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AGENDA

PLANNING COMMITTEE

WEDNESDAY, 8 FEBRUARY 2023

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://youtube.com/live/TdeSzdCe7Xk?feature=share

1 To receive apologies for absence.

2 Previous Minutes (Pages 5 - 20)

To confirm and sign the minutes from the previous meeting of 11 January 2023.

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/YR22/1318/LB and F/YR22/1332/FDC
The Broad Street Project, Broad Street, March, Cambridgeshire
Works to a listed structure involving relocation of the Coronation Fountain canopy, steps and flagstones and Relocation of the Coronation Fountain canopy, steps and flagstones (Pages 21 - 40)

To determine the application.

6 F/YR22/1319/FDC
The Broad Street Project, Broad Street, March, Cambridgeshire
Demolition of the public toilets and shelter within a conservation area (Pages 41 - 60)

To determine the application.

7 F/YR22/0226/F
33 And Land North Of 17-31, Gosmoor Lane, Elm
Erect 63 x dwellings comprising of 4 x 2-storey 4-bed, 27 x 2-storey 3-bed, 24 x 2-storey 2-bed, 4 x single-storey 2-bed and 1 x block of flats (4 x 1-bed), installation of a pumping station and the formation of an attenuation pond, involving the demolition of existing buildings (Pages 61 - 86)

To determine the application.

8 F/YR22/0784/RM
Land South Of, Bridge Lane, Wimblington
Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR20/1235/O to erect 88 x 2-storey dwellings (10 x 2-bed, 42 x 3-bed and 36 x 4-bed) with associated garages and parking and open space, involving the formation of a new access and an attenuation pond, raised ground levels. (Pages 87 - 104)

To determine the application.

9 F/YR22/1148/F
Land East Of, 36 High Street, March, Cambridgeshire
Erect 7 x dwellings (2-storey 2-bed) with bin and cycle stores (Pages 105 - 118)

To determine the application.

10 F/YR22/1198/VOC
Land East Of, 36 High Street, March, Cambridgeshire
Variation of conditions 4 (Brick and Roof Tiles), 5 (External Details), Condition 7 (Tree Protection Method Statement), Condition 8 (Surface Water Drainage), Condition 10 (Construction Method Statement), Condition 11 (Floor Slab Levels) and 12 (list of approved drawings) of planning permission F/YR15/0176/O (Erection of 7 x 2-storey 2-bed dwellings with bin and cycle stores (Outline application with matters committed in respect of access, appearance, layout and scale)) amendments to materials, and rewording of conditions to include in accordance with submitted details (Pages 119 - 134)

To determine the application.

11 F/YR22/0935/O
Land East Of Shallon, Cats Lane, Tydd St Giles, Cambridgeshire
Erect up to 3 x dwellings (outline application with matters committed in respect of access) (Pages 135 - 152)

To determine the application.

12 TPO/04/2022 (Pages 153 - 156)

The purpose of this report is to advise members of the current situation in respect of confirmation of a Tree Preservation Order (TPO) at Shallon, Cats Lane, Tydd St Giles.

13 F/YR22/0768/F and F/YR22/0769/LB
1 - 3 Bridge Street, Wisbech, Cambridgeshire
F/YR22/0768/F - Change of use from retail and offices to 2 commercial units (use class E) and 33 flats (1-bedroom) with associated alterations and removal of glass roof and F/YR22/0769/LB - Internal and external alterations to a listed building to enable change of use from retail and offices to 2 commercial units (use class E) and 33 flats (1-bedroom) with associated alterations and removal of glass roof
(Pages 157 - 200)

To determine the application.

14 F/YR22/0705/F
Land South Of, 85 - 89 Upwell Road, March, Cambridgeshire
Erect 6 x dwellings (2no 2-storey, 5-bed and 4no 2-storey, 4-bed) with garages with associated access and surface water attenuation pond (Pages 201 - 224)

To determine the application.

15 F/YR22/0843/F
Land South Of 66, Wimblington Road, March
Erect a dwelling (2-storey 3-bed) and detached store building including the formation of a new vehicular access to 66 Wimblington Road and the widening of existing vehicular access (Pages 225 - 236)

To determine the application.

16 F/YR22/1239/O
Land West Of Lowlands, Colletts Bridge Lane, Elm
Erect 1 dwelling (outline application with matters committed in respect of access) (Pages 237 - 252)

To determine the application.

17 F/YR22/0746/O
Land East Of Allenby Farm, Broad Drove West, Tydd St Giles
Erect up to 2 x dwellings (Outline application with all matters reserved) (Pages 253 - 282)

To determine the application.

18 Adoption of Planning Validation Requirements (Pages 283 - 284)

To advise Members on the requirements of the National Planning Policy Guidance in respect of the requirement and procedure to update the Council's Local Validation List.

19 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 N Meekins, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding and Councillor W Sutton,

PLANNING COMMITTEE

Fenland District Council

WEDNESDAY, 11 JANUARY 2023 - 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 C Marks, Councillor Mrs K Mayor, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding and Councillor W Sutton.

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

P91/22 PREVIOUS MINUTES

The minutes of the previous meeting of the 14 December 2022 were agreed and signed as an accurate record.

P92/22 F/YR22/0354/F
134A RAMNOTH ROAD, WISBECH
ERECT 16 X DWELLINGS (2-STOREY 3-BED) WITH ASSOCIATED GARAGES, PARKING AND LANDSCAPING, INVOLVING DEMOLITION OF EXISTING BUILDINGS

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

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

Members received a presentation in accordance with the public participation procedure, from Mr Peter Humphrey, the agent. Mr Humphrey stated that he would like to thank officers for working with him to bring forward an acceptable scheme and a recommendation for approval.

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

- Councillor Sutton made the point that it is nice to hear that officers have worked with the agent to bring an acceptable scheme forward which he will be happy to support.
- Councillor Murphy expressed the view that he can see nothing wrong with the application and he will be supporting it.
- Councillor Cornwell expressed the opinion that the application is very good, adding that it is nice to see how the officers have worked with the agent and developer and he will be happy to support it.
- Councillor Mrs French stated that she also agrees that it is a good application and that David Rowen had explained that there were no Section 106 contributions, however, she notes from the report at 5.26 it refers to £150,000 contribution to education, and she asked for clarity on that point. David Rowen stated that notwithstanding what the County Council may have requested in terms of an education contribution and given that the application has been through the viability assessment, there is no Section 106 in place for education. Councillor Mrs French stated that she is aware that the County Council can request it but there is not a statutory duty to pay it.

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

P93/22 F/YR22/0337/F
LAND SOUTH AND WEST OF MARCH ENTERPRISE PARK 33, THORBY AVENUE, MARCH
ERECT 7 X COMMERCIAL UNITS (CLASS E), COMPRISING OF 1 X BLOCK OF 6 X UNITS AND 1 X DETACHED UNIT, WITH ASSOCIATED PARKING

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

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

Members received a presentation, in accordance with the public participation procedure, from Mr Adam Jackson, the agent. Mr Jackson explained that his client is a property holding investment company and they own the land depicted within the red line and the additional land which surrounds the site and is edged in blue on the location plan. He added that within the blue land there is an existing building which contains 10 existing commercial units which his client currently lets and he has advised him that they are fully let and there is a successful history of letting in that area.

Mr Jackson stated that the proposal includes seven new commercial units and six of them are situated in a terrace along the west of the site and one at the entrance to the site on the eastern boundary which is planned to operate as a café. He explained that the café would serve the development and the local commercial estate and the other six units at the rear of the site were planned as a Planning Class Use E which will provide the range of permitted uses within the use class.

Mr Jackson stated that having owned and rented the ten units adjacent to the application site for many years along with holding further properties within the area, the applicant has an accurate knowledge of local market forces and has consequently and confidently invested in the planning application and if approved the units will be constructed quickly and then rented out, with, in his view, the café being a worthwhile addition to the area. He made reference to the Planning Officer's comments and expressed the opinion that the primary reason for the recommendation of refusal is due to the planning use class that has been chosen for the new buildings and the amount of floor space for this use together with the lack of supporting documentation including the sequential test to prove that the new development will not prejudice or cause any harm to the town centre.

Mr Jackson stated that Council's adopted Local Plan refers to an out-of-date National Planning Use Class Order which was revised three years ago, with the Council's emerging Local Plan correctly recognising and including the new class order and he explained that it is the new class order and the emerging Local Plan which has been chosen to nominate the use for the proposed buildings. He made the point that the Council's emerging Local Plan at LP40 allocates the site within a land allocation zone of 40.01, with development proposals that fall into this area and form being for use classes B and E and there is no specific subdivision of the Class E Use and, in his opinion, the application should be considered appropriate with sufficient weight being given to the emerging Local Plan.

