultural but contains several spoil heaps of waste material, two existing accesses off Blue Lane and the remains of a building.
- 2.2 There are a number of residential properties facing onto Blue Lane, and two cul de sacs of in-depth development within close proximity to the site.

2.3 The site measures 9193sqm and is within Flood Zone 1.

3 PROPOSAL

- 3.1 This is a full application for a gated staff car park for use in connection with the existing warehouse depot, to be accessed from a new opening off Blue Lane, perimeter fencing 2m high, hard/soft landscaping and an internal pedestrian link (also gated) which utilises part of the public right of way leading to the existing vehicular access on Blue Lane. A revised lighting scheme has been included during the processing of the application.
- 3.2 The supporting information states that at present Knowles Transport have two existing parking areas for staff. These are located: north-east of the head office on the corner of Blue Lane and Doddington Road; and a smaller parking area within the loading yard east of the head office. Both are at capacity daily (84 cars).
- 3.3 Knowles Transport employ 300 staff at this site resulting in the need for additional parking. The applicant would prefer no loss of land within the loading areas. There can be up to 240 drivers/operatives/management/visitors/agency on site in any 24 hour period. Taking into account shift working and seasonal peaks, the maximum number of staff on site would be 160, the vast majority of whom bring their own cars.
- 3.4 The proposed car park is intended to offer employees secure off road parking and access to the main site without walking on the highway. The proposal will also enable the relocation of staff parking away from the main loading yard.
- 3.5 The proposed car park will be for cars and motorcycles only (155 spaces surfaced with permeable paving). The site perimeter is to be landscaped along the northern and western boundaries with Hawthorn hedging, Alder and Field Maple trees. Along the existing boundary with Blue Lane (eastern) the existing accesses will be closed. A 3m easement from the foul sewer will be maintained along with the existing trees and hedges, subject to achieving the required visibility splays (revised plan received at Highways Officer's request). The new access to the car park will be opposite No 14 Blue Lane consisting of a 5m wide tarmac road. 2m high mesh gates will be set back 10m with a pin code access pad.
- 3.6 It is proposed that staff will be able to walk from the main site to the proposed car park via the internal footpath link using pin-coded personnel gates at each end of the footpath to maintain security. The applicant has confirmed there will be no impact on or restriction of the public right of way to the general public.
- 3.7 At the request of the Environmental Health Officer, a revised lighting scheme has been provided along with a Noise Management Strategy (NMS).
- 3.8 The Wildlife Officer suggested a pre-commencement planning condition. However, the applicant has since provided the requested reports/ surveys: A Construction Environment Management Plan (CEMP) – Biodiversity; and an Ecological Design Strategy (EDS). A Construction Management Plan (CMP) was also submitted during processing of the application.

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

4 SITE PLANNING HISTORY

F/YR01/1053/F Erection of 2-storey office extension, security gate house and formation of lorry/ staff parking area

Refused 07.05.2002

F/YR06/0054/F Change of use of land from agricultural to B8 (storage) involving demolition of existing shed, erection of 2.4-metre-high palisade fencing and 2.4-metre-high railing with 2.6 metre high brick pillars and diversion of public footpath
Withdrawn

5 CONSULTATIONS

5.1 Wimblington Parish Council 10.11.2022

Parish council has previously had no objection to the car park but the new lighting scheme causes concerns about the level of lighting and the impact on surrounding properties. Brightness levels of lighting immediately adjacent to Blue Lane itself needs to be such that it does not impede on those properties immediately adjacent to the proposed entrance.

The Parish Council has been consulted on the revised lighting design. Their comments will be reported to Members at Committee.

5.2 Cambridgeshire Constabulary Designing Out Crime Officer 02.11.2022

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime and note my previous comments. The revised plans have addressed my previous comments, although the lighting plan does not show that it has been designed to BS5489-1:2020, the lux levels and uniformity appear to be appropriate for this location.

11.01.2022

I have not seen this type of Solar lighting previously but it would appear to be suitable for this type of location with lower column heights. There is no mention of either BS5489 or BS EN 12464 so It would be good to see the proposed lux levels and confirmation that the light pollution has been considered.

14.12.2021

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime, and checked the Constabulary crime and incident systems covering Wimblington for the last 2 years. I would consider this area to one of low vulnerability to crime at present. There have been 12 vehicle crimes reported during this period. This would appear to be a good facility for the staff, while some security measures have been considered, I have the following comments: -

- *The application description mentions Palisade fencing while the drawings say weldmesh – our recommendation is Weldmesh fencing and gates ideally security tested to LPS1175-SR1. This reduces the opportunity to cut or climb and offers better surveillance.*

- *Lighting – For the safety of people and their property our recommendation is that all parking areas should be lit by columns to BS5489:1 2020 or BS EN 12464:2-2014. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. It would be good to see an external lighting plan including calculations and lux levels when available. Engaging a lighting company which is a member of the Institute of Lighting Professionals would ensure that the scheme produced the correct levels of light, technical requirements for ‘dark sky’ policies and light pollution.*

- *While the pedestrian gate is shown as having fob entry for staff there is no mention of the access control for the vehicle entrance.*

I have no further comment or objection.

5.3 Cambridgeshire County Council Definitive Map Team 16.11.2022

I am responding to the revisions made on the above planning application, for the Formation of a car park and access, and the erection of 2.0-metre-high palisade fencing at Land North Of Knowles Transport Blue Lane Wimblington Cambridgeshire. Public footpath 8, Wimblington runs to the south of the development site and also crosses the proposed internal footpath link. To view the location of the footpath please view our interactive mapping online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>. The Definitive Map Team no longer objects to the application, on the basis that the public footpath remains open and unobstructed to the public. Should the applicant need to temporarily close it for safe works, they should apply to the Streetworks Team online at Highway licences and permits - Cambridgeshire County Council.

5.4 CCC Highways

29.11.2022 (CMP only)

Following suggested amendments to the Construction Management Plan, the Highways Officer found it to be acceptable.

23.11.2022

The revised plan on the portal now shows the pole but still doesn't have the tangential splay (blue line in the below image). This is however a bit pedantic as the splay is largely within highway and well in advance of the proposed site fencing. I'm happy to accept the layout as shown on the plan 6379/01H.

Can the following conditions and informative please be appended to any permission granted.

Conditions

- *Gates: Prior to the first occupation of the development hereby approved/Prior to the commencement of the use hereby approved any gate or gates to the vehicular access shall be set back 10 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter.*

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

- *Visibility Splays: Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of*

the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4 metres x 43 metres measured along respectively the edge of the carriageway.

Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

- *Non-standard condition – Construction Traffic Management Plan: Prior to the commencement of use of the development hereby approved, a construction traffic management plan shall be submitted in writing and approved by the Local Planing Authority.*

Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

22.11.2022

I've looked through the information submitted in relation to the application F/YR21/1421/F and in my view the car park is unlikely to adversely impact highway safety while I suspect it will result in substantial amenity impacts.

However, I do note that Phil's original comment regarding tangential visibility splay remains valid and this should be shown on a revised drawing so that the splay can be conditioned. The comment regarding the electricity pole is also still outstanding.

The applicant has submitted and CEMP, but will a separate construction traffic management plan be conditioned? If not, then I will make comments on it relating to wheel washing, road sweeping etc.

06.01.2022

The proposed car park is not being brought forward with any other associated development. This would suggest that the traffic and demand for parking spaces are already considered and on the network. The design and access statement refers to the existing site being at capacity so this would ease pressure on those areas. While it may be assumed that there will be no additional traffic on the network, trips will be redistributed to the new parking area albeit only a short distance away. There are road safety improvements to allow the car park as it avoids the potential for on street parking in inappropriate locations. The submitted plan refers to the existing hedge and trees to be retained. However, the plan also shows that the 2.4m x 43m will cut into these. Note that it will be necessary to provide a clear visibility splay, and this will be conditioned accordingly. The visibility splay needs to show to the tangent point on the south side of the access so that the whole of the road is visible. Please ask the agent to provide this additional splay line. The plan has not shown the position of the electricity pole. Please ask the agent to plot this on the plan to demonstrate that there is no conflict between it and the new access. Subject to the changes to the plans as set out above I have no objections to the proposals. Following the checking and approval of the revised plans then the following conditions would be appropriate

1. Prior to the car park being brought into use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Reason: In the interests of highway safety and to ensure satisfactory access into the site. 2. The parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for the ancillary use of the site known as Knowles Transport, Blue Lane. Reason: To ensure the permanent

availability of the parking / manoeuvring area, in the interests of highway safety. 3. Prior to the car park being brought into use visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan xx.xx.xx. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway. Reason: In the interests of highway safety. 4. The existing accesses shall be permanently and effectively closed, and the highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority within 28 days of the bringing into use of the new access. Reason: In the interests of highway safety.

5.5 FDC Environmental Health (Noise)

29.11.2022 (CMP)

The overall content of the documents appears satisfactory.

*The only part that could be open to interpretation is on Page 2 of the Construction Management Plan (Amended 24/11/2022) where it states “Working hours will be restricted to 7.00am to 5.00pm weekdays and 8.00am to 1.00pm on Saturdays. There will be no Sunday or Bank holiday work”. It then goes on to state that deliveries associated with the development phase and **noisy** works will be undertaken between hours of 8.00am to 5.00pm on weekdays.*

*Complaints regarding working times from developments of this nature will typically be made for early starts, and it may be difficult for planning enforcement and environmental health to determine what constitutes **noisy** works as this is subjective.*

In line with a condition typically used by this service and to bring starting times together without a loss of construction hours, it is recommended that working times are altered to be restricted to 8.00am to 6.00pm weekdays and remain as 8.00am to 1.00pm on Saturdays (and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority).

I hope that the above is considered a reasonable compromise in the interests of protecting the local amenity, whilst not reducing the actual permitted working hours.

Officer's comment: The applicant has revised the CMP (Rev B) to incorporate the 8am start, instead of 7am

22.11.2022 (NMS)

I have now had an opportunity to observe the latest documentation in the form of the updated Design & Access Statement (Rev – C / 16.11.22) and proposed car park (Planning Drawing 6379/01 rev H).

I acknowledge and accept the details added to the former on Pages 3 – 4 which represent the Noise Management Strategy. I believe that if the instructions are sufficiently conveyed to staff, managed accordingly and adhered to, then they should form the basis of a suitable and sufficient means of noise mitigation in the interests of protecting the amenity of nearby residents. I also believe that the intended location of the proposed signage regarding noise management is appropriate.

Further to our recent emails, can I please suggest that the following three part condition is imposed in the event that planning permission is granted;

- 1) The car parking area shall be constructed of a solid permeable paving surface finish to reduce noise from vehicle movements. The agreed scheme shall not altered thereafter without prior written consent from the Local Planning Authority.*
- 2) Signage instructing staff to respect the interests of nearby residents shall be erected in accordance with proposed car park Planning Drawing 1 (Job No. 6379/01H / 09.2021)*
- 3) Information distributed to all Knowles personnel shall include the following in accordance with the Noise Management Strategy as documented within the Design & Access Statement (Rev – C / 16.11.2022);*
 - Details on an emphasis to refrain from shouting, slamming vehicle doors, sounding horns and use of vehicle stereos at an excessive volume whilst stationary and during access/egress of the car park*
 - Instructions such as no loitering (especially during anti-social hours) or inconsiderate vehicle use with an emphasis on ensuring vehicles are driven sensibly and also not left idling for prolonged periods*
 - Advice to staff that they must respect the interests of local residents.*

Reason: To protect the amenity of local residents in accordance with Policy LP16 of the Fenland Local Plan 2014

5.6 FDC Environmental Health (Lighting) 22.11.2022

Having received the updated Lighting Design Report from icLighting Ltd and the plans shown in the email below of 21.11.22, I am satisfied that they address concerns previously raised about the potential of lighting to adversely impact on the amenity of nearby residential properties. The information confirms that if installed as proposed, then there should be no glare or overspill in excess of accepted guidance levels, from the luminaries mounted on the façade of the building to cover the internal footpath link.

5.7 PCC Wildlife Officer 25.10.2022

Recommendation:

Recommend removal of the pre-commencement conditions related to the Ecological Management Plan, Construction Management Plan and the Landscaping update.

Assessment/Comment: I am happy that the new documentation submitted under F/YR21/1421/F answers all of the requirements as laid out in my recommended conditions. Please condition that the proposal is completed in compliance with these documents and there is no need to include any conditions for biodiversity anymore.

5.8 Local Residents/Interested Parties

Ten objections have been received. 6 from residents of Blue Lane and four from Dobson Walk, Coney Walk and Doddington Road. One neutral comment was received. Concerns include:

Access

Business is too large for the location and is operating outside its licence

Out of Character of the area/ impact on openness of Blue Lane. Should be relocated to non-residential areas (site on A141).
 Density/Over development
 Design/Appearance
 Devaluing property
 Environmental Concerns, especially flooding in this area
 Footpath- detrimental impact
 Highway Safety- Blue Lane is not wide enough for vehicles to pass
 Light Pollution from car park
 Noise from existing business and cars possibly HGVs using the carpark 24/7
 Proximity to property
 Residential Amenity
 Smell
 Traffic noise and lights shining into properties on Blue Lane
 Visual Impact of fencing
 Wildlife Concerns

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)**
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
 LP6 – Employment, Tourism, Community Facilities and Retail
 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 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:

LP8: Amenity;
 LP15:Employment;
 LP21: Public rights of way;
 LP22: Parking Provision;
 LP24: Natural Environment

8 KEY ISSUES

- **Principle of Development**
- **Residential Amenity**

- **Character of the Area**
- **Highways**
- **Ecology**
- **Other**

9 ASSESSMENT

Principle of Development

- 9.1 Wimblington is identified as a growth village within Policy LP3 of the Fenland Local Plan 2014. With these settlements development of a limited scale is considered to be appropriate. Policy LP6 of the Fenland Local Plan 2014 seeks to increase employment opportunities within the District, encourage existing commercial premises to expand and to retain for continued use high quality land and premises currently in use for B1/B2/B8 employment purposes. Paragraphs 81 to 85 of the NPPF 2021 also place significant weight on the need to support economic growth, including in rural areas.
- 9.2 The principle of development can therefore be supported subject to there being no adverse issues arising relating to the character of the area, residential amenity and highway safety.