Mr Jackson stated that he would like to explain to members the detail concerning the deliverability of the scheme and made the point that as his client is a larger commercial developer it has the resources to start work almost immediately should the application be approved and it is believed that the scheme would be worth about £2,000,000 to the immediate local economy which includes, steelworkers, fabricators, roofers, cladding suppliers, electricians, building control, tarmac

providers and surfacing providers. He expressed the view that within 12 months, if the scheme is built, it is likely to generate in the region of 40 new jobs which will be a large stimulus to the local economy especially when consideration is given to the longest recession the country is currently facing.

Mr Jackson stated that he is aware that there is no sequential test which has been submitted with the application but the approach that he has taken was to provide an argument and a case towards the emerging Local Plan. He made the point that should the application be refused then a new application will be submitted which will contain a sequential test, but he asked the committee to consider the deliverability of the project presented to them in its current form.

Members asked Mr Jackson the following questions:

- Councillor Mrs French stated that when she first reviewed the application, she was delighted to see the proposal as the area is in great need of small industrial units, however, she is disappointed to see that the application has been submitted as incomplete. She added there is no sequential test included and Class E is being used when most of the units in Hostmoor Avenue and Thorby Avenue are Class B.
- Councillor Cornwell stated that he agrees that the application is incomplete, and asked Mr Jackson to explain how he is able to estimate that 40 jobs will be available if he is unaware of what industries, commercial operations or retail units are intending to utilise one of the units. Mr Jackson stated that the 40 jobs is anecdotal information provided by the applicant as they have a long history of renting and they have already received expressions of interest for the new facility, one of whom is a local Kung Fu club who would like to move there as they can find no other suitable premises in the area. He added that he has also carried out an anecdotal search on Rightmove earlier today and over the past few months to find similar use classes within the town centre and there is a very limited supply of other commercial uses. Mr Jackson explained that his client is of the opinion that a sequential test will be absolutely positive and will be supported and, therefore, would like to avoid the whole bureaucratic resubmission exercise which will delay the project for another year.
- Councillor Mrs Davis asked Mr Jackson to explain why he did not submit a complete application in the first place if he has acknowledged that the application is incomplete and has stated that, if necessary, another application will be brought back with a sequential test. Councillor Mrs Davis asked Mr Jackson if he understands what an emerging Local Plan is as it is still in the consultation stage and, therefore, the committee cannot consider it when determining applications. Mr Jackson stated that the sequential test was not attached to the application because they had decided to allocate a proportion of weight to the emerging Local Plan and that was the position that they were in when the application was submitted. He added that it was his understanding that there would be a negotiation process and, in his view, there is a strong case to be made for this and that is the reason why. Councillor Mrs Davis expressed the view that she believes that Mr Jackson does not understand the full procedure.
- Councillor Connor stated that Fenland is short of B1 industrial units, and he would like to see some brought forward and he asked Mr Jackson to explain how confident he is that the units will be small businesses which are similar to the units that his client already owns. Mr Jackson stated that during the course of the negotiations, he employed a planning consultant to liaise with the Planning Officer and proposed a reduction in this open Class E Use by reallocating some of the units to a use class that is not a town centre use but this was found to be unacceptable by the Planning Officer, but he did not understand why. He advised the committee that earlier today he had submitted a revised set of drawings to the Planning Officer via email which reduces the amount of open Class E to under the 500 sqm threshold which is the tip in the balance for the requirement of the sequential test. Mr Jackson added that with regards to how confident he is that the provision of business units can be achieved is that it is the testimony of the applicant that they constantly receive requests for all sorts of planning use classes in this particular area which is the whole reason that this proposal has come forward. He explained that his applicant has also had an

enquiry from one of the existing B1 units who has enquired about relocating into the new building.

- Councillor Connor addressed Mr Jackson and asked him to clarify that he has submitted revised plans to the Council today and Mr Jackson confirmed that is correct. Councillor Connor expressed the opinion that he fails to understand why the submission of the plans was not undertaken sooner in order to give officers time to review them.

Members asked officers the following questions:

- Councillor Mrs French stated that the application is incomplete, and the agent has pointed out that he has based the application on the emerging Local Plan and, therefore, the committee cannot consider the application when the current Local Plan is in use. She added that whilst she is pleased that somebody wishes to build industrial units in that location, it should not be for a location for cafes. Councillor Mrs French asked officers whether the application should be looked at in conjunction with the emerging Local Plan or should the application be disregarded in its entirety. Nick Harding stated that no weight can be given to the emerging Local Plan at this time.
- Councillor Cornwell questioned whether he is correct in his understanding that the issue with the application is the use and the use itself could affect the car parking issue which was evident on the site visits as the existing car park was full and parking proved to be an issue. He asked officers to clarify whether it is the two issues of the classification of use and the parking which the committee are considering. David Rowen confirmed that is correct.
- Councillor Murphy stated that on the site visit, in his view, the units at the site are class B1. He asked officers to clarify that with regards to the Class E Use, is it a way of building out of town and remove everything from the town centre and if the application was approved then could any type of premises operate from there? David Rowen referred to the officer report and his presentation and explained that Class E covers a multitude of uses including retail which would be classified as town centre uses and, therefore, the situation may arise where there could be a café and six B1 units or a café and six retail units. Councillor Murphy made the point that if the application is passed then that could be the end result which he does not want to see and if it is refused then the applicant has got to submit a different proposal. David Rowen stated that it is the committee's decision whether or not they wish to refuse the application as the agent has indicated if the application is refused then a further application will be submitted which will either have greater clarification on the actual uses proposes and/or it will be accompanied by the relevant assessment work to enable any impacts to be more adequately addressed than the current application does.

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

- Councillor Cornwell expressed the opinion that it is up to the applicant if they choose to come back with a further proposal and he stated that as it stands based on the information which has been provided to the committee the officer's recommendation is correct.
- Councillor Mrs French made the point that on her first review of the application she was delighted to see the proposal as that type of unit is very much needed, however, as the application is so unclear as to what or may not be there, she has serious concerns. She stated that the Town Centre is currently being regenerated and as many shops are leaving the High Street should the application be approved in such an incomplete format then further retailers could also be lost. Councillor Mrs French stated that at the current time she cannot support the proposal without it undertaking a sequential test and being a complete application.
- Councillor Mrs Mayor expressed the view that if the agent has submitted further plans this morning then this application should have been withdrawn from the agenda.
- Councillor Benney stated that he is Portfolio Holder for Economic Growth, and he was delighted to see the application for the industrial units as they are very much needed, but he agreed that the usage of them is very vague and should be far clearer than it is, and he does not think that he can support the proposal. He made the point that he does not think

that should the application be approved that it would affect the demise or bring about the demise of March High Street. Councillor Benney expressed the view that there will not be the larger well know high street brands relocating to that area or restaurants as it is a commercial area and is more akin to units such as double-glazing businesses and small manufacturing units which is exactly what is needed and required. He added that they will pay higher business rates than retail businesses would be able to due to the fact that in the current economic climate retail is struggling. Councillor Benney stated that the application is incomplete and, in his opinion, had the paperwork been completed properly it is likely that the application would have been approved. He expressed the view that it is disappointing as he would have liked to see the units built as they are very much required, and they are in the middle of an industrial area so would be cited in an appropriate location. Councillor Benney added that to hear the agent state that there are revised plans which have only been submitted today means, in his view, the application should not be being discussed. He stated he would like to support the proposal, but the application is incomplete, and it is a shame that the application has been submitted in such a way that it cannot be supported

- Councillor Sutton expressed the view that he has mixed feelings on the proposal and whilst he believes that members would like to see the commercial units developed, had the proposal been for Class EG, the application would not have been before committee as it would have been passed. He made the point that whilst he would like to see the application approved, he does not think it can be as it would be setting a dangerous precedent. He added that he does want to criticise the agent for assuming that he could take the emerging Local Plan into consideration when submitting the proposal. Councillor Sutton stated that in order to expedite the application he would suggest that it should be deferred for further negotiation with the officers and for the agent to take a clear steer that Class EG will only be accepted and then it would not need to come back to committee as it could be dealt with under officer delegation rather than start a whole new application process.
- Councillor Mrs French asked for clarity as to whether the proposal could be deferred as it is her understanding that members need to determine an application based on the information presented to them and contained within the officer's report. Nick Harding clarified that Councillor Mrs French is correct in the fact that members should be a making a decision based on the information before them and deferrals should only be used in order to get clarification on an issue where further detail is required, rather than to re-engineer an application which would have to go through another public consultation exercise for it to be brought back to committee.
- Councillor Mrs Mayor expressed the opinion that she does not think that the application should be deferred, and a decision should be made on it. She added that it is her understanding that Planning Officer's had last week tried to contact the agent to try and resolve some issues so that it was ready to come before committee and it looks as though that was unsuccessful and, therefore, in her view, members should accept what the officers have said and the agent will have to come back with a different application.
- Councillor Mrs Davis stated that she does not think that the application should be deferred, and that consideration should be given to what is contained in the officer's report and the fact that the proposal has been recommended for refusal by officers on two issues.
- Councillor Benney stated that he agrees with Councillor Sutton that the application could be deferred which would mean that the application could be approved far quicker. He added that the actual buildings will not change and it just their usage and if that is defined it would also address the car parking issue too. Councillor Benney made the point that there would not be the need to go back out to public consultation as the size will not change and it is just a paper exercise which is required to ascertain the usage of the proposal which is needed and, therefore, it will bring the delivery of the units forward far quicker.
- Councillor Connor stated that he does not disagree entirely with the points raised by Councillor Benney, but the advice which has been provided by officers is that members need to consider what has been provided to them today and, in his view, the committee should not deviate from that.
- Councillor Cornwell stated that if it was just one recommended reason for refusal then

consideration could be given to defer the proposal but there are two reasons listed which are the classification and the car parking and there does appear to be issues with both. He expressed the view that rather than a deferral and in case there has to be a revision of layout and content then the application does need to be determined today.

- Councillor Mrs Davis stated that regardless of the comments made by members earlier, nothing has changed, and the application is still incomplete and if the committee decide to defer it then there is a message being sent to other agents that they can submit applications without including a sequential test and their applications will be deferred. She expressed the view that the application needs to be refused and officers have made the correct recommendation.
- Councillor Sutton stated that there are two things to consider, and the parking issue only becomes an issue if the use Class E is used for retail but if the units are used for use Class E/G then the parking issue falls away in his opinion. He stated that he never suggested that the application was incomplete although other members did, and he added that it is not unprecedented to defer something like this in order to improve it and there are no reasons, in his view, what this could not be done with this application. Councillor Sutton asked the Legal Officer to clarify whether the committee could defer the application on the reasons given or would that not be an option.
- Stephen Turnbull, the Legal Officer, stated that this a situation where the legal position is broader than the planning policy position. He made the point that there is no doubt that legally the committee are entitled to defer the application should they wish to do so, however, it is whether the committee take the view on planning issues it is a sensible to thing to do.
- Councillor Sutton stated that had the advice from the Legal Officer been that it would not be legal to defer the proposal then he would consider that view, however, in his opinion, he still believes that with the proposal it would be the best way forward for the application to be deferred.
- Councillor Skoulding stated that he cannot agree to approve the application as there are two factors to be considered and he will support the officer's recommendation.
- Councillor Sutton made the point that the parking issue will not be a consideration if there are no retail units involved.
- Councillor Benney stated that he agrees with Councillor Sutton and added that if you define the use the parking issue is resolved and then you have a solution. He added that a deferment today would bring forward the delivery of the units far quicker than a refusal would. He added that the units are much needed, and he would like to se a solution reached to get the units delivered.
- Councillor Cornwell stated that the proposal before the committee does go into an area which is currently used by the users of the units to the north as a car park and, therefore, there has to be a decrease in the existing parking area that the committee have already seen which is really heavily used. He added that if you are going to build in it it will reduce the area for parking already there for those northern units. Councillor Cornwell added that although the officer report centres on the possible change of car park quantity use, dependent on the classification of those units, it does have a wider implication on the units already in existence and is, therefore, a bigger issue than just related to that classification.
- Councillor Murphy stated that the application is incomplete, and members must make a decision on what is front of them.
- Councillor Benney questioned whether the parking is allocated parking because if the other units have their allocated parking and this was not allocated as parking then it is irrelevant whether the land is used as car parking. He added that it may just be a piece of waste ground that people have chosen to park on and in that case they have parked illegally. Councillor Benney stated that if that is the case then the parking issue is no longer a reason for concern due to the fact that the allocated parking that would have been in place with each of the industrial units that are already on the site would have had allocated parking. He made the point that his assumption is that the proposal is looking to be built on waste ground and not a car park and, therefore, it is an irrelevant argument.

- Councillor Sutton made reference to comments made by David Rowen on the site inspection where he had advised members that had the application been for Class Use EG it would not have been brought before the committee. Councillor Sutton added that he assumes that the parking issue would not be a concern had the proposal been for class use EG.
- Councillor Connor stated that he called the application into committee, and is extremely disappointed to hear that the agent has submitted revised plans on the day of committee, which in his view is unacceptable. He stated that Nick Harding has advised him that the application can come back before the committee in 13 weeks if everything is in order.
- David Rowen stated that if the application was solely for EG uses given the nature of Thorby Avenue and its identification in the Local Plan, it is highly likely that the application would have been a delegated granted permission several months ago and he referred to comments made by the agent with regards to the fact that there may have already been units built on the site. David Rowen explained that it is not what the application is for, and there may have been an oversimplification in the counter argument by some members who have stated that if the proposal was for all EG class use then it would have been acceptable. He referred to a point made by the agent who had indicated that if the application was to be clarified there would still be a mix of E uses within in and it would not be solely 7 units for class EG and David Rowen explained that there would have to be an assessment of the balance and the mix of those uses which may still lead to the need of a sequential test dependent on what the balance of the units was.
- David Rowen stated that with regards to members consideration of deferring the application it is quite possible that the applicant would still need to several weeks or months of actual work before any future submission could be looked at and, therefore, members need also to consider that as part of any clarification to the description of the application there would be the need for a further consultation exercise because it forms part of the process and so that occupiers in the vicinity know exactly what the proposal is for. He explained that by deferring the application it would not mean that the application could be approved imminently as there are a number of further steps which need to be overcome and from the comments made by the agent it would appear that the applicant does not appear to want to be restricted to just doing units that will fall within Class EG in any respect.

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

(Councillors Sutton and Benney asked for it to be noted that they only voted against the proposal as in their view they thought that a deferral for the application would be more appropriate)

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

P94/22 F/YR22/0505/VOC
33 GAUL ROAD, MARCH
VARIATION OF CONDITION 23 (LIST OF APPROVED DRAWINGS) OF PLANNING PERMISSION F/YR18/0947/F (ERECTION OF 7NO DWELLINGS COMPRISING OF 1 X 2-STOREY 4-BED; 4 X 2-STOREY 3-BED AND 2 X SINGLE-STOREY 3-BED DWELLINGS) WITH GARAGES (PLOTS 3, 6 & 7 ONLY) INVOLVING DEMOLITION OF EXISTING DWELLING, OUTBUILDINGS AND BOUNDARY WALL) - TO REMOVE TURNING HEAD AND CHERRY TREES

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 explained that the site was largely completed in 2021 and the properties were occupied, however, since that time one of the dwellings has been resold. He added that is a private block paved driveway and he made reference to the Public Access system which details comments to make the point that there is not enough on-site parking.

Mr Hall made the point that the development was approved in 2018 and still meets the parking standards requested by the adopted Local Plan and, in his opinion, that by not setting the turning head it will not impact the on-site parking. He added that the applicant can provide further replacement of the trees as detailed in the officer's report which will accord with the neighbour's comments.

Mr Hall stated that one of the two objections received has raised concern regarding a brick boundary wall being demolished, however, there are no walls to be demolished as part of the proposal. He made reference to the officer's report and stated that as part of the officer's report it details an approved site plan of the original development, however, the site plan that was approved under the discharge of conditions application shows the bin lorry reversing into the site and this was commented on by the Highway Authority and Environmental Services and their comments are available on the Public Access system.

Mr Hall made the point that, prior to any works commencing on the site, the drawing clearly shows as part of the discharge of conditions application the lorry reversing into the site and as part of the application the applicant provided an indemnity with regards to damage to the private block paved driveway and the applicant still owns the road. He stated that he has an email from the Environment Services Manager, Adam Pratt, which also states that his drawing originally showed the swept path for the bin lorry was from Gaul Road into the private driveway of the site and the email also states that the bin lorry does not turn in the site and collections would not be affected by removing the turning head.

Mr Hall explained that the swept path provided as part of the application shows that a 6.6 metre long vehicle could enter the site and turn without the turning head and he explained that a typical Amazon delivery van is less than this at 6.3 metres long and a typical Sainsburys Sprinter delivery vehicle is 6 metres long. He stated that Environment Services have confirmed that they do not enter the site since the development was completed nearly two years ago and they will not use the turning head.