Residential Amenity

- 9.3 Of particular relevance with this application are Policies LP2 and LP16 (e) of the Fenland Local Plan 2014 which seek to ensure that development does not adversely impact on the amenity of neighbouring properties. In this instance noise generated by traffic and personnel, along with the proposed lighting of the car park are important.
- 9.4 Concerns expressed by the neighbours closest to the site are noted. Their concerns are understandable as the proposed development will increase the number of vehicles using this part of Blue Lane and would result in a change to the character of the area. Environmental Health Officers have examined the submitted information and requested additional details or strategies in order to reduce as much as possible any impact from noise and lighting on the immediate neighbours.
- 9.5 The submitted Noise Management Strategy (NMS) estimates that around 75% of vehicle movements within the proposed car park will occur from around 07:00 to 09:00 each morning. These will be staff members arriving at work. They will then leave the site between 16:00 to 19:00 each day. (Monday to Friday).
- 9.6 The NMS states that vehicle movements in/out of the car park will be minimal outside of these hours. On Saturdays and Sundays there is only a skeleton staff which would equate to around 15% of the weekday vehicle movements. It is expected there would be minimal activity outside of the hours 07:00 to 16:00.
- 9.7 In terms of noise management, the NMS suggests the site is buffered by perimeter landscaping (existing and proposed) which will provide a form of acoustic barrier to nearby receptors. Secondly, the surfacing of the car park is proposed as a solid permeable paving surface finish to eliminate gravel noise from moving vehicles.
- 9.8 The Knowles Transport site to be served by the proposed car park is open 24 hours a day, 7 days a week with various shift patterns. The NMS proposes the following as part of the implementation and management of the car park.

Signage to be erected within the car park (see proposed site plan for location) and information distributed to all Knowles staff, to include:

- Details on and emphasis to refrain from shouting, slamming vehicle doors, sounding horns and use of vehicle stereos at an excessive volume whilst stationary and during access/egress of the car park.
- Instructions such as no loitering (especially during anti-social hours) or inconsiderate vehicle use are critical, and to elaborate on that, ensuring vehicles are driven sensibly and also not left idling for long periods.
- Advice to staff to ensure that they respect the interests of local residents. Senior site personnel at Knowles will then have a duty to ensure that this noise management strategy is operating effectively, and that they respond to any complaints and amend the strategy as deemed necessary.

9.9 Following submission of this latest information, the Environmental Health Officer accepts the NMS and considers that if the instructions are sufficiently conveyed to staff, managed accordingly and adhered to, then they should form the basis of a suitable and sufficient means of noise mitigation in the interests of protecting the amenity of nearby residents. They also believe that the intended location of the proposed signage regarding noise management is appropriate.

9.10 Ten 3m high lighting poles are proposed within the car park with 7 wall mounted lights to light the footpath. The Environmental Health Officer after receiving the updated Lighting Design Report from icLighting Ltd and the plans shown in the email of 21.11.22, is now satisfied that they address his concerns previously raised. This is with regard to the potential for the lighting to adversely impact on the amenity of nearby residential properties. The information confirms that if installed as proposed, then there should be no glare or overspill in excess of accepted guidance levels, from the luminaries mounted on the façade of the building to cover the internal footpath link.

9.11 The concerns of the residents are noted and it is accepted that the proposed car park would impact on their amenity to an extent. However, the Environmental Health team consider that if the proposed development is undertaken, managed and maintained as per the submitted reports and documentation then that impact would not be so adverse as to warrant a refusal on these grounds.

Character of the Area

9.12 Policy LP16 of the Fenland Local Plan 2014 seeks to deliver and protect high quality environments within the District. Neighbours have raised concerns regarding the appropriateness of this location for further development as it would be out of character with the area, and also, the applicant should seek an alternative site such as their land adjacent to the A141.

9.13 It is accepted there are currently open views across the site, although these are somewhat restricted by the existing boundary hedging. But there is a hard boundary to the south created by the warehouses of the applicant's business and also evidence that the application site is previously developed land, in part. The proposed landscaping to the site boundaries would shield the development once established, however the 3m high lighting columns would be visible. Notwithstanding the residents concerns, it is considered that the proposal would not impact so adversely on the character of the area as to warrant a refusal.

Highways

9.14 Policy LP15 of the Fenland Local Plan 2014 seeks to ensure new development does not impact detrimentally on highway safety. Several Highways Officers have

been involved with the application during its processing and the proposed plan has been amended to include visibility splays.

- 9.15 Officers accept there will be an increase in the number of car movements along Blue Lane as a result of the new car park. However, the Highways Officer considers that the car park is unlikely to adversely impact on highway safety. A construction management plan has been suggested and can be conditioned. Without any objection from the highways team, the proposal is considered to comply with Policy LP15 of the Fenland Local Plan 2014.

Ecology

- 9.16 Policy LP19 of the Fenland Local Plan 2014 seeks to conserve, enhance and promote biodiversity throughout the district. The Wildlife Officer considered that the Ecology Survey submitted provided evidence that the proposed development could avoid negative impacts on ecological concerns but would condition further work through the attachment of planning conditions.
- 9.17 The applicant has already undertaken this work in the form of: a Construction Environment Management Plan (CEMP) – Biodiversity; and an Ecological Design Strategy (EDS). In addition, soft landscaping detail has been added to the proposed plan.
- 9.18 The Wildlife Officer has confirmed acceptance of the reports and provided the development is carried out in strict accordance with the submitted reports, there would be minimal impact on biodiversity. The proposal therefore complies with Policy LP19.

Other Considerations

- 9.19 It is understandable that neighbours have concerns about a proposed car park off Blue Lane but it is considered that the majority of their concerns have been addressed above. With regard to concerns that this is an unacceptable expansion of the business, the proposed car park will accommodate cars from alternative parking locations within the wider site. Therefore, is not considered to be an expansion. However, Policy LP6 would offer support for expansions of this nature.
- 9.20 Flooding on Blue Lane has also been raised. It will be in the applicant's interest to ensure the car park and entrance are adequately drained. The applicant has confirmed that the public footpath will not be impeded by the development. A condition will be added to ensure only cars and motorcycles can use the car park. The Knowles Transport business is open 24 hours a day. Therefore, it would be unreasonable to impose restrictions on the use of the proposed car park for staff employed by the 24hr business.
- 9.21 A Construction Management Plan (Rev B) has recently been submitted to avoid the requirement for a pre-commencement condition, should the application be approved. Following amendments, both the Highways Officer and Environmental Health Team are satisfied with its contents and the measures within it to limit impact of local residents and highways during the construction phase of the development.

10 CONCLUSIONS

- 10.1 This is a full application for a gated staff car park for use in connection with the existing warehouse depot, to be accessed from a new opening off Blue Lane,

perimeter fencing 2m high, lighting, hard/soft landscaping and an internal pedestrian link (also gated) which utilises part of the public right of way leading to the existing vehicular access on Blue Lane.

- 10.2 The principle of development finds support within Policies LP3 and LP6 subject to there being no adverse issues arising relating to the character of the area, residential amenity and highway safety.
- 10.3 Ten local residents living close to the application site object to the application. Officers acknowledge their concerns and accept there is likely to be some impact on amenity. However, the advice provided by the Environmental Health Team and Highways Officers confirm that any impacts can be managed and monitored or are not so adverse as to warrant a refusal of the proposal.
- 10.4 The recommendation is therefore for approval, subject to the attachment of conditions.

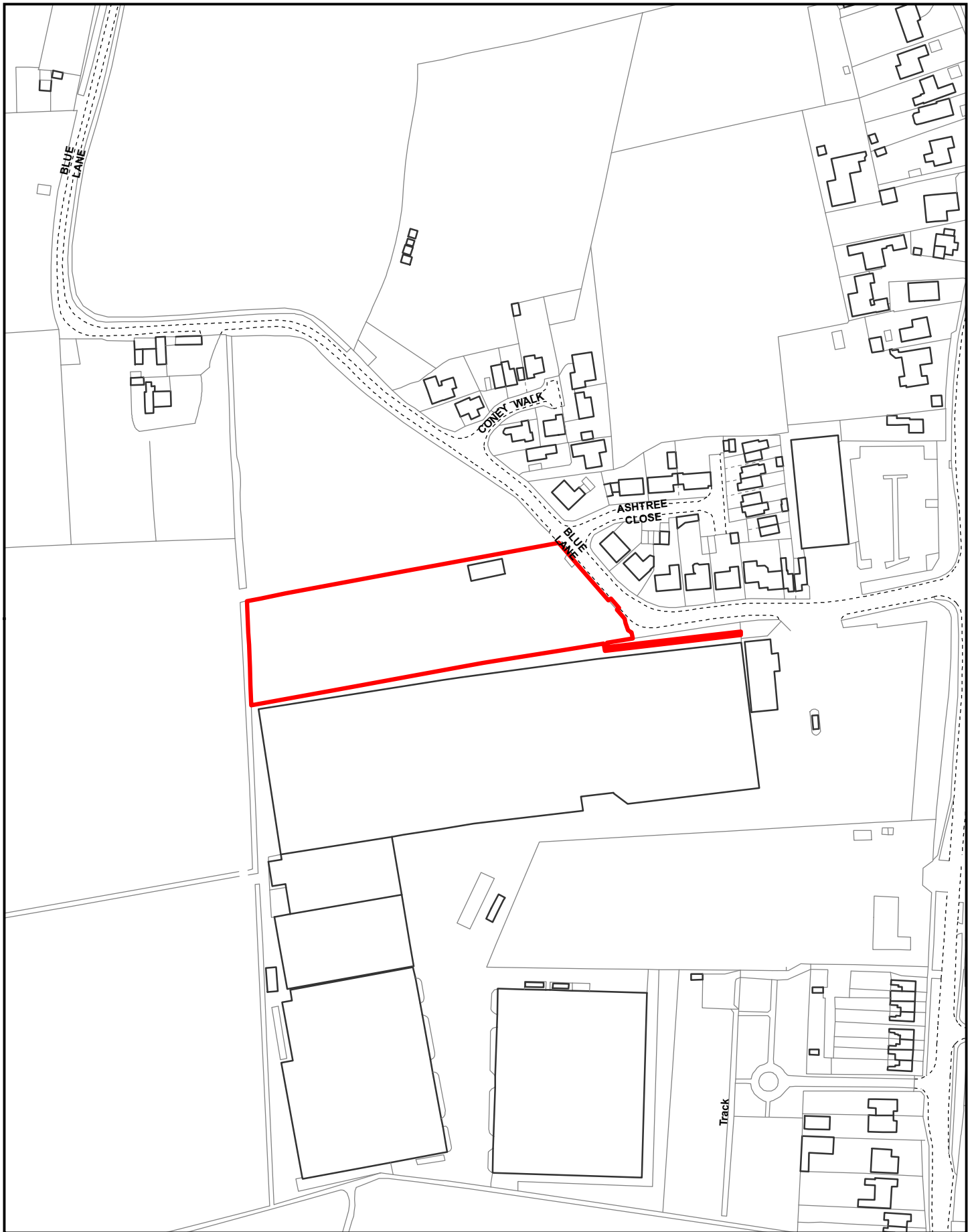
11 RECOMMENDATION

Grant subject to the following conditions

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby approved shall be operated in strict accordance with the Noise Management Strategy set out in the Design and Access Statement Revision C, specifically:</p> <p>1) The car parking area shall be constructed of a solid permeable paving surface finish to reduce noise from vehicle movements. The agreed scheme shall not be altered thereafter without the prior written consent from the Local Planning Authority.</p> <p>2) Signage instructing staff to respect the interests of nearby residents shall be erected in accordance with proposed car park Planning Drawing 1 (Job No. 6379/01H / 09.2021)</p> <p>3) Information distributed to all Knowles personnel shall include the following in accordance with the Noise Management Strategy as documented within the Design & Access Statement (Rev – C / 16.11.2022);</p> <ul style="list-style-type: none"> • Details on an emphasis to refrain from shouting, slamming vehicle doors, sounding horns and use of vehicle stereos at an excessive volume whilst stationary and during access/egress of the car park • Instructions such as no loitering (especially during anti-social hours) or inconsiderate vehicle use with an emphasis on ensuring vehicles are driven sensibly and also not left idling for prolonged periods • Advice to staff that they must respect the interests of local residents. <p>Reason- In order to protect the amenity of nearby residents in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
3	<p>The proposed lighting shall be operated in strict accordance with the Revised Lighting Strategy V3, the email dated 21.11.2022 from Bogdan Cucos of</p>

	<p>icLighting Ltd, and lighting detail dated 14.01.2022.</p> <p>Reason- to protect the amenity of the nearby residents in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
4	<p>The development hereby approved shall be built out in strict accordance with the submitted Ecological Reports, namely: Ecology Report dated July 2022; A Construction Environment Management Plan (CEMP) - Biodiversity; and an Ecological Design Strategy (EDS)- prepared by Wild Frontier Ecology.</p> <p>Reason- in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
5	<p>Prior to the car park being brought into use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.</p> <p>Reason- In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
6	<p>The parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for the ancillary use of the site known as Knowles Transport, Blue Lane.</p> <p>Reason: To ensure the permanent availability of the parking / manoeuvring area.</p>
7	<p>Prior to the car park being brought into use visibility splays shall be provided each side of the new vehicular access and shall be maintained free from any obstruction over a height of 600mm within an area of 2.3 metres x 43metres measured along respectively the edge of the carriageway, in full accordance with the details indicated on the submitted plan 6379/01 Rev H.</p> <p>Reason- In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014</p>
8	<p>The existing accesses on Blue Lane shall be permanently and effectively closed and the highway verge shall be reinstated in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The restoration and closure of the existing accesses shall be completed within 28 days of the bringing into use of the new access. The restoration shall be completed in strict accordance with the approved details.</p> <p>Reason- In the interests of highway safety and Policy LP15 of the Fenland Local Plan 2014.</p>
9	<p>Prior to the commencement of the use hereby approved any gate or gates to the vehicular access shall be set back 10 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter.</p> <p>Reason- To minimise interference with the free flow and safety of traffic on the adjoining public highway and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan 2014.</p>
10	<p>The car park hereby approved shall be used for the parking of cars and motorcycles only.</p> <p>Reason- In the interests of residential amenity in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
11	<p>The development hereby approved shall be constructed in strict accordance with the submitted Construction Management Plan Revision B.</p>