Mr Hall made the pointe that the site is compliant with the parking standards in the Local Plan and to the best of the applicant's knowledge there have been no accidents within the site and there are no mention of any accidents by the Highway Authority to date at the junction of Gaul Road.

Members asked officer's the following questions:

- Councillor Mrs Davis stated that the reason the proposal is before the committee is due to the comments from the Town Council which are contrary to the officer's recommendation, however, it appears that the comments on the website are redacted, and the comments cannot be seen. Councillor Mrs French made the point that March Town Council very rarely comment on planning applications. David Rowen stated that he is unaware why that should be the case but referred to the officer's report at 5.1 where it states that March Town Council recommends approval of the application. Nick Harding stated that it is most likely that the Town Council did not state the reasoning why and the report has possibly been redacted due to the fact that the other parts of the email do not relate to the application.
- Councillor Cornwell stated that the County Council appear to be clear in their view that the application should be refused as there is an insufficient turning head and David Rowen clarified that the County Council responses are detailed at 5.2 of the officer's report where they point out that the size of the vehicle used for the swept path is not suitable and does

not demonstrate that large vehicles can access the development and it will require servicing with various sizes of vehicles and the lack of a turning head is not acceptable. He added that the County Council do acknowledge that as part of the refuse collection strategy, it was agreed that the refuse collection vehicle would back from Gaul Road into the site but notwithstanding that they do maintain the view that there is a need for the turning head to be provided as part of the scheme. Councillor Cornwell stated that consideration needs to be given to any vehicle and not just a small refuse collection vehicle.

- Councillor Mrs French made the point that the applicant has not complied with the condition to supply the turning head and she asked officers to confirm that they are looking to enforce that aspect as detailed within the report. David Rowen stated that if members support the officer's recommendation to refuse the application then the associated next step would be for the appropriate action to be taken to secure the delivery of the turning head.
- Councillor Murphy stated that when members visited the site it was clearly visible that you could not turn as it was grown over and the surface was not solid enough for a vehicle to use. He added that he also observed that there was actually a blue water pipe sticking out of the ground and he questioned whether the intention is actually for a turning head or is the intention to site another dwelling. David Rowen stated that members do need to consider the application before them which is for the securing and delivery of the turning head.

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

- Councillor Mrs French stated that she knows the site exceptionally well and planning permission was first applied for in 2007 and it has a very long planning history. She made the point that as the application was approved in 2018, she would have expected that the works on the site to have all been completed by now. Councillor Mrs French stated that prior to any commencement of works there used to be 14 Tree Preservation Orders on the site which should have been retained and the trees have all gone and the two cherry trees, which did not have tree preservation orders attached to them are both dead and should they be removed they should be replaced with mature trees. Councillor Mrs French expressed the view that the officer's recommendation is correct.
- Councillor Cornwell stated that on the site visit it is clear that there is no turning head at the bottom unless you use two private driveways as there is no proper turning bay at the bottom and that is further indicated by the fact that the grass on one side has been very badly churned up where vehicles have possibly tried their best to turn around at the bottom. He added that it means that the original plan that was approved has not been complied with and, in his opinion, the turning head is required in the middle of the road.

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

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

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

(Councillor Skoulding declared that he owns part of the Chase adjacent to this development, but it would not make any difference to his decision making and voting on the application)

P95/22 **F/YR21/1196/F**
LAND EAST OF PARK HOUSE, GOREFIELD ROAD, LEVERINGTON
ERECT 2 X SINGLE-STOREY BUILDINGS INCLUDING THE ERECTION OF 2.2M HIGH BRICK WALL AND GATES ASSOCIATED WITH A BUILDING CONTRACTORS BUSINESS INVOLVING THE DEMOLITION OF AN EXISTING WORKSHOP BUILDING AND ALTERATIONS TO THE ACCESS

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 Shanna Jackson, the agent and from Andy Sewell, the applicant. Mrs Jackson explained that the proposal is for the construction of two buildings to accommodate an established building contractor's business and the associated office. She stated that the business is a family run local enterprise and the proposal will allow the applicant to work from his home at Park House.

Mrs Jackson stated that the applicant is keen to invest in the business but is unable to do so in the rented accommodation which he currently operates from and the proposal site offers an excellent opportunity to provide bespoke buildings which meet the specific needs of the enterprise to secure the long-term viability and for it to be retained within the local area, with 75% of the staff who are employed by the applicant are from around Wisbech. She explained that the size and height of the buildings have been calculated to be specific in order to meet the exact needs of the business and she has worked closely with a Conservation specialist to ensure that the buildings have very little impact, with them being single storey and positioned approximately 50 metres away from Park House behind a brick wall.

Mrs Jackson expressed the opinion that the buildings will not dominate any views or harm the setting of the Listed Building and the buildings are set well back within the site and will be screened from the front and side by the existing frontage trees and forest to the east and will, therefore, have no harmful visual impact on the visual amenities of the countryside. She explained that the nature of the business does not provide for semi-industrial activity and the site will primarily function as an administrative hub and a base for vehicles and equipment in between jobs.

Mrs Jackson made reference to the history of the wider site which included the residential conversions of the barns which were originally associated with Park House and the barns which have now been converted are in separate ownerships. She stated that in effect the proposal before members would replace the barns so that Park House would again benefit from associated barns which would typically be expected of a building of this nature and explained that the previous use of the site was for the storage of stock cars and there is evidence to show that they were on the land until 2020 which proves that there has been recent commercial activity on the land.

Mrs Jackson stated that Section 6 of the National Planning Policy Framework (NPPF) supports the rural economy and recognises that sites to meet local business needs in rural areas may need to be found beyond existing settlements. She explained that it states that sites that are well related to existing settlements should be encouraged where opportunities exist, and the development will provide an economic use within a rural area which benefits from excellent transport links.

Mrs Jackson stated that there is no other land available to accommodate the specific needs of the business within the main settlement and the land has a previous commercial use and is available now. She expressed the opinion that the site does represent an opportunity to promote appropriate economic development in order to meet Section 6 of the NPPF and she made the point that she hopes that members can see that the significant local economic benefits of the application outweigh any perceived harm in relation to heritage and locational aspects.

Mr Sewell explained that he operates his family business and the application is key to its expansion in order to make the business more productive, with the company also including a joinery section and the rented accommodation currently used is not suitable for the planned expansion of the company. He explained that his company undertakes work for the likes of Burger King, KFC, Costa Coffee and Sandringham House and also works within the locality too.

Members asked Mrs Jackson and Mr Sewell the following questions:

- Councillor Cornwell stated that there are comments within the report which state that the use of the current land for the business is unauthorised and he asked whether that is correct? Mr Sewell stated that there is nothing on the site currently that was not there originally, and made reference to Google Maps which shows that the area that he is currently occupying was used previously for stock cars and creating scrap piles. Councillor Cornwell asked Mr Sewell whether he accepts that the current use is unauthorised, and Mr Sewell stated that he agrees that it is.

Members asked officers the following questions:

- Councillor Murphy asked officers to clarify what the committee are actually determining as currently there is no permission in place, and it is currently illegal. He stated that there is a piece of land with nothing on it so in the first instance it needs permission and as it is a Listed Building would officers normally allow buildings to be built on land without any permission which are adjacent to a Listed Building. Nick Harding stated that the application is part retrospective as there is a construction business operating from the site without planning permission and the proposal before the committee is firstly to make the use lawful and then to consider the construction of the proposed new buildings and the associated infrastructure that goes with it. He added that with regards to the second point raised as to whether it is possible to gain consent to construct buildings in the grounds of a Listed Building, there is the potential of this being permissible, but a great deal depends on a number of factors which need to be considered.
- Councillor Cornwell stated that members are considering a double application which includes the regularisation of the current use and then adding to the use by building. He added he is somewhat confused as to why it is being done in that particular format as, in his opinion, it would have been better to regularise the business use of the piece of land which is immediately adjacent quite a rare classification of Listed Building which is a Grade 2 *. Councillor Cornwell added that he presumes that some of the buildings surrounding Park House are also within that classification. Nick Harding confirmed that the comments made by Councillor Cornwell are correct.
- Nick Harding stated that the application in its own right does not seek to authorise the use as it sits there physically because members are being asked to regularise it in the context of what the proposal is. He explained that members cannot make a decision to approve the use as it stands today but not the construction and development.
- Councillor Mrs Mayor asked for clarity as to whether the two converted barns are also Grade 2 Listed Buildings. David Rowen stated that the two converted barns that Mrs Jackson referred to in her presentation are Grade 2 listed in their own right.

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

- Councillor Mrs Davis stated that whilst she likes to respect conservation, the Council has a strapline which states that we are open for business and the application is for a man who is looking to expand his family business and provide more employment in the area. She added that she often wonders why we cannot have new buildings within and by Listed Buildings. She added that whilst she understands the need to protect the buildings, it often appears to be to the detriment of something else.
- Councillor Mrs Mayor stated that in the officer's report it makes reference to the erection of a 2.2-metre-high brick wall and gates and she asked for clarity as to whether the gates that are already in place are already part retrospective or are the gates being replaced for

different ones. David Rowen stated that the gates proposed are between the two buildings.

- Councillor Cornwell stated that he is also undecided between the two aspects of the application and had the business side of the proposal been a bit further away from the Grade 2* Listed Building then he may have considered supporting the business slightly more. He added that as the proposal is right next door to the house, some of the buildings that are there are actually incorporated and, in his opinion, there is no clarification between the two aspects of the application within the proposal. Councillor Cornwell added that he may be more inclined to support the proposal if there was an actual physical distance between the two aspects and the plot size does lend itself to that being able to happen whilst still giving some visual protection to the house and at the same time creating the business need. He stated that the house is a Grade 2* Listed Building which is not a very common type of dwelling within Fenland.
- Councillor Benney stated that the Council should be encouraging growth and Mr Sewell is looking to invest in his business and whilst he appreciates that it is a Grade 2* Listed Building, in his opinion, new dwellings can live beside older dwellings. He expressed the view that it would not be detrimental, and the application has a great deal of positives, with, as he has stated before, the best way to look after your business is to be on the premises. Councillor Benney added that the premises is in a rural area and there can be instances of rural crime, however, if the applicant is living close to his premises he can look after it which is an excellent form of security. He stated that the applicant has gone to the trouble of submitting an application and, therefore, he must feel that it is a worthwhile exercise as he wants to expand and progress his company. Councillor Benney made the point that as the proposal is for a builder's yard, it should not ideally be located in a residential area and it does need to be in a more rural location which, in his opinion, the proposal is an ideal place. He added that he will be supporting the proposal.
- Councillor Sutton stated that it is a difficult decision where there is heritage and a business to be considered. He expressed the view that officers have made the correct recommendation and there is plenty of industrial land in the current Local Plan and whilst it would not fit in a residential area it would ideally fit in an industrial area of which there are plenty in Fenland. Councillor Sutton stated that to build this building next to a Grade 2* Listed Building, in his opinion, does not sit well with him and he will be supporting the officer's recommendation.
- Councillor Cornwell expressed the view that the application submitted could have been better if there was a very clear distinction between the operation of the business and the actual protection of the immediate area of what is, in his view, a very attractive house. He made the point that there is possibly the need for the investment from one, to help the other, but his view remains that there should be a much clearer definition of the two uses, the house and the business, which, in his opinion, could be done in a way that protects the heritage of one and in effect does not stop the other from going ahead. Councillor Cornwell expressed the view that currently the house and the proposed buildings are too close as there is no gap between them, and you have to drive across the front of the property in order to get to the gate to get to the proposed site. He stated that he can see the need for the commercial aspect but also the need to protect the house and, in his view, there is a different way of doing it compared to the submitted application and for that reason he will supporting the officer's recommendation.
- Nick Harding explained that the Local Plan and national policy does make provision for the expansion of existing buildings which are located in the rural area. He stated that the initial consideration of the application should be that there is not a lawful business operating from the site and, therefore, members cannot look at the proposal as an expansion of existing business on the site, with there being policies in place which state that when a new business wants to operate within a rural area then there is a restriction on what that can be. Nick Harding explained that it could be that a business needs to be located in a rural area because the nature of the business lends itself to that type of location, but in the application before the committee, which is a construction business, it does not need to be located in an open countryside location and the Council's policies say a town location is where it should

be located. He stated that with regards to the impact the proposal has on the Listed Building, there is the issue of the scale of the buildings themselves and the scale of the area of land which is proposed which, in the view of officers, has an impact on the setting and appreciation of the heritage asset.

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

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

Members do not support officer's recommendation of refusal of planning permission as they feel that under Policy LP3 it is a perfect place to build in the open countryside, under LP6 it is not going to effect the rural economy, that it does not detract from the high quality environment in terms of the Listed Building and the proposal can be located side by side with the heritage asset and under Policy LP18, which assesses the significance of the heritage asset, it is not detrimental.

P96/22 F/YR22/0988/O
LAND WEST OF 121 WEST END, MARCH
ERECT 1 X DWELLING INVOLVING THE REMOVAL OF EXISTING SHED (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 Matthew Hall, the agent. Mr Hall stated that there are no technical objections from any of the consultees, Highways, Environment Agency, March Town Council, Environmental Health or the Wildlife Officer. He stated that one of the key points is the access and the Highways Authority have not objected and down this section of West End there is already street lighting, and the proposal allows for onsite parking for both the existing and proposed dwelling.

Mr Hall explained that where any dwelling would all be in Flood Zone 1 and the Environment Agency have not objected. He stated that it does not detail in the officer's report that he has spoken to the officer and advised even though the proposal shown is indicative and a 2-storey small family house, it could be reduced to one and half storey if this would help which is what the property to the west is and the property to the east is 2 storey.

Mr Hall pointed out that within the officer's report under 10.12 and 10.13 it advises there would be limited impacts of overshadowing and overlooking from this indicative proposal and to assist the applicant is happy to have a condition imposed regarding the submission of a construction phase plan to be agreed with officers. He reiterated that there are no technical objections to this application and the site is within the built-up form of March, in Flood Zone 1, and there is no objection from Highways.

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

- Councillor Skoulding stated that officers have expressed the view that the proposal is squashed in, however, that could be said for every house in West End as they are all the same and he cannot see any problem with the application.
- Councillor Mrs French stated that she knows the area exceptionally well and there are so many different designs of dwellings in West End some of which date back to the 1600's. She added that there is a mixture of large and small dwellings, and she does not see any

reason to refuse the proposal. Councillor Mrs French made the point that she agrees that the proposal should be a one and a half storey dwelling and not two storey. She stated that it is a beautiful walk, and it is amazing to see some of the houses, which the residents who live there call the 'Gem of March'.

- Councillor Sutton disagreed, making the point that it is a single track and barely a cycleway and to consider more traffic down there, in his opinion, is ridiculous. He stated that whilst there may be a mixture of different styles and sizes of dwellings down there, it is not a reason to make it even worse. Councillor Sutton stated that he could not consider supporting the proposal and the officers have made the correct recommendation.
- Councillor Cornwell expressed the view that it is certainly bijoux and the frontage of West End is actually quite a bit narrower than the Riverside frontage. He made the point that when he visited the site, he never realised that the plot had such a sharp angle across it, believing it to be far wider, but it is not, and it is actually quite narrow. Councillor Cornwell expressed the opinion that West End is not a suitable highway, and he was very surprised to see that cars can actually get that far down there. He made the point that if the proposal is done right then it will be ok but, in his view, the attraction will actually be the river and not that of West End. Councillor Cornwell expressed the view it is very crammed in, and it is a very strange part of the town as it is narrow and very constricted and if the proposal is done right, it will look good but if not built sympathetically it will look awful. He stated that if the proposal is approved it needs to have some fairly strong conditions attached to the permission including during the construction phase as he has no idea how some of the building materials are going to be able to reach the site. Councillor Cornwell added that if there is somebody who feels that they can make the dwelling look nice and it fits in then he will support it but otherwise if it is just going to be a modern thrown up building, he would not support it as it would detract from the whole area.
- Nick Harding stated that the proposal is an outline application and if the committee decide to approve the application then it will just be standard conditions concerning materials and other basic elements that can be added. He explained that conditions could not be added to influence the design and appearance of the scheme except for maybe mentioning something in the informative to say that the committee felt that a one and a half storey dwelling would be appropriate but he stated that he would advise against that as potentially a two-storey well designed property may work which is dependent on what the designer comes forward with.

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

Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be GRANTED against officer's recommendation.

Members do not support officer's recommendation of refusal of planning permission as they do not feel that the proposal will be harmful, and it will actually enhance the area .