	Reason- In the interests of residential amenity in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.
12	Approved plans



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F/YR21/1421/F

Scale = 1:2,500





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MR KNOWLES - KNOWLES TRANSPORT

PROJECT

PROPOSED CAR PARK

LAND NORTH OF HEAD OFFICE
BLUE LANE
WIMBLINGTON
MARCH
PE15 0RG

DRAWING

PLANNING DRAWING 1

JOB NO.	PAPER SIZE	DATE
6379/01H	A1	SEPT 2021

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

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

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

F/YR22/0966/O

Applicant: Mr D Moore

**Agent : Mrs Gemma Lawrence
Swann Edwards Architecture Limited**

Land North Of Windy Willows, Church Lane, Tydd St Giles, Cambridgeshire

Erect up to 2 x dwellings and the formation of an access (outline application with matters committed in respect of access)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- | | |
|-----|---|
| 1.1 | This application proposes the delivery of up to 2 dwellings on a site which is outside the built form of the designated 'small village' of Tydd St Giles, including the formation of a vehicular access. |
| 1.2 | The scheme is contrary to Policies LP3, LP12, LP14, LP15, and LP16 in the Local Plan given that it is not infill and does not demonstrate compliance with flood risk policy. |
| 1.3 | It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment. |
| 1.4 | The application site is in Flood Zone 3 and is accompanied by a Flood Risk Assessment that does not include consideration of the Sequential and Exception Tests. As such, the proposal fails to accord with the necessary requirements of Policy LP14 of the Local Plan, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk. |
| 1.5 | Furthermore, the application fails to demonstrate that suitable visibility splays can be achieved and accordingly that safe egress from the site is possible in accordance with Policy LP15 of the Fenland Local Plan. |
| 1.6 | There are fundamental policy issues arising relating to this proposal, as highlighted within this report and accordingly, the scheme must be recommended for refusal. |

2 SITE DESCRIPTION

- 2.1 The application site comprises part of a parcel of agricultural land situated to the east side of Church Lane, Tydd St Giles. To the south of the site is the residential property 'Windy Willows' whilst to the north and west lies open land. To the west also lies a small agricultural building.
- 2.2 The site is contained by dense hedging to Church Lane (east) and the north with post and rail fencing to the south and east. A ditch culvert lies between the hedging and the highway along the eastern boundary.
- 2.3 The site is within Flood Zone 3, the highest area of risk.

3 PROPOSAL

- 3.1 This application seeks outline planning permission with all matters, except for access, reserved for future consideration in respect of the erection of up to 2 dwellings.
- 3.2 The illustrative plans show two detached dwellings, with rooms in the roof space, in a linear formation with access taken from a private shared drive off Church Lane.
- 3.3 Full plans and associated documents for this application can be found at: [F/YR22/0966/O | Erect up to 2 x dwellings and the formation of an access \(outline application with matters committed in respect of access\) | Land North Of Windy Willows Church Lane Tydd St Giles Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0966/O | Erect up to 2 x dwellings and the formation of an access (outline application with matters committed in respect of access) | Land North Of Windy Willows Church Lane Tydd St Giles Cambridgeshire (fenland.gov.uk))

4 SITE PLANNING HISTORY

- 4.1 There is no recent history for this site however, there are two applications which were determined prior to the adoption of Fenland Local Plan 2014 and were therefore determined under the previous development plan.

F/YR12/0657/F	Erection of 4 x 3-bed 2-storey dwellings with attached single garages	Refused	19.11.2012
F/YR13/0183/F	Erection of 3 x 3-bed 2-storey dwellings with garages	Refused	03.05.2013

5 CONSULTATIONS

5.1 Tydd St Giles Parish Council

The members of the Parish Council considered this application at their recent meeting. They noted that the applicant has submitted two previous applications for residential development at this location, both of which were refused. Whilst the scale of the current application is less than those that came before, the fundamental issues remain, namely that it is unsustainable development in the open countryside, outside the core built form of the village, contrary to policies LP12 and LP3. The proposed development would be out of keeping with surrounding properties and therefore harmful to the character of the locality.

Members resolved not to support the application.

5.2 Environment Agency

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

Flood Risk

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment prepared by Geoff Beel Consultancy dated May 2022 for FOR PROPOSED RESIDENTIAL DEVELOPMENT AT CHURCH LANE, TYDD ST GILES, WISBECH, CAMBS and the following mitigation measures

- 1. Finished Floor Levels will be set 300mm above the existing ground level.*

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Advisory

Flood resistance and resilience - advice to LPA/applicant

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

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

5.3 North Level District I.D.B

Whilst we have no objections in principle to the above application. Land Drainage Consent will be required to form the new access to the site.

5.4 CCC Highways

Highways have no objections to the above application, in principle.

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

appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.

The proposed access requires visibility splays of 2.4m x 120m for both directions be detailed to be within the existing highway or the applicant's control. If this is unachievable, the applicant should provide speed survey data to reduce the Y-distance, as may be necessary to support the application.

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

Informatives

Works in the Public Highway

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

5.5 FDC Environmental Health

'No Objections' to the proposed scheme as it is unlikely to affect or be affected by the existing noise or air climate. Given the applications sites previous pastoral use contamination is also unlikely to be an issue at this location.

5.6 Local Residents/Interested Parties

5 letters of objection have been received from 5 households within Tydd St Giles which raised the following summarised concerns:

- Previous reasons for refusal remain
- Contrary to LP3, Lp12 and LP16 of the Local Plan
- Site is within the open countryside, outside the settlement boundary, and is not infill
- Out of character
- No community benefit, not the type of houses the village needs
- Within Flood Zone 3
- Flawed sequential test
- Considered unsuitable as an allocated site for the new Local Plan
- Would set a precedent for development along this road
- Highway safety concerns, particularly visibility
- Archaeological concerns raised under previous applications

16 letters of support have been received from 14 households within Tydd St Giles which made the following summarised comments:

- In keeping with the houses in the area, good additions
- There are existing properties nearby
- No adverse impacts, will not infringe upon anyone's privacy
- Help support local businesses and the school
- Access will not interfere with the road, adjacent accesses which have no problems with visibility
- Need more of these homes in the village and the village needs to grow

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
LP12 – Rural Areas Development Policy
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation 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
LP7: Design
LP18: Development in the Countryside
LP20: Accessibility and Transport
LP22: Parking Provision
LP28: Landscape
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Flood Risk**
- **Access and Parking**
- **Character, Design and Layout**
- **Residential Amenity**

9 ASSESSMENT

Principle of Development

- 9.1 The scheme falls to be assessed under Fenland Local Plan Policies LP3, LP12, LP14, LP15 and LP16. As noted in the evaluation below the scheme does not comply with Policy LP3 or LP14, and also represents character harm with regard to Policies LP12 and LP16.
- 9.2 Policy LP3 clearly indicates that Tydd St Giles is a small village which is capable of residential infilling. The planning portal glossary notes that Infill development is 'the development of a relatively small gap between existing buildings' It is clear the site in question may not be deemed as infill and that the scheme instead represents an extension of the settlement into the open countryside, contrary to the settlement hierarchy.
- 9.3 Consequently the proposed development is in clear conflict with Policies LP3 and LP12 of the Local Plan.

Flood Risk

- 9.4 The site is located in Flood Zone 3, the area at highest risk of flooding. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.
- 9.5 The application is accompanied by a Flood Risk Assessment that does not include consideration of the Sequential and Exception Tests and appears to rely on the fact that the site is within an area benefitting from flood defences. The Flood and Water SPD is explicit in setting out that the existence of defences should be disregarded in undertaking the sequential test.
- 9.6 Noting the adopted and indeed consistent stance of the LPA when applying the sequential test on sites which do not comply with the settlement hierarchy it is asserted that the scheme has no potential to satisfy the sequential test, as this would require the application of the Sequential test on a district wide scale. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made safe for its lifetime the sequential test still needs to be satisfied, i.e. flood risk safety measures do not overcome locational issues.
- 9.7 As such, the proposal fails to accord with the necessary requirements of Policy LP14 of the Local Plan, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

Access and Parking

- 9.8 The LHA have indicated that that visibility splays of 2.4m x 120m for both directions are required however, the submitted plans do not demonstrate that these splays can be achieved.
- 9.9 It has not been proven that the scheme has the potential to deliver appropriate visibility and this element must therefore form one of the reasons for refusal; the reason will be couched in such a way as to identify that the current scheme 'fails to demonstrate' as opposed to an outright 'highway safety and connectivity' refusal and is at present contrary to the aims of Policy LP15 of the FLP (2014).

Character and visual amenity

- 9.10 The transition from countryside to village is clearly marked in this location with the 'built footprint' of the village occurring to the north side of Newgate Road and East of Church Lane.
- 9.11 There are two properties along the western side of Church Lane with a separation distance of circa 330m. These dwellings are therefore considered anomalies rather than a continuation of the built form. It is therefore clear that the intervening space represents open countryside and therefore the introduction of two dwellings in this location would erode the existing character of the countryside.
- 9.12 This view aligns with the robust and measured objections put forward by local consultees who clearly and articulately express their concerns regarding the development; both its non-conformity with local plan policies and the real character harm that would arise.
- 9.13 Furthermore, Policy LP12 clearly states that development should not extend existing linear features and again this development is contrary to this outlined aim.
- 9.14 For the reasons outlined above the scheme should be resisted as contrary to Policies LP12 and LP16.

Residential amenity

- 9.15 Notwithstanding the character harm identified above and the lack of policy fit relating to the settlement hierarchy the site could be developed in such a manner as to provide appropriate levels of residential amenity for the intended householders in terms of private amenity space and servicing arrangements.
- 9.16 Furthermore, given the relationship of the site to the dwellings across the road and the single dwelling to the south, no issues are highlighted in securing an appropriate scheme which does not compromise existing residential amenity.
- 9.17 It is considered that the scheme has the potential to comply with Policies LP2 and LP16 of the FLP, subject to detailed layout and design which would be secured under the reserved matters for the site. However, the absence of residential amenity harm would not in itself justify acceptance of the scheme noting the fundamental 'principle' issues highlighted.

10 CONCLUSIONS

- 10.1 The proposal is contrary to Policies LP3, LP12, LP14, LP15 and LP16 in the Local Plan given that it is not infill and does not demonstrate compliance with flood risk policy. Furthermore, the technical details relating to access do not demonstrate that the scheme will accord with Policy LP15 in terms of highway safety and visibility splays.
- 10.2 It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d)

which focuses on the need for development to enhance its setting and respond to the character of the local built environment.

10.3 In addition, no sequential test has been submitted and given the scope of the sequential test, it is unlikely that the scheme would pass. The adopted guidance 'Approach to the Sequential Test for Housing' identifies that the area of search for the purposes of carrying out the Sequential Test will be:

- a) Developments in the countryside – The whole of the rural area;
- b) Developments in towns and villages – The town/villages that the proposal would sustain.

As the site is considered to relate more readily to the 'open countryside', i.e. outside the built form of the settlement and goes beyond that allowed for under Policy LP3 the sequential test should be applied on a district wide basis. As a result, the proposal is contrary to LP14 and the NPPF in that it has not been demonstrated that there are no other more sequentially preferable sites which could accommodate the development within an area of lower flood risk.

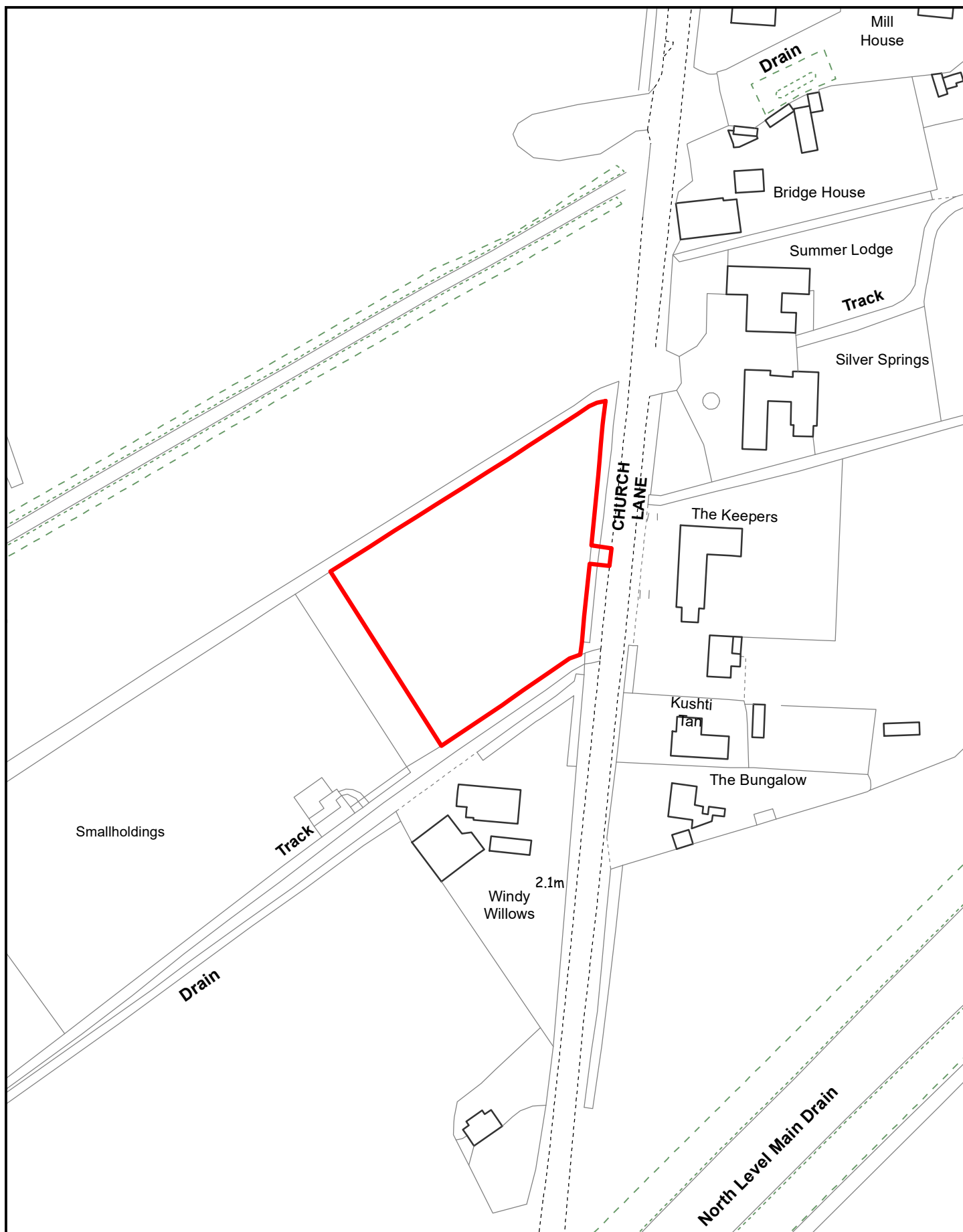
10.4 The application also fails to demonstrate that it can achieve technical compliance relating to highway safety as it fails to demonstrate that appropriate visibility can be achieved in respect of the proposed access. It has therefore not been confirmed that the scheme complies with Policy LP15 in terms of highway safety.