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

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

P97/22 F/YR22/1266/F
LAND SOUTH EAST OF THE BOATHOUSE, HARBOUR SQUARE, WISBECH
ERECT A ELECTRICITY SUBSTATION

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 officers the following questions:

- Councillor Cornwell stated that there had been some discussion concerning the statement that the design of this monstrosity was acceptable, and he asked whether there was any possibility that the housing of the substation could be made to look a little bit like the Boathouse rather than a brick-built structure with a flat roof. He added he would prefer to see a more modern finish on the structure which could be timber so that it actually fits in with the surroundings rather than it being a brick-built eyesore. Councillor Cornwell expressed the view that he has no problems with the electricity substation itself, but he would like to see it sited so that it fits in with the award-winning design namely The Boathouse that it will be next door to. David Rowen stated that condition 2 that is recommended does explain the full details of the materials to be used for the external walls to be submitted and approved in writing before the substation is built and if members request a higher standard of materials that is something that could be potentially added as an informative on the decision notice, however, he does not think that it would be possible to be too prescriptive about that as there are safety issues to be considered.
- Councillor Cornwell made the point that wood can catch fire and the safety elements of the proposal do need to be considered and he would consider brickwork in this case.
- Councillor Sutton stated that in terms of cladding it would make no difference to the fire risk because the fire protection and fire risk would be the brick part and with regards to cladding that will make no difference if the substation catches fire.
- Nick Harding stated that the concern that officers have is that there may well be a specification that the electricity company has to work to which would then prevent doing all the additional elements to it and as David Rowen has stated officers would see if members wishes are feasible but there can be no guarantee. He added that in terms of the railings around the block, if there is a particular style of railings used in the promenade area at The Boathouse then consideration could possibly be given to replicate that design for the substation in the informative with the permission if it is granted.

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

- Councillor Murphy stated that he does not see the point of debating this proposal as it needs to be on site and is supposed to be there and it is required for any possible future development in the vicinity. He added there is nothing wrong with it and substations are in place all over the country without any enhancements.
- Councillor Connor explained that Councillor Cornwell is quite adamant that he would like to see a better design.
- Councillor Cornwell made the point that he has no issue whatsoever concerning the need for the electricity substation, but the point he was making was concerning the visual impact within its setting and it could be made to look better.
- Councillor Mrs French stated the officers have explained that they will try to obtain a good design, and, in her view, members should accept that.
- Councillor Sutton made the point that whilst he appreciates that a substation needs to be there and the fact that they are in place all over the country he agrees that consideration can still be given to ensuring that the design can be made to look more attractive. He added that he has knowledge of a water pumping station in the middle of a housing estate which has been made to look attractive and has palisade fencing around it and wooden cladding, so it can be done, has been done and should be done.

Proposed by Councillor Mrs French, seconded by Councillor Mrs Davis that the application be APPROVED as per the officer's recommendation.
Members requested that an informative be added with regards to making the external fabric of the substation more attractive if that is feasible.

(Mrs French and Murphy declared that, whilst they are both members of the Cabinet, they are not pre-determined on this application and will approach it with an open mind)

3.28 pm Chairman

F/YR22/1318/LB

Applicant: Mr Matthew Wright
Fenland District Council

Agent : Mrs Fiona Bage
ELG Planning

The Broad Street Project, Broad Street, March, Cambridgeshire

Works to a listed structure involving relocation of the Coronation Fountain canopy, steps and flagstones

Officer recommendation: Grant

F/YR22/1332/FDC

Applicant: Mr Matthew Wright
Fenland District Council

Agent : Mrs Fiona Bage
ELG Planning

The Broad Street Project, Broad Street, March, Cambridgeshire

Relocation of the Coronation Fountain canopy, steps and flagstones

Officer recommendation: Grant

Reason for Committee: Number of representations contrary to Officer recommendation & Fenland District Council is the applicant.

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1 EXECUTIVE SUMMARY

1.1 The applications seek full planning permission and listed building consent for the relocation of the Grade II listed Coronation Fountain.

1.2 The principle of development is considered to be supported, subject to the development complying with all other relevant policies and material considerations.

1.3 National and Local Planning Policy, along with associated Government initiatives, seek to support the role that town centres play at the heart of their communities, by taking a positive approach to their growth, management and adaption and promote their long-term vitality and viability. The March Future High Street project together with the March Area Transport Study Project seek to regenerate the town centre in response to identified challenges, address existing congestion, and air quality issues and futureproof the road network for the town's planned housing and employment growth. The relocation of the Coronation Fountain forms part of these wider schemes.

1.4 The Local Highways Authority (LHA) have no objections to the scheme, advising that the relocation of the Coronation Fountain is acceptable in highway safety terms and there are no issues to address regarding ecology or flood risk.

1.5 It is considered that the benefits of the wider regeneration project outweigh the less than substantial harm identified to heritage assets, and in this instance relocation of the grade II listed Coronation Fountain is acceptable in heritage terms against the backdrop of the wider scheme.

1.6 The proposed re-location is not considered to have a significant detrimental impact on the character of the area, its users or businesses and the Police Designing Out Crime Team have no objections or recommendations in relation to community safety.

1.7 As such, the recommendation is to grant planning permission and listed building consent.

2 SITE DESCRIPTION

2.1 The application site is located at the crossroads of Broad Street, Dartford Road, Robingoodfellows Lane and Station Road and as such is in a prominent and highly visible location in the town centre. It is located in March Conservation Area and adjacent to the Grade II Listed Buildings of 34-36 Broad Street and 2A Dartford Road.

2.2 The site contains the Grade II Listed memorial fountain which was erected in 1911 to commemorate the Coronation of King George V. It is constructed in cast iron and raised on an octagonal stepped base. The domed roof is of pierced cast iron, terminating in a finial with a lamp, it is open sided, with elaborate detailing, the fountain itself has been removed. The remainder of the application site is currently the northerly dual junction of Broad Street, layby, pedestrian path and crossing and motorcycle parking area.

3 PROPOSAL

3.1 The applications seek full planning permission and listed building consent for the relocation of the Coronation Fountain to a widened pedestrianised area on the western side of Broad Street in front of 32 Broad Street (Malletts). The fountain is proposed to be dismantled (including the stone steps and flagstones), taken from site and stored, before being reconstructed. No renovation, repair or repainting works are proposed.

3.2 Full plans and associated documents for F/YR22/1318/LB can be found at:

F/YR22/1318/LB | Works to a listed structure involving relocation of the Coronation Fountain canopy | The Broad Street Project Broad Street March Cambridgeshire (fenland.gov.uk)

3.3 Full plans and associated documents for F/YR22/1332/FDC can be found at:

F/YR22/1332/FDC | Relocation of the Coronation Fountain canopy | The Broad Street Project Broad Street March Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

F/99/0472/LB	Refurbishment of fountain involving dismantling, cleaning, repairing and re-erecting in same location	Granted 2/12/1999
F/98/0583/LB	Repairs and replacement of base slab and stone steps; removal of rust scale; re-welding of joints and replacement of missing cast iron sections	Withdrawn

Some local resident comments refer to an historic proposal to relocate the Coronation Fountain; it is understood that there may have been informal proposals in relation to this (no evidence has been identified), however no formal application appears to have been made.

5 CONSULTATIONS

5.1 Conservation Officer (FDC)

The application site is NHLE ref 1216058 Coronation Fountain, March, a Grade II listed 1911 cast iron fountain canopy manufactured by the MacFarlane Foundry in Glasgow. The current application proposes the dismantling and re-erection of the structure in an alternative location on Broad Street as part of the highway and public realm improvements promoted under the March Future High Street Fund Project. The application is supported by heritage and structural assessments to the appropriate level expected by the NPPF.

Historic England's 2008 document 'Conservation Principles, Policies & Guidance for the Sustainable Management of the Historic Environment' states:

'Every place is unique in its combination of heritage values, so, while it is technically possible to relocate some structures, their significance tends to be diminished by separation from their historic location. There are exceptions, for example public sculpture not significantly associated with its current site,or moving a structure back from an eroding cliff edge, thus recovering its intended relationship with the landform. Relocated structures may also acquire new values in a new location (paragraph 95).'

As with many cast iron structures, the canopy is a prefabricated kit and the assessment by conservation-accredited engineers the Morton Partnership confirms that it is feasible to dismantle and re-erect it with no loss of integrity. Nevertheless the wholesale re-location of a listed building is a rare occurrence, and as PCAS Archaeology's heritage statement acknowledges, 'The negatives to the proposals are… [that] the adjusted position, it could be argued, would mean the loss of its historic significant position at the head of Broad Street. It will no longer be so immediately visible to drivers using Broad Street / Dartford Road / Station Road.'

Under these circumstances the judgement must be made against NPPF paragraph 202: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal…' As the proposed new location is still in relatively close proximity to its designed position, and there is no harm to the fountain itself, the conservation view is that the relocation does not fundamentally alter its significance and can be offset by the setting enhancements and other public benefits offered by the Broad Street works.