11 RECOMMENDATION

Refuse for the following reason:

1	Policy LP3 of the Fenland Local Plan identifies that Tydd St Giles is a 'small village' where development will normally be limited in scale to residential infilling or a small business opportunity. The location of the site is such that it fails to satisfy this requirement and by default Policy LP12 (a), noting the absence of adjoining development immediately to north of the application site. The proposal is therefore, clearly contrary to Policy LP3 and LP12 of the Fenland Local Plan.
2	Policy LP12 identifies that only infill developments will be considered favourably within settlements that have been identified as 'small villages' such as Tydd St Giles. Real and actual character harm would arise through the introduction of new development in this location which would serve to extend existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly contrary to Policy LP12 and LP16 of the Fenland Local Plan.
3	Policy LP14 of the Fenland Local Plan and the National Planning Policy Framework require applications within Flood Zone 3 locations to satisfy the sequential and exception test, with further guidance regarding the application of the sequential test being given in Cambridgeshire Flood and Water SPD and the Fenland District Council 'Approach to the Sequential Test for Housing'. No Sequential Test has been submitted however noting that the site fails to accord with the Settlement Hierarchy outlined in Policy LP3

	<p>of the Fenland Local Plan and relates to the open countryside the Sequential Test is required to be applied on a district-wide basis and in this respect the proposal fails to comply with Policy LP14 of the Fenland Local Plan and the NPPF.</p>
4	<p>Policy LP15 of the Fenland Local Plan (2014) requires that proposals demonstrate accessibility and provide for safe and convenient access for all. The current scheme proposals fail to demonstrate that appropriate visibility is achievable in respect of the access point to serve the dwellings.</p> <p>It has not been confirmed that the scheme complies with the aims of Policy LP15 and by default it has not been demonstrated that the proposal will provide appropriate and safe levels of accessibility and that it would not compromise highway and pedestrian safety.</p>



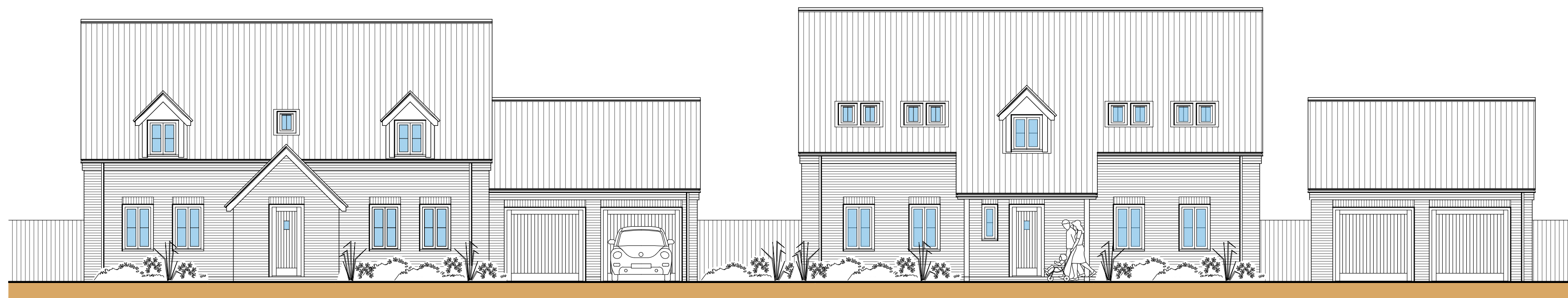
Created on: 25/08/2022

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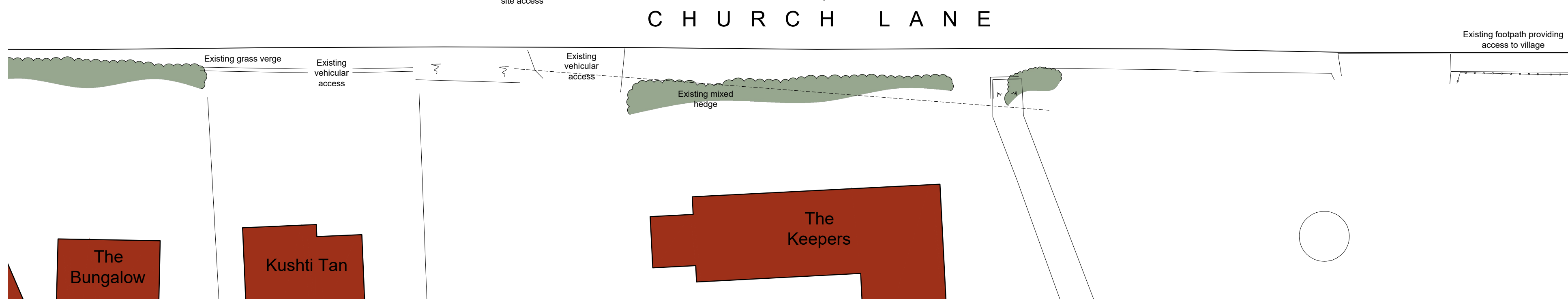
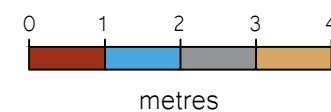
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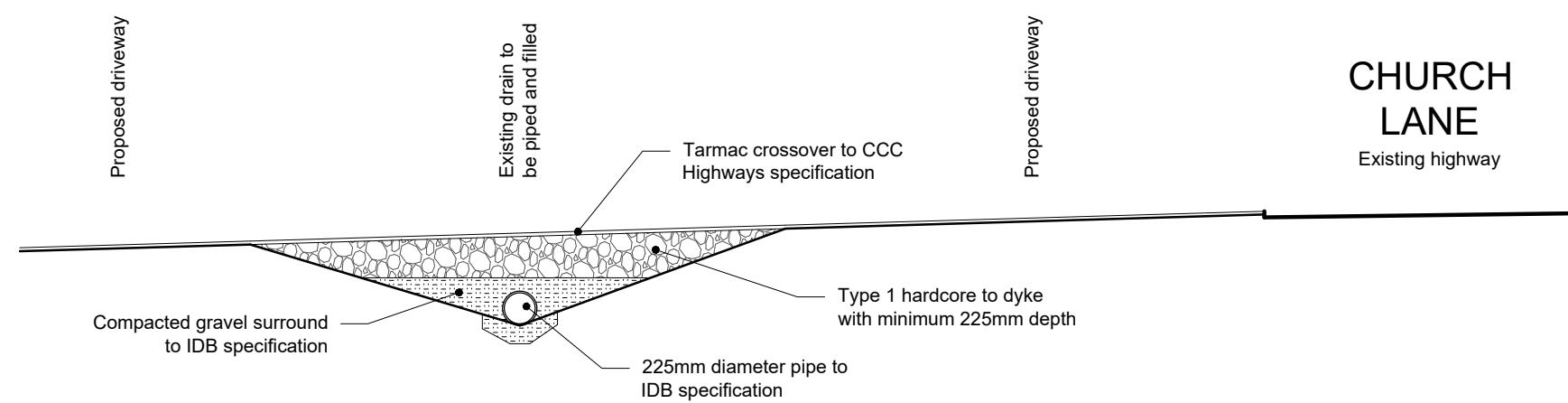
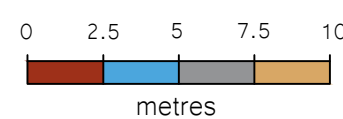
Indicative Street Elevation

Scale: 1:100



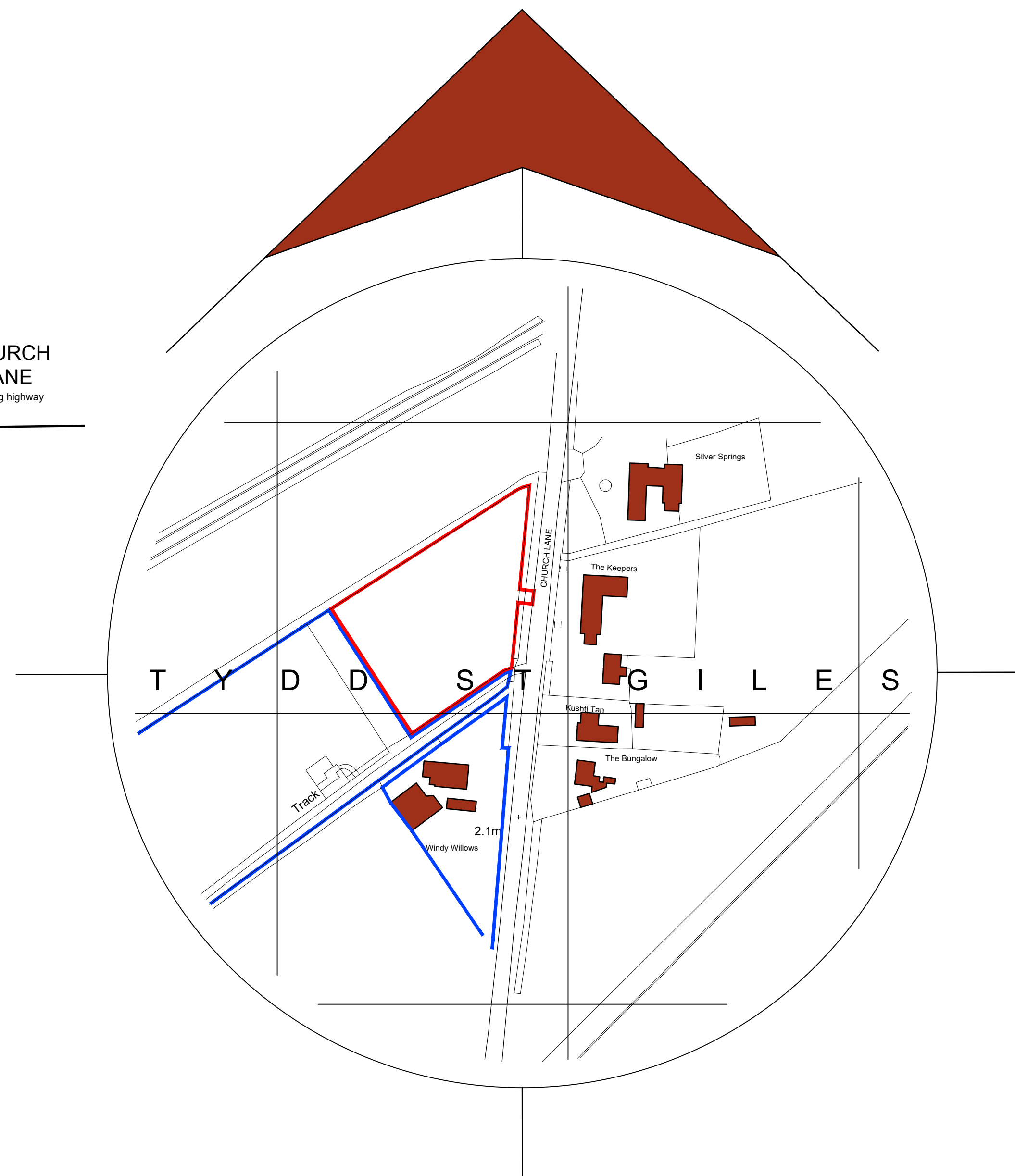
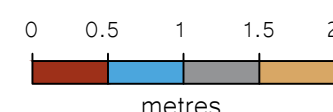
Indicative Site Plan

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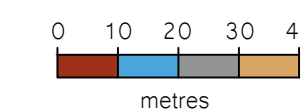
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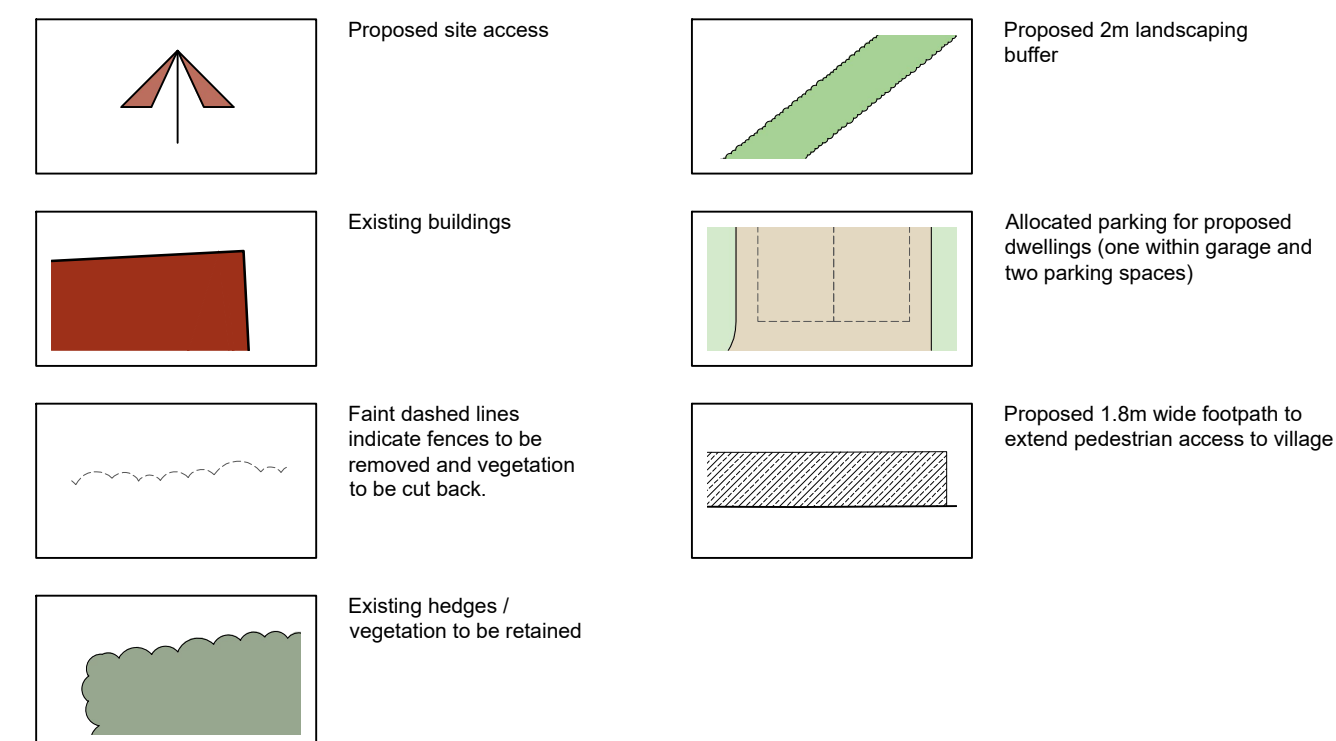


Location Plan

Scale: 1:1250



SITE PLAN KEY



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

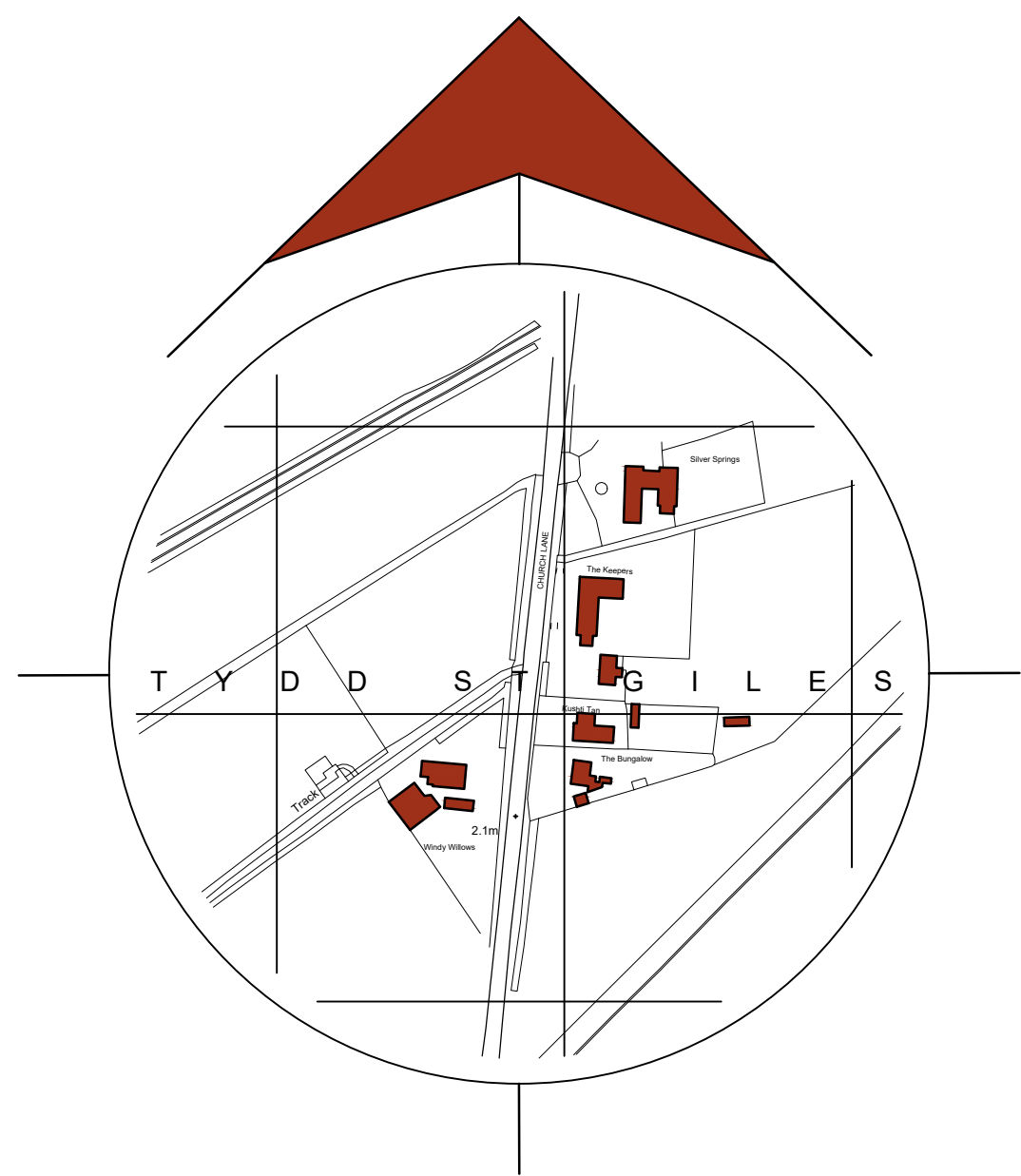
Revisions		
A	May 2022	Boundaries updated
B	June 2022	Access Cross Section Added

Status
FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

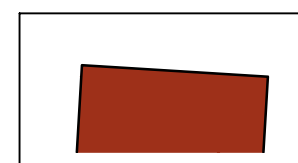
Swann Edwards Architecture Limited, Swann Edwards Architecture,
Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title		Date	Drawn by
Proposed Residential Development of 2 Dwellings at Church Lane, Tydd St Giles for Mr D Moore		May 2022	GL
Drawing Title		Job No.	Sheet Size
Site Plan, Location Plan and Street Elevation		SE-1811	A1
Dwg No.		Revision	Checked by
1000		B	GE

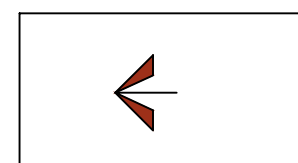


Location Plan
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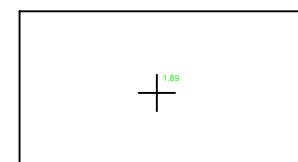
SITE PLAN KEY



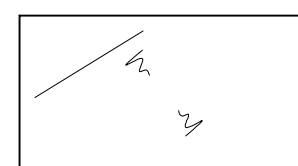
Indicates un-surveyed buildings taken from OS map



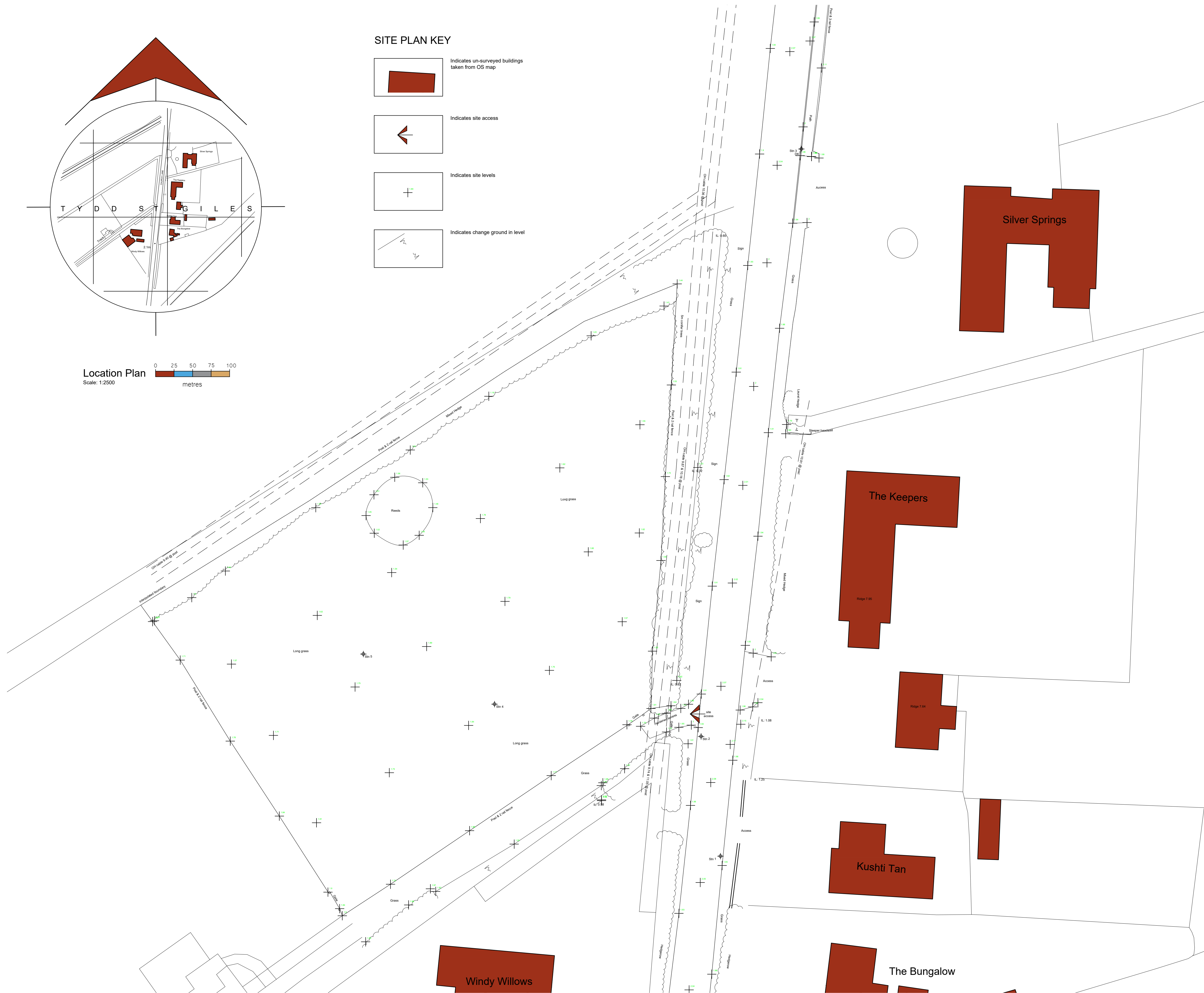
Indicates site access



Indicates site levels



Indicates change ground in level



Site Plan
Scale: 1:250

- 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.

Status

AS EXISTING



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Proposed Residential Development
Land North of Windy Willows
Church Lane, Tydd St Giles
For: Mr D Moore

Job Title	Date	Drawn by
April 2022	SE-1811	Checked by

Drawing Title
Survey Drawing

Job No.	Sheet Size
SE-1811	A1
Dwg No.	Revision
100	

F/YR22/1123/PIP

Applicant: Mrs Bullard

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

Land East Of Chardor, Needham Bank, Friday Bridge, Cambridgeshire

Residential development of up to 9 x dwellings involving the formation of 9 x new accesses (application for Permission in Principle)

Officer recommendation: Refuse

Reason for Committee: Number of representations received 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 the 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 there 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 The application site comprises open agricultural land. Friday Bridge is a 'Limited Growth Village' where a small amount of development will be encouraged and permitted in order to support their continued sustainability. Such development may be appropriate as a small village extension. The existing open character of the site is a key part of Friday Bridge, providing a significant gap in built form along the Northern side of Well End between areas of development within the southern and eastern parts of Friday Bridge. The proposed development would not relate well to the existing core shape of the settlement and would extend existing linear features of the settlement into the countryside harmful to the character of this countryside location contrary to Policies LP12 and LP16 of the Fenland Local Plan (2014).

2 SITE DESCRIPTION

- 2.1 The site comprises approximately 0.86ha of flat agricultural land and forms part of a larger field located on the northern side of Well End on the eastern side of Friday Bridge.
- 2.2 To the east of the site is a detached dwelling known as Little Haven. To the west of the site is a group of approximately 15 dwellings which themselves are separated from the continuous built form of the settlement of Friday Bridge by a gap of approximately 120 metres of agricultural land. Opposite the site is a complex of buildings associated with Needham House Farm
- 2.3 The site is identified as being within Flood Zone 1.

3 PROPOSAL

- 3.1 Whilst not a requirement for a Permission in Principle application, an indicative site plan at scale 1:500 accompanies this submission. This plan details a development of nine detached dwellings each with detached garages. Each dwelling would have separate access points onto Needham Bank with additional parking and manoeuvrability areas in front of each dwelling.
- 3.2 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.
- 3.3 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.
- 3.4 The applicant is only required to submit a completed application form, a plan which identifies the land to which the application relates (drawn to scale and with a north point) and the application fee.
- 3.5 Full plans and associated documents for this application can be found at:
[F/YR22/1123/PIP | Residential development of up to 9 x dwellings involving the formation of 9 x new accesses \(application for Permission in Principle\) | Land East Of Chardor Needham Bank Friday Bridge Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/development/permissions/permission-in-principle/F/YR22/1123/PIP%20Residential%20development%20of%20up%20to%209%20x%20dwellings%20involving%20the%20formation%20of%209%20x%20new%20accesses%20(application%20for%20Permission%20in%20Principle)%20Land%20East%20Of%20Chardor%20Needham%20Bank%20Friday%20Bridge%20Cambridgeshire)

4 SITE PLANNING HISTORY

- 4.1 There is no site history associated with this site.

5 CONSULTATIONS

- 5.1 **Elm Parish Council** *Elm Parish Council strongly objects to proposals submitted under application ref:F/YR/22/112/PIP.*

The site is currently utilised for agricultural purposes and falls outside the central area of residential development in Friday Bridge. This is contrary to Policy LP18 in the latest draft of the Emerging Local Plan.