Recommendation
No objection

5.2 Conservation Officer

Further comments were requested in relation to the impact on the Conservation Area and listed 34-36 Broad Street and War Memorial:

PCAS Archaeology, FDC's own consultants, have already made a comprehensive assessment of the heritage impacts and I have no reason to dispute their findings. If there's no overriding harm in moving the fountain, then anything else is secondary.

5.3 Historic England

Significance of Coronation Fountain
This memorial fountain was erected in 1911 to commemorate the Coronation of King George V. It is of cast iron raised on an octagonal stepped base. The domed roof is of pierced cast iron, terminating in a finial with a lamp. The fountain is open sided, with elaborate work to spandrels and capitals of columns. Inside, the fountain itself has been removed.

Coronation Fountain is listed at grade II in recognition of its special architectural and historic interest.

Impact of the proposals on Coronation Fountain
Consent is sought for works to a listed structure involving relocation of the Coronation Fountain canopy.

Approval is sought for works to a listed structure involving relocation of the Coronation Fountain canopy.

The proposed works comprise dismantling the cast iron fountain canopy and re-erecting it 15-20m south west of its current location. The relocation to an alternative location on Broad Street is proposed as part of the highway and public realm improvements being funded under the March Future High Street Fund Project.

The dismantling and re-erecting of the cast iron canopy in close proximity to its current location would not, in this instance, cause demonstrable harm to its significance.

The repositioned fountain would be located in an enhanced setting as a result of the Broad Street public realm works.

Policy considerations for this proposal
As the application affects a listed building, the statutory requirement to pay special attention to the desirability of preserving the building, its setting and any features of special interest (s.72, 1990 Act) must be taken into account by your authority when making its decision.

The NPPF identifies that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 189).

Paragraph 197 of the NPPF states that when determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

Paragraph 199 also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm.

Paragraph 200 of the NPPF requires 'clear and convincing justification' for any harm to the significance of a listed building.

Paragraph 202 of the NPPF notes that harm to a heritage asset should be weighed against the public benefit of the proposed development, including securing the asset's optimum viable use.

Historic England's position on the proposal
We have considered the documentation submitted with the application, including the Condition Assessment Report produced by the Morton Partnership and the Planning, Design and Access Statement, produced by ELG Planning. We do not normally consider relocation of a listed structure to be defensible, as its significance is generally diminished through separation from its historic location.

However, we acknowledge that the canopy is formed of a prefabricated kit that can be dismantled and re-erected without causing harm to its historic fabric. We also recognise that its relocation to an enhanced setting nearby needs to be considered in relation to paragraph 202 of the NPPF, where less than substantial harm to the significance of the designated asset should be weighed against the public benefits of the proposal.

We are of the view, therefore, that in this instance relocation of the grade II listed fountain canopy is acceptable.

Recommendation
Historic England has no objection to the application on heritage grounds.
We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 200 and 202.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

You should also bear in mind section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan should be borne in mind, unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application.

5.4 Cambridgeshire County Council Archaeology

Thank you for your consultation with regards to the above referenced planning applications. I can confirm that we have reviewed the documents and have no archaeological requirements or objections to this development.

5.5 The March Society

We have been informed that the Broad Street Project will go ahead and that the proposed layout of Broad Street which comes under the jurisdiction of Cambridgeshire Highways cannot now be changed.

We understand that the 1912 Grade II listed Coronation Fountain Canopy must be moved in order to accommodate the roundabout which will replace the traffic lights. The reason given for the roundabout is increased flow of traffic and reduced pollution. However, there are concerns that with only two lanes of traffic there will be heavier traffic on those lanes, this being the only road through town, with delays caused by the use of the zebra crossings. We are also concerned that with problems on the A141 heavier traffic will be sent through town.

We object to the Fountain being moved 15-20 metres south-west onto the pedestrianised area in front of Malletts. The fountain is a prominent historic landmark of March in its present position at the head of Broad Street for the last 110 years. At the moment it is highly visible to everyone travelling along Dartford Road and Station Road, and Broad Street from the south. To maintain its status if it has to be moved, we would like it moved further south, further away from buildings and more centrally placed in the wider pedestrian area. We are concerned about the easy accessibility, and about vandalism and anti-social behaviour which is less likely in its present position.

Stance: Object

5.6 Town Council

Councillors Court, Tustin and White declared an interest in this application. In light of facebook/social media activity and comments creating predetermination issues there was not the requisite quorum to discuss this item. Therefore no comment/recommendation can be made.

5.7 Designing Out Crime Team

Our office has been in consultation with the applicant and have discussed security measures.

I have no further comment at this stage.

5.8 Environmental Health (FDC)

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

5.9 Wildlife Officer (FDC)

Considering the nature and location of the building covered by the applications I do not believe that an ecological assessment is necessary. I have no objection or recommended conditions in relation to either application.

5.10 Cambridgeshire County Council Highways

I do not object to this application.

Under Section 62 of the Highways Act 1980, the Local Highway Authority – CCC in this case who is the applicant – have general powers of improvement within the highway maintainable at public expense. This enables the LHA to execute works such as, but not limited to provision of roundabouts and alterations to junctions; diversion of carriageway and re-allocation of road space; provision of barriers, refuges, rails, fences, bollards vegetation; and highway drainage works.

Similarly, Schedule 2 Part 9 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 states that works carried out by the LHA within the boundaries of the highway – or outside but adjoining the highway if necessary to facilitate the works – fall within Permitted Development rights.
As such, I have no comment to make regarding the highway proposals as they do not require planning permission.

The relocation of the fountain is acceptable in highway safety terms.

5.11 Cambridgeshire County Council Project Manager - Place and Sustainability

The planned housing and employment growth in March will result in increased levels of traffic in future years, and extensive traffic modelling has demonstrated that this will put additional strain on the road network. The Broad Street Junction is located at a critical point in March and already experiences high levels of congestion and poor air quality, and these issues will be exacerbated as further demand is placed on the network. The modelling has demonstrated that the junction and surrounding area will suffer from significant increases in delay and congestion, and worsening air quality, without intervention.

Several options for the Broad Street Junction have been tested using traffic modelling packages, including traffic signals, various sized roundabouts, and a gyratory system. The assessment demonstrated that a roundabout (18m diameter) performed best, reducing congestion, and improving air quality whilst also facilitating the Broad Street public realm improvements being delivered by the Future High Street Fund. This assessment took account of all future growth in March resulting from the Local Plan.

The MATS Broad Street Scheme, which will be delivered by March 2024, will improve traffic flow through the town centre and result in stable traffic flows. Delay is expected to reduce by over half compared to a without-scheme scenario. The scheme will also improve air quality and is expected to reduce NOx emissions by 15 tonnes and PM2.5 emissions by 2.5 tonnes over the 60-year period that has assessed. This is achieved as idling traffic is largely removed following the reduction in queues with the implementation of a roundabout and the removal of traffic signals.

5.12 Local Residents/Interested Parties

17 objections have been received on F/YR22/1318/LB and 75 objections and 1 representation have been received on F/YR22/1332/FDC in relation to the following (noting that comments may have been made on both applications by the same person):

- Concerns would set a precedent for other listed buildings to be changed

- Fountain is part of the town's history/landmark, would change town centre identity, should be left in line with the war memorial
- Relocation of the fountain an afterthought in wider scheme, should be in a central position in a revised pedestrianised area
- Relocation would impede the view/access to shops
- Impact on amenity of nearby buildings and pedestrianised area
- Necessity to move the fountain/have alternatives been considered
- Consultations/publicity
- Anti-social behaviour/vandalism/security/community safety
- Impact of relocation on significance of listed structure and character of the conservation area
- No evidence to support claimed benefits of wider scheme
- Previous attempt to move the fountain refused
- Concerns regarding the suitability of the wider Broad Street project, including consideration of alternatives, loss of parking, usability/mobility, improvements claimed, impact on businesses including deliveries, traffic congestion, value for money, CCTV, use of Greys Lane, lack of consultation/publicity/input from residents, drainage/surface water issues, consideration of cyclists, impacts during construction, air quality

In response to the comments received:

5.13 The consultations have been checked and amendments reviewed, the applications are considered to have been processed in compliance with the Statement of Community Involvement (Statement_of_Community_Involvement.pdf (fenland.gov.uk)), which sets out how Fenland District Council will consult with the public and wider stakeholders on planning applications. Two site notices were posted near the site and the application was advertised in the Fenland Citizen on 7/12/2022 (in accordance with relevant legislative requirements).

5.14 Publicity and consultation in relation to the wider project not a matter for this application.

5.15 Any application for planning permission and/or listed building consent will be considered on its own merits.

5.16 Comments where they relate to planning matters in relation to what is being applied for will be considered in the sections below.