The proposals are also in breach of Policy LP20 'Accessibility and Transport' for a number of reasons.

- 1. There is a 60mph limit along Needham Bank, the additional accesses will create hazards for motorists and other road users.*
- 2. There are no pavements or streetlighting which; in addition to the 60mph speed limit, would not encourage residents to walk or cycle.*
- 3. Lack of public transport facilities would impede access to employment/local services and encourage the use of motor vehicles.*

5.2 CCC Archaeology

Our records indicate that the site lies in an area of archaeological interest, to the east of the historic core of Friday Bridge and 500m to the south-west of the grade II listed building, Church of St Mark (Cambridgeshire Historic Environment Record reference. 1125939). Cropmarks to the west of the proposed development area show the presence of a enclosure system likely medieval in date (CHER ref. 09708). Further extensive cropmarks lie to the south of the proposed development area, which include a series of Roman enclosures defined by double ditches and a possible bank (CHER ref. 09707), finds of medieval and roman pottery have been within the area between the cropmarks and proposed development area (CHER ref. 04249). The proposed development area sits on the crest of a roddon, which have been shown to be a focus of settlement in the Roman periods onwards due to forming an area of higher ground.

Whilst this site lies in an area of archaeological interest we cannot make specific recommendations without an understanding of the scale and impacts of the proposed development. We are however content that no works are required prior to determination of an application and consequently we wish to raise no objections for this application to secure Planning In Principle, however we would request to be consulted on any future planning application for development within the redline area indicated, with the expectation that a condition on development, if required, could be secured at Technical Details stage.

5.3 Ward Member – Cllr. Will Sutton

Both sites, ref: F/YR22/1123/PIP and F/YR/22/1124/PIP, are adjacent to the built form so are policy compliant both locally and nationally. Under the local plan Friday Bridge is a limited growth village where it is expected to deliver 10% of the total dwellings during the life of the plan, (58 dwellings) currently it has only delivered 35 whereas most villages, including Elm, are way over the 10%. With a shortfall of 23 and generally linear development, it would appear that this type of proposal is the only option of Friday Bridge to take its share of development.

5.4 Local Residents/Interested Parties

Objectors

A letter of objection has been received from one household who raised the following issues:

- Access
- Agricultural land
- Density/over development

- Devaluing property
- Environmental concerns
- Local services/schools unable to cope
- Loss of view/outlook
- Noise
- Overlooking/loss of privacy
- Proximity to property
- Traffic/highways. Speed limit 40mph. No footpath
- Waste/litter
- Wildlife concerns

Supporters

Letters of support have been received from eight households within Friday Bridge and Elm, who make the following comments:

- Family friendly development
- Plots good size and not too big
- Will provide local employment for tradesmen
- Will promote local services

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.

National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

Homes and Buildings

Resources

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 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
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 ASSESSMENT

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

Location

- 9.2 Policy LP3 of the Fenland Local Plan (2014) identifies Friday Bridge as being a 'Limited Growth Village'. For these settlements a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village. Such development may be appropriate as a small village extension.
- 9.3 Policy LP12 identifies that to receive support, the site must be in or adjacent to the existing developed footprint of the village, defined as the continuous built form of the village. Immediately to the west of the site is residential development along Well End however this is separated from the continuous built form of Friday Bridge by a gap to the west of approximately 120m of agricultural land. Therefore, the principle of residential development would not accord with the requirements of Policy LP3 and Policy LP12 part A (a).
- 9.4 Part A of Policy LP12 states that proposals should not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c), that proposals are in a location that is in keeping to the core shape and form of the settlement (part d) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area. The site is rural in character with open fields to the front and rear of the site and fulfils an important part in the character of the area by providing open countryside between the southern and eastern parts of Friday Bridge. The proposal would result in linear development, extending approximately 180m outwards into the countryside and would not relate to the core shape and form of Friday Bridge. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location, the Planning in Principle application fails.
- 9.5 The site lies within Flood Zone 1 (low risk). The detailed layout and flood risk/drainage are matters to be considered at the Technical Details stage, should permission be granted.
- 9.6 With regard to the consultation draft of the emerging Local Plan, which carries limited weight at this time as per paragraph 48 of the NPPF, given that consultation has only recently occurred, the site is outside of the defined settlement boundary of Friday Bridge, and is therefore classed as open countryside, where development will only be permitted in the circumstances set out within the NPPF. Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the development would not accord given the circumstances of the site.

Use

- 9.7 The site is situated on the edge of the settlement, however as stated above it would be contrary to Policy LP12 - Rural Areas Development Policy and Policy LP16 – Delivering and Protecting High Quality Environments across the District. It is therefore accepted that the site is not suitable to use for additional dwellings.

9.8 Amount of development proposed

The application seeks Permission in Principle for up to 9 dwellings on a site of 0.86ha which would equate to a density of approximately 11 dwellings per hectare. This is low density, commensurate with development to the west of the site and could comfortably be accommodated on-site without being considered an overdevelopment of 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 during consultation

- 9.9 Matters other than location, use and amount of development proposed would be for consideration at the Technical Details Stage, should permission be granted. In terms of consideration of amount, the proposal is acceptable.
- 9.10 Reference has been made to the housing growth figures referenced within Policy LP12 of the Local Plan. These figures are not targets *per se*, but were intended to guide when community support would be needed to be shown for proposals. That Friday Bridge has not reached 10% growth is therefore not a material factor which would outweigh any of the issues identified previously in the assessment of the application.

10 CONCLUSIONS

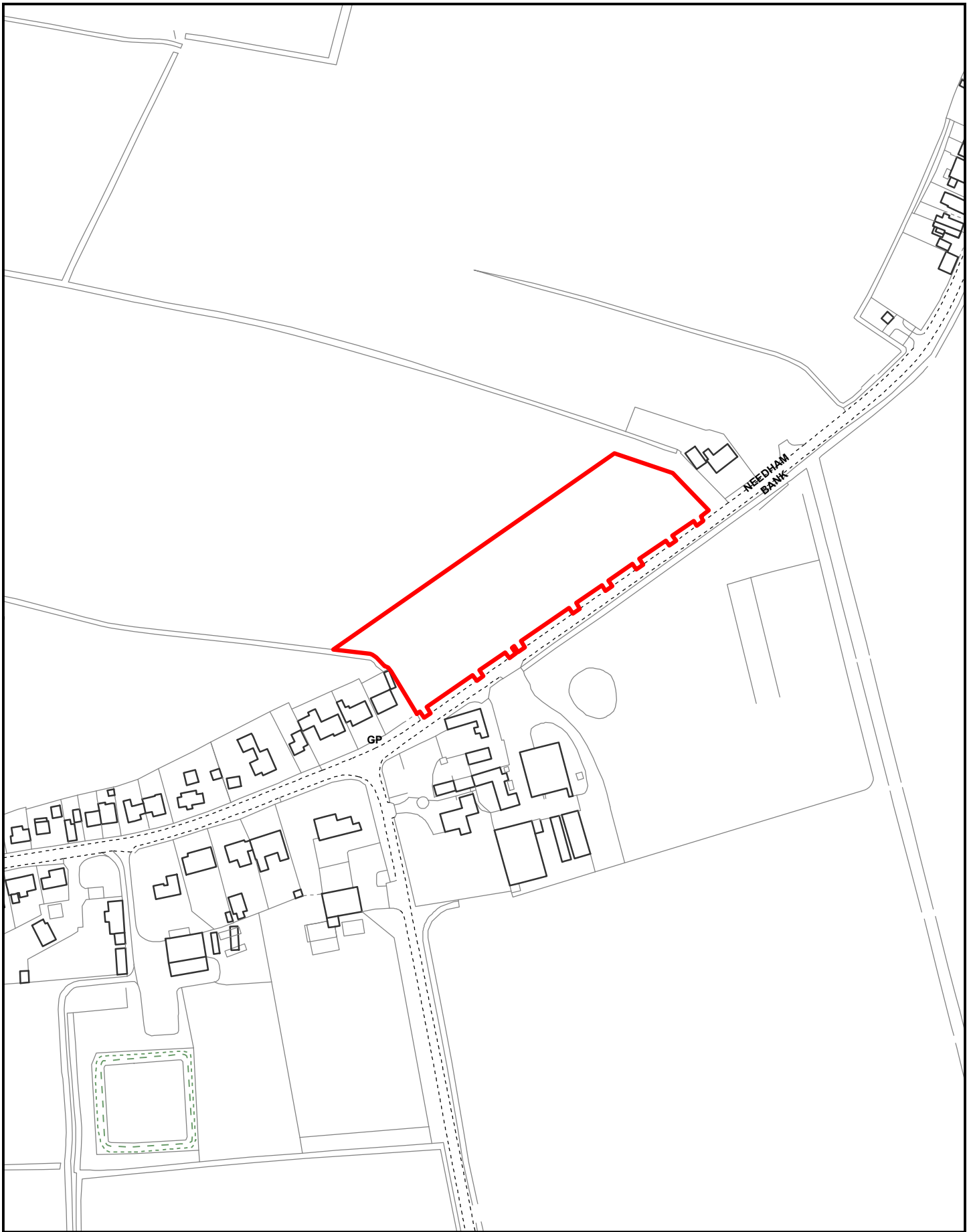
- 10.1 As indicated above it is only location, use and amount of development that may be considered at the first 'permission in principle' stage and that the location and use of the land for residential development would be contrary to elements of Policies LP12 and LP16. It is therefore considered that in terms of location and land use considerations the Planning in Principle application fails.
- 10.2 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 to a grant of planning permission.
- 10.3 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

11 RECOMMENDATION:

Refuse Permission in Principle; for the following reason:

1.	Policy LP12 of the Fenland Local Plan (2014) states that proposals should be within or adjacent to the developed footprint of the settlement (part a), not have an adverse impact on the on the character and appearance of the
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	<p>surrounding countryside and farmland (part c), that proposals are in a location that is in keeping to the core shape and form of the settlement (part d) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area. The site is rural in character with open fields to the front and rear of the site and fulfils an important part in the character of the area by providing open countryside between the southern and eastern parts of Friday Bridge. The proposal would result in linear development, extending approximately 180m outwards into the countryside and would not relate to the core parts and form of Friday Bridge. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location and use, the Planning in Principle application fails.</p>
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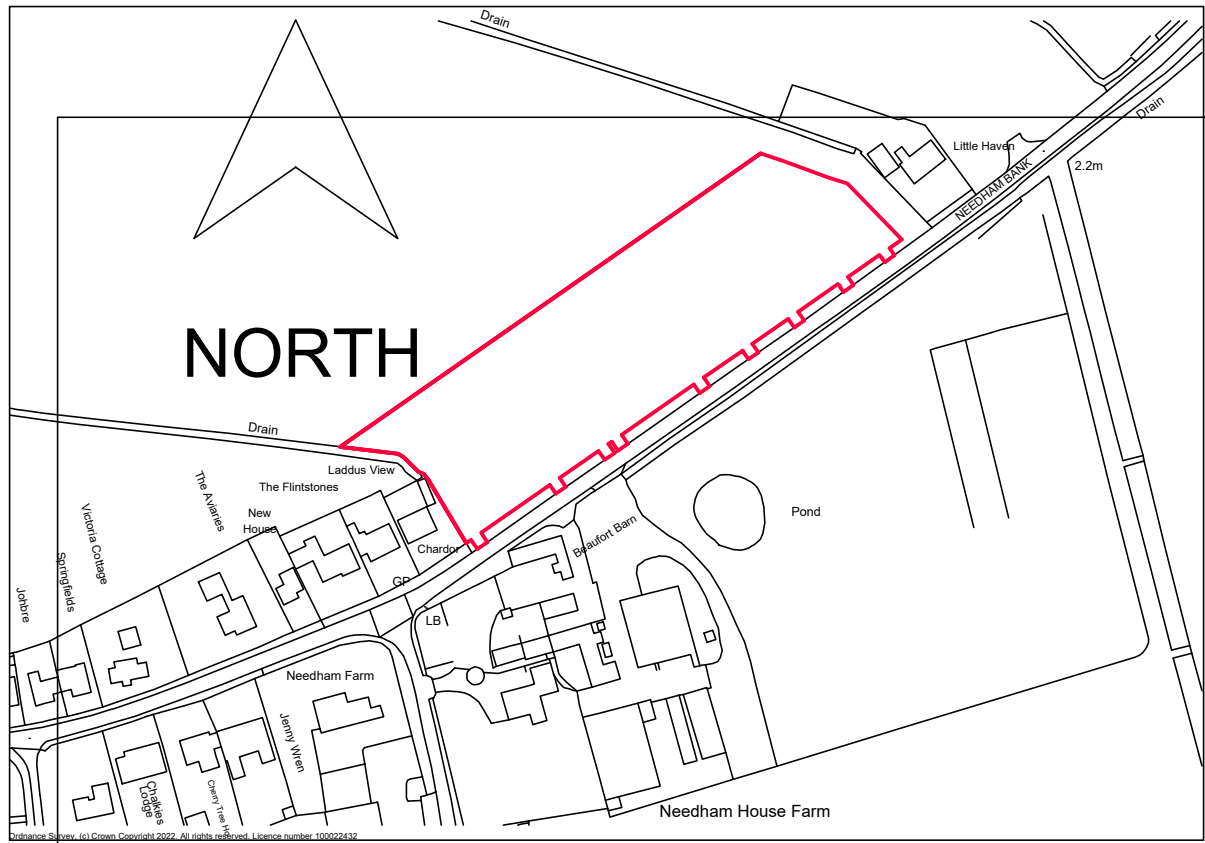
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F/YR22/1123/PIP

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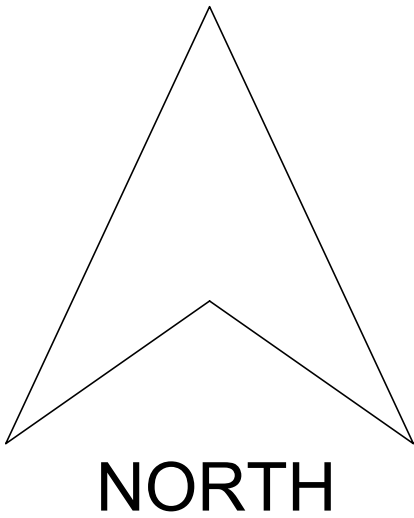




LOCATION PLAN 1:2500



SITE PLAN 1:500
INDICATIVE LAYOUT ONLY
0.862Ha



A -
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CLIENT

MS D BULLARD

PROJECT

RESIDENTIAL DEVELOPMENT

SITE

LAND ADJ.CHARDOR
WELL END
FRIDAYBRIDGE

DRAWING

JOB NO.	PAPER SIZE	DATE
6550 PL01	A2	MARCH 2022

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F/YR22/1124/PIP

Applicant: Mrs Bullard

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

Land West Of Railway Carriage, Needham Bank, Friday Bridge, Cambridgeshire

Residential development of up to 4 x dwellings involving the formation of 4 x new accesses (application for Permission in Principle)

Officer recommendation: Refuse

Reason for Committee: Number of representations received 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 4 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the 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 The application site comprises open agricultural land. Friday Bridge is a 'Limited Growth Village' where a small amount of development will be encouraged and permitted in order to support their continued sustainability. Such development may be appropriate as a small village extension. The existing open character of the site is a key part of Friday Bridge and the proposed development would not relate well to the existing core shape of the settlement and would extend existing linear features of the settlement into the countryside harmful to the character of this countryside location contrary to Policies LP12 and LP16 of the Fenland Local Plan (2014).

2. SITE DESCRIPTION

2.1 The site comprises approximately 0.38ha of flat agricultural land and forms part of a larger field located on the northern side of Needham Bank on the eastern side of Friday Bridge.

- 2.2 To the east of the site is a detached residence known as Railway Cottage. To the west is the main settlement of Friday Bridge. There is ribbon development of residential dwellings along the northern side of Needham Bank and along the western side of Bar Drove, which leads off Needham Bank to the west of the application site.
- 2.3 Part of the site, where it adjoins the highway, is identified as being within Flood Zone 2 with the rear part of the site within Flood Zone 1.

3. PROPOSAL

- 3.1 An indicative site plan at scale 1:500 accompanies this submission. This plan details a development of four detached dwellings each with detached garages. Each dwelling would have separate access points onto Needham Bank with additional parking and manoeuvrability areas in front of each dwelling.
- 3.2 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.
- 3.3 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.
- 3.4 The applicant is only required to submit a completed application form, a plan which identifies the land to which the application relates (drawn to scale and with a north point) and the application fee.
- 3.5 Full plans and associated documents for this application can be found at:
[F/YR22/1124/PIP | Residential development of up to 4 x dwellings involving the formation of 4 x new accesses \(application for Permission in Principle\) | Land West Of Railway Carriage Needham Bank Friday Bridge Cambridgeshire](https://www.fenland.gov.uk/development/permissions/permission-in-principle/2022/1124/PIP-Residential-development-of-up-to-4-x-dwellings-involving-the-formation-of-4-x-new-accesses-application-for-Permission-in-Principle-Land-West-Of-Railway-Carriage-Needham-Bank-Friday-Bridge-Cambridgeshire)
([fenland.gov.uk](https://www.fenland.gov.uk))

4. SITE PLANNING HISTORY

- 4.1 There is no site history associated with this site.

5. CONSULTATIONS

5.1 Elm Parish Council

Elm Parish Council strongly objects to proposals submitted under application ref:F/YR/22/1124/PIP.

The site is currently utilised for agricultural purposes and falls outside the central area of residential development in Friday Bridge. This is contrary to Policy LP18 in the latest draft of the Emerging Local Plan.

The proposals are also in breach of Policy LP20 ‘ Accessibility and Transport’ for a number of reasons.

- 1. There is a 60mph limit along Needham Bank, the additional accesses will create hazards for motorists and other road users.*
- 2. There are no pavements or streetlighting which; in addition to the 60mph speed limit, would not encourage residents to walk or cycle.*
- 3. Lack of public transport facilities would impede access to employment/local services and encourage the use of motor vehicles.*

5.2 CCC Archaeology

Our records indicate that the site lies in an area of archaeological interest, to the east of the historic core of Friday Bridge. The proposed development lies on the crest of a roddon, an ancient tidal river infilled with marine deposits. In the wider vicinity are known to contain areas of archaeological remains, due to these hard, sand and clay filled channels representing areas of ‘high’ or more solid ground within the wider fen landscape. An example of this is shown to 250m to the south-west where crop-marks show a series of rectilinear enclosure believed to be dated to the medieval period (Cambridgeshire Historic Environment Record reference. 09708). Extensive cropmarks are also known to the south of the site where a Roman ditched enclosure has been identified, which is believed to have been sat on the edge of the roddon (CHER ref. 09707). A large number of ring ditches and circular crop marks are known to the south of the proposed development area (CHER ref. MCB31489, 09711 and 09712) which have been interpreted as being located on the line of minor roddons which would have crossed the area.

Whilst this site lies in an area of archaeological interest we cannot make specific recommendations without an understanding of the scale and impacts of the proposed development. We are however content that no works are required prior to determination of an application and consequently we wish to raise no objections for this application to secure Planning In Principle, however we would request to be consulted on any future planning application for development within the redline area indicated, with the expectation that a condition on development, if required, could be secured at Technical Details stage.

5.3 Environmental Health – No objection

5.4 Ward Member – Cllr. Will Sutton

Both sites, ref: F/YR22/1123/PIP and F/YR/22/1124/PIP, are adjacent to the built form so are policy compliant both locally and nationally. Under the local plan Friday Bridge is a limited growth village where it is expected to deliver 10% of the total dwellings during the life of the plan, (58 dwellings) currently it has only delivered 35 whereas most villages, including Elm, are way over the 10%. With a shortfall of 23 and generally linear development, it would appear that this type of proposal is the only option of Friday Bridge to take its share of development.

5.5 Local Residents/Interested Parties

Objectors

Letters of objections have been received from six households within Friday Bridge who raise the following issues:

- Does not comply with policy
- Site too dangerous for development

- Access
- Agricultural land
- Density/over development
- Devaluing property
- Drainage/Flooding. Negligent to approve in Flood Zone 2
- Local services unable to cope
- Outside DAB
- Traffic/highways
- Visual impact
- Village cannot take more development
- Would set a precedent

Supporters

Letters of support have been received from eight households within Friday Bridge and Elm, who make the following comments:

- Family friendly development
- Plots good size and not too big
- Will provide local employment for tradesmen
- Will promote local services

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.

National Design Guide 2021

Fenland Local Plan 2014

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP5 – Meeting Housing Need
- LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
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:

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. ASSESSMENT

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

Location

9.2 Policy LP3 of the Fenland Local Plan (2014) identifies Friday Bridge as being a 'Limited Growth Village'. For these settlements a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village. Such development may be appropriate as a small village extension.

- 9.3 Policy LP12 identifies that to receive support, the site must be in or adjacent to the existing developed footprint of the village, defined as the continuous built form of the village. Immediately to the west of the site is residential development along Bar Drove, Needham Bank and The Stitch. However, the site is separated from these dwellings by Bar Drove and appears as part of the open countryside. Thus, the site is not considered to be adjacent to the existing developed footprint of Friday Bridge and therefore the principle of residential development would not accord with the requirements of Policy LP3 and Policy LP12 part A (a).
- 9.4 Part A of Policy LP12 states that proposals should not have an adverse impact on the character and appearance of the surrounding countryside and farmland (part c), that proposals are in a location that is in keeping to the core shape and form of the settlement (part d) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area. The site is rural in character with open fields to the front and rear of the site. The proposal would result in linear development, extending outwards into the countryside and would not relate to the core parts and form of Friday Bridge. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location, the Planning in Principle application fails.
- 9.5 A significant portion of the site lies within Flood Zone 2, an area at medium probability of flooding. National and local planning policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding (Flood Zone 1). Policy LP14 requires applicants to demonstrate this through the application of the sequential test. In order to justify the development in Flood Zone 2, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 which could accommodate the development.
- 9.6 Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. Given that the site does not lie within or adjacent to the village (having regard to the definition under LP12 Part A (a)) the scope for the sequential test would need to be the whole of the rural area (villages and open countryside). No sequential test has been submitted with the application and clearly given the area of search required there would be sequentially preferable sites available within the district to accommodate the development. The application therefore fails in this regard.
- 9.7 With regard to the consultation draft of the emerging Local Plan, which carries limited weight at this time as per paragraph 48 of the NPPF, given that consultation has only recently occurred, the site is outside of the defined settlement boundary of Friday Bridge, and is therefore classed as open countryside, where development will only be permitted in the circumstances set out within the NPPF. Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the development would not accord given the circumstances of the site.

Use

- 9.8 The site is situated on the edge of the settlement, however as stated above it would be contrary to Policy LP12 - Rural Areas Development Policy and Policy LP16 – Delivering and Protecting High Quality Environments across the District. It is therefore accepted that the site is not suitable to use for additional dwellings.

Amount of development proposed

- 9.9 The application seeks Permission in Principle for up to 4 dwellings on a site of 0.38ha which would equate to a density of approximately 11 dwellings per hectare. This is low density, commensurate with development to the west of the site and could comfortably be accommodated on-site without being considered an overdevelopment of the site. However, the detailed layout and design would be for consideration at the Technical Details stage, should permission be granted. In terms of consideration of amount, the proposal is acceptable.

Matters raised during consultation

- 9.10 Matters other than location, use and amount of development proposed would be for consideration at the Technical Details Stage.
- 9.11 Reference has been made to the housing growth figures referenced within Policy LP12 of the Local Plan. These figures are not targets *per se*, but were intended to guide when community support would be needed to be shown for proposals. That Friday Bridge has not reached 10% growth is therefore not a material factor which would outweigh any of the issues identified previously in the assessment of the application.

10. CONCLUSIONS

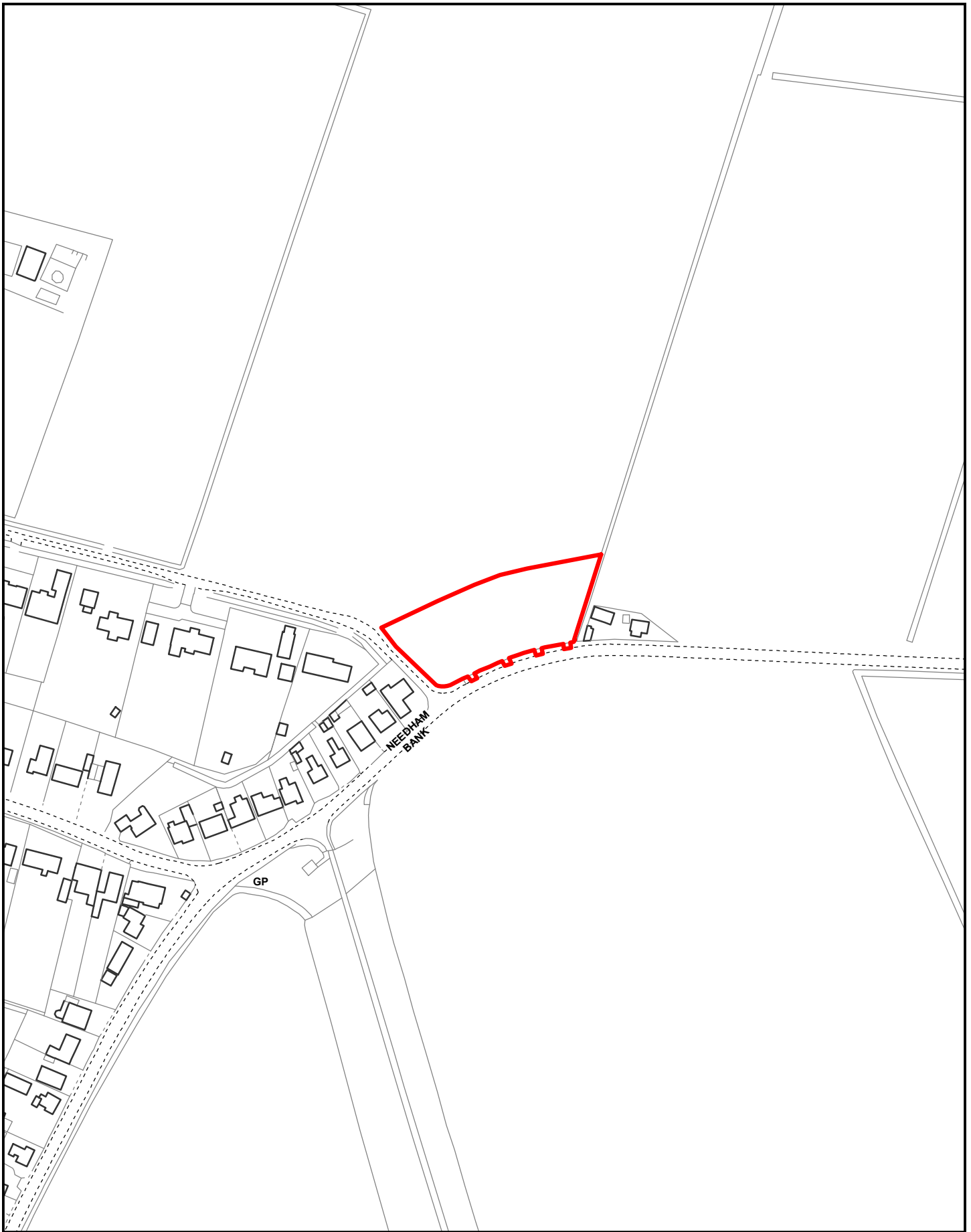
- 10.1 As indicated above it is only location, use and amount of development that may be considered at the first 'permission in principle' stage and that the location and use of the land for residential development would be contrary to elements of Policies LP12 and LP16. It is therefore considered that in terms of location and land use considerations the Planning in Principle application fails.
- 10.2 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 to a grant of planning permission.
- 10.3 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

11. RECOMMENDATION

Refuse Permission in Principle; for the following reasons:

1.	Policy LP12 of the Fenland Local Plan (2014) states that proposals should be within or adjacent to the developed footprint of the settlement (part a), not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c), that proposals are in a location that is in keeping to the core shape and form of the settlement (part d) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) requires proposals to make a positive contribution to the local
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	<p>distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area. The site is rural in character with open fields to the front and rear of the site. The proposal would result in linear development, extending outwards in into the countryside, on a site not adjacent to the built footprint of the settlement and would not relate to the core shape and form of Friday Bridge. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location and use, the Planning in Principle application fails.</p>
2.	<p>The site is located within Flood Zone 2 where there is a medium probability of flooding. No Sequential Test for flood risk has been submitted with the application. As the site is located beyond the core settlement in the open countryside the area of search would be district wide, and clearly would be incapable of being met. Consequently, the application fails to demonstrate that there are no alternative sites to accommodate the development which are reasonably available and with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 10 of the NPPF.</p>



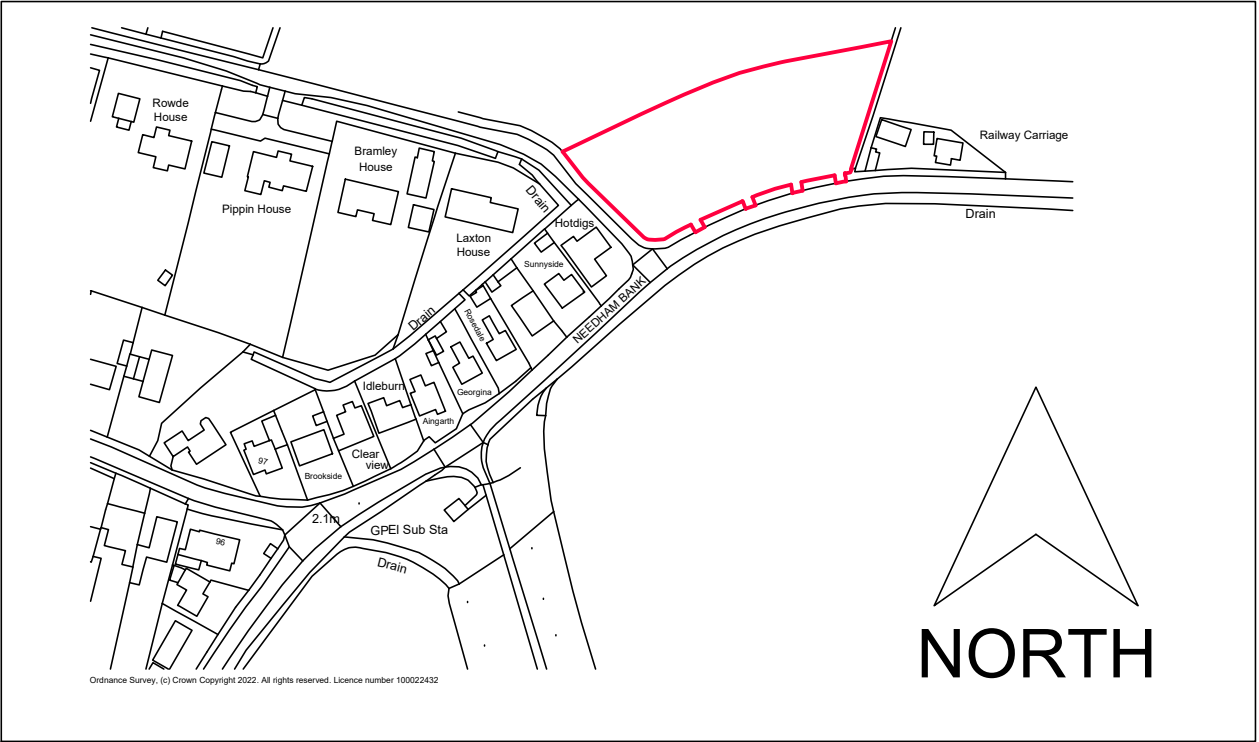
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LOCATION PLAN 1:2500



SITE PLAN 1:500 (0.375Ha)
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CLIENT

MS D BULLARD

PROJECT

RESIDENTIAL DEVELOPMENT

SITE

LAND ADJ. RAILWAY COTTAGE
NEEDHAM BANK
FRIDAYBRIDGE

DRAWING

JOB NO.	PAPER SIZE	DATE
6550 PL02	A2	MARCH 2022

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AGENDA ITEM NO. 16	
PLANNING COMMITTEE	
Date	14 December 2022
Title	TPO 03/2022

1. PURPOSE

The purpose of this report is to advise members of the current situation in respect of confirmation of a Tree Preservation Order (TPO) at Land adjacent to St Leonards Cemetery, Church Road, Leverington.

2. SUMMARY

Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to this Committee where objections to the Order are received.

Background

In September 2022 an Emergency TPO was imposed on the trees proposed to be felled under application F/YR22/0907/TRCA (1x Poplar tree, 1x Sycamore tree, 1x Hawthorn tree, 6x Ash trees and 2x groups of Ash trees). The trees are located within a large group of trees, some of which are already covered by TPO 2/1993 or 19/1990. The trees are located adjacent to the cemetery contributing greatly to the character of the Leverington conservation area. Five applications have been received by the planning department for the felling of trees on the site in the last 3 year.

Application	Description	Decision	Date
F/YR22/0907/TRCA	Fell 1 x Poplar tree, 1 x Sycamore tree, 1 x Hawthorn, 6 x Ash Trees and 2 x groups of Ash trees within a conservation area	TREES proposed to be granted protection under TPO 03/2022	
F/YR22/0908/TRTPO	Fell 3 x Ash trees covered by TPO 2/1993	Granted	01 Nov 2022
F/YR22/0277/TREEEX	5 day notice - Work/fell trees covered by TPO or within a Conservation Area due to storm damage and/or vandalism	Dangerous trees and 5 day notice	11 May 2022
F/YR21/0955/TREEEX	5 Day Notice - Work/fell trees covered by TPO or within a Conservation Area due to vandalism	Dangerous trees and 5 day notice	02 Nov 2021
F/YR20/1104/TREEEX	5 day notice - Work/fell trees covered by TPO 19/1990 or within a Conservation Area due to vandalism on northern boundary of site	Dangerous trees and 5 day notice	10 Dec 2020

It was proposed to TPO the trees to guarantee their future management and if necessary, the replacement of these trees should they need to be removed in the future.

The application for the felling of the trees under consideration here (F/YR22/0907/TRCA) received objection from the Leverington Parish Council. Comments made by the council included the fact to many trees were being removed and they required the trees should be replaced.

TPO objection

An objection to the TPO was lodged by the agent of the aforementioned application for the following reasons:

- The late response (Received after the application determination date) from the FDC Arboricultural Officer stated that some of the trees put forward within TPO 03/2022 were not of amenity value and not worthy of a TPO.
- The agent stated that any future TPO's put forward on the site would be detrimental to the ongoing management of the site.

The trees subject to this TPO are considered an important local nature resource, contribute to the character of the conservation area and the confirmation of this TPO on the 1 x Poplar tree, 1 x Sycamore tree, 1 x Hawthorn, 6 x Ash Trees and 2 x groups of Ash trees within a conservation area will seek to ensure proper management of the area to retain the integrity of this community facility and the character of the conservation area.

The confirmation of the TPO will ensure that applications to fell any of the trees covered by the TPO will ensure that replacement trees will be planted to ensure that the character of the area will be maintained.

3. RECOMMENDATION

It is therefore recommended that members confirm the TPO in respect of the 1 x Poplar tree, 1 x Sycamore tree, 1 x Hawthorn, 6 x Ash Trees and 2 x groups of Ash trees within a conservation area adjacent to St Leonards Cemetery.

Forward Plan Reference No. (if applicable)	Not applicable
Portfolio Holder(s)	Not applicable
Report Originator	Tracy Ranger, Development Officer
Contact Officer(s)	David Rowen, Development Manager
Background Paper(s)	N/A

1. BACKGROUND

- 1.1 Concern was raised by the Parish council over the number of trees being felled in the Leverington Conservation area.
- 1.2 The Arboricultural Officer was unavailable, so the planning department put an emergency TPO on 1x Poplar tree, 1x Sycamore tree, 1x Hawthorn tree, 6x Ash trees and 2x groups of Ash trees located adjacent to the Leverington cemetery.
- 1.3 The TPO was put in place to ensure that any works carried out would not cause any damage that may affect the long-term health of the trees and if the trees were to be felled in the future they would be replaced.
- 1.4 The trees contribute greatly to the character of the Leverington conservation area.
- 1.5 During the processing of the TPO an objection from the agent of the original application was received.

2. ASSESSMENT

- 2.1 The Order, which encompasses 1x Poplar tree, 1x Sycamore tree, 1x Hawthorn tree, 6x Ash trees and 2x groups of Ash trees, is detailed on the accompanying plan.
- 2.2 Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to Committee where objections to an Order are received.
- 2.3 The placement of a TPO does not prevent tree works or even removal but gives the Local Planning Authority control over 'inappropriate' works.
- 2.4 The original applicant/agent has objected to the placing of the TPO as they consider it is unjustified and they consider that the TPO's put forward on the site would be detrimental to the ongoing management of the site.

3. ARBORICULTURAL OFFICER'S ASSESSMENT

- 3.1 The late response from the Arboricultural officer did not consider that the condition of T13, T15, T19, Ash Tree adjacent to T11 merit removal. The tree officer specified that the trees would need to be replaced if they were felled to ensure some continuity of canopy cover. However, the tree application was for the felling of trees in a conservation area and therefore no such condition could be applied.

4. CONCLUSION

- 4.1 Due consideration has been given to the objection from the agent/applicant however the trees are considered important to the character of the Conservation Area and some are of high amenity value and good condition.
- 4.2 It is therefore recommended that the TPO is confirmed and that the Arboricultural Officer will continue working with the applicant to achieve a satisfactory Management Plan which will eventually become part of the woodland TPO.



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F/YR22/0907/TRCA

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The works contain no extraordinary hazards or risks that are not present during routine construction operations that would not readily be apparent to a competent contractor.

This information should be included as part of the commencement of the Health and Safety file for the project.

Project:
Land Rear of Cemetery
Gorefield Road
Leverington
PE13 5AS

Client:
Mr & Mrs Salter

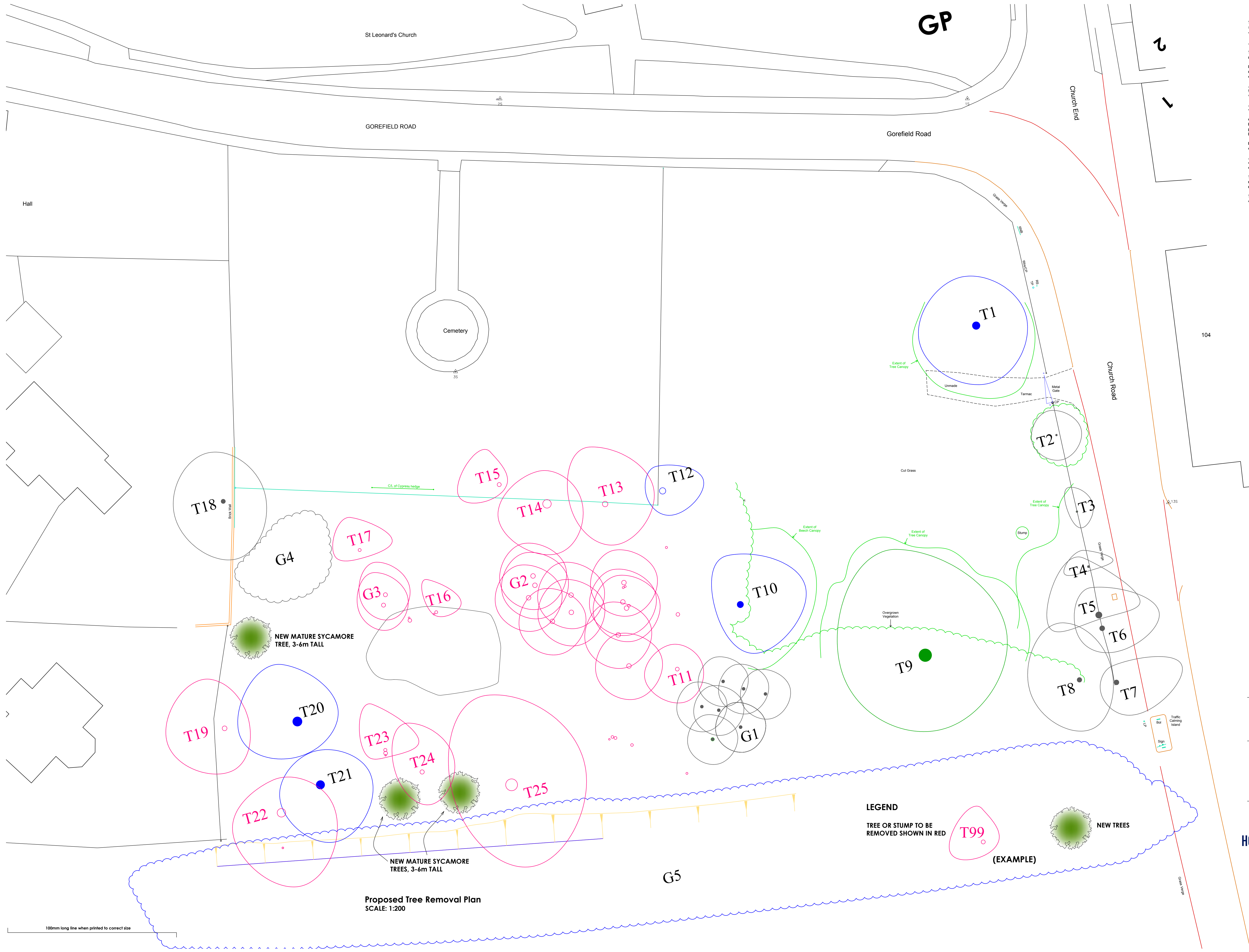
Title:
Proposed Tree Removal Works
for Health & Safety Reasons

Revision Details:
-

Issue Date: 29.7.22



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Proposed Tree Removal Plan
SCALE: 1:200

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