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.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the

building or its setting or any features of special architectural or historic interest which it possesses.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021
Context – C1, C2
Identity – I1, I2
Public Spaces – P1, P2, P3

Fenland Local Plan 2014
LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP6 – Employment, Tourism, Community Facilities and Retail
LP9 – March
LP13 – Supporting and Mitigating the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP18 – The Historic Environment
LP19 – The Natural Environment

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

LP1 – Settlement Hierarchy
LP2 – Spatial Strategy for the Location of Residential Development
LP3 - Spatial Strategy for Employment Development
LP4 – Securing Fenland's Future
LP5 – Health and Wellbeing
LP7 – Design
LP8 – Amenity Provision
LP11 – Community Safety
LP15 – Employment
LP16 – Town Centres
LP17 – Culture, Leisure, Tourism and Community Facilities
LP19 – Strategic Infrastructure
LP20 – Accessibility and Transport
LP23 – Historic Environment
LP24 – Natural Environment

LP28 – Landscape
LP32 – Flood and Water Management
LP34 – Air Quality

Delivering and Protecting High Quality Environments in Fenland SPD 2014
DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the Area

Fenland Infrastructure Delivery Plan 2016

Cambridgeshire Flood and Water SPD 2016

March Neighbourhood Plan 2017
TC1 – Primary Shopping Frontages

8 KEY ISSUES

- **Principle of Development**
- **Town Centre and Economic Growth**
- **Highways**
- **Heritage**
- **Amenity and Health and Wellbeing**
- **Ecology**
- **Flood Risk**

9 ASSESSMENT

9.1 Please be advised that the applications relate only to the relocation of the fountain canopy including the stone steps and flagstones and only the merits of this development can be taken into consideration.

9.2 The wider March Future High Street project and March Area Transport Study project do not form part of these applications.

Principle of Development

9.3 Policy LP3 of the Fenland Local Plan 2014 sets out the spatial strategy for the district, identifying March as a Primary Market Town and as such a main area for growth with a focus for delivering housing and commerce to support economic growth. As such, the principle of development is considered to be supported, subject to the development complying with all other relevant policies and material considerations.

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

Policy LP1, Part A identifies March as a Market Town and as such a focus for future growth; Part B advises that proposals within the settlement boundary will be supported in principle.

Town Centre and Economic Growth

9.5 Policy LP6 seeks to support development where it would strengthen the role of Market Towns, enabling these to adapt and provide a wide range of facilities in a high-quality environment. The NNPF (para 86) seeks to support the role that town centres play at the heart of their communities, by taking a positive approach to their growth, management and adaption and promote their long-term vitality and

viability. The site is within the Town Centre Boundary and Primary Shopping Area and the buildings along the western side of the site form part of the Primary Shopping Frontage.

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

Policy LP3 sets out the spatial strategy for employment growth, which is principally focussed on the Market Towns. The site is within an Established Employment Area; March Town Centre (EEA9), Town District Centre, Primary Shopping Area and the buildings along the western side of the site form part of the Primary Shopping Frontage. Policy LP16, in particular Part A, seeks to encourage the development and regeneration of town centres.

9.7 Fenland's Annual Monitoring Review confirms that there has been a steady decline in town centre uses[1]. Information submitted within the application states that it has been identified that town centre vacancy rates within March are increasing, there are a number of unused or underused buildings, and that hospitality, and leisure offers are currently poor.

9.8 The Government's Future High Streets Fund (FHSF) aims to renew and reshape town centres and high streets in a way that drives growth, improves experience and ensures future sustainability. The March Future High Street project with funding from FHSF and the Cambridgeshire and Peterborough Combined Authority (CPCA) underpinned by Growing Fenland[2], aims to regenerate the area around Broad Street, the River Nene and the Market Place in response to these challenges and seeks to increase sustainable transport modes, reduce traffic dominance and improve the public realm.

9.9 This sits alongside the March Area Transport Study Project highway infrastructure works to Broad Street, which seeks to address existing congestion and air quality issues and futureproof the road network for the town's planned housing and employment growth and associated increased traffic levels. Cambridgeshire County Council's Place and Sustainability Manager has advised that several options for the Broad Street Junction have been tested using traffic modelling and the scheme taken forward performed most favourably in relation to reducing congestion, improving air quality and enabling the proposed public realm improvements, taking into account future growth.

9.10 The relocation of the Coronation Fountain forms part of these wider schemes.

[1] https://www.fenland.gov.uk/media/18154/Fenland-Monitoring-Report-2020-2021/pdf/Fenland_Monitoring_Report_2020-2021.pdf?m=637795725250630000
[2] Growing_Fenland_-_March_Final_Report.pdf

Highways

9.11 The Local Highways Authority (LHA) have no objections to the scheme, advising that the relocation of the Coronation Fountain is acceptable in highway safety terms.

9.12 The LHA have no comments regarding the wider Broad Street highway infrastructure works, as they do not form part of the application nor require planning permission:

9.13 Under Section 62 of the Highways Act 1980, the Local Highway Authority have general powers of improvement within the highway maintainable at public expense. This enables the LHA to execute works such as, but not limited to, provision of roundabouts and alterations to junctions; diversion of carriageway and re-allocation of road space; provision of barriers, refuges, rails, fences, bollards, vegetation; and highway drainage works.

9.14 Schedule 2 Part 9 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 states that works carried out by the LHA within the boundaries of the highway – or outside but adjoining the highway if necessary to facilitate the works – fall within Permitted Development rights, and as such would not require planning permission.

Heritage

9.15 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a legal duty to have special regard to the desirability of preserving a listed building, or any of its features, when considering whether to grant Listed Building Consent. Furthermore, in deciding whether to grant planning permission which affects a listed building or its setting, the Council has a legal duty to have special regard to preserving a listed building or its setting; and in deciding whether to grant planning permission for development in a conservation area, the Council has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9.16 Policies LP16 and LP18 of the Fenland Local Plan seek to protect and enhance heritage assets. Chapter 16 of the NPPF 2021, C1, C2, I1, and B2 of the NDG 2021 are also relevant.

9.17 Paragraph 195 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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

9.19 Paragraph 199 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.20 Paragraph 200 of the NPPF states that any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification.

9.21 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.22 The application is accompanied by a Heritage Statement, in accordance with Paragraph 194 of the NPPF, which assesses the heritage impacts of the scheme.

9.23 Historic England have been consulted on the scheme as a Statutory Consultee and they advise that they '*do not normally consider relocation of a listed structure to be defensible, as its significance is generally diminished through separation from its historic location.* However, in this case they consider that the structure can be dismantled and re-erected without causing harm to its historic fabric, its relocation would not cause demonstrable harm to its significance, and it would be relocated in an enhanced setting as are result of the Broad Street public realm works.

9.24 The Council's Conservation Officer echoes this view, advising that as the proposed location is still in relatively close proximity to its designed position, and there is no harm to the fountain itself, the relocation does not fundamentally alter its significance. The resultant impact on the setting of the listed War Memorial, listed 34-36 Broad Street and the wider Conservation Area is considered secondary to the less than substantial harm identified to the fountain.

9.25 Paragraph 202 of the NPPF requires that where less than substantial harm to the significance of designated assets is identified, this should be weighed against the public benefits of the proposal, including securing its optimum viable use. Overall, it is considered that the benefits of the wider regeneration project outweigh the less than substantial harm identified, and in this instance relocation of the grade II listed Coronation Fountain is acceptable in heritage terms against the backdrop of the wider scheme.

9.26 No renovation, repair or repainting works are anticipated as a result of the relocation, however, should the application be successful a condition could be imposed to establish and agree any such works that are considered or may become necessary. Given that the structure is proposed to be removed from the site to enable the proposed works to Broad Street, a condition is relation to a timetable of proposed works, and therefore the timely reinstatement of the Coronation Fountain within the town centre, is also considered prudent.

Amenity and Health and Wellbeing

9.27 The proposal has potential to impact on the visual amenity and character of the area, amenity of users of the town centre and occupants of businesses/buildings in the immediate vicinity.

9.28 The Coronation Fountain is proposed to be removed from its present, prominently visible location at the crossroads with Broad Street, Dartford Road, Robingoodfellows Lane and Station Road and be relocated, within the proposed pedestrianised area on the western side of Broad Street. It is acknowledged that this will no longer attract such a central position within the town, however will be located in more accessible location. Overall, the Broad Street regeneration works will transform the appearance of the wider area, with the relocated Coronation Fountain forming a part of this.

9.29 The Coronation Fountain is lower in height than the existing buildings which would form its backdrop, and due to the nature of its construction it affords views and accessibility through the structure, which ensures that it would not appear dominant in the street scene nor create an overwhelming impact on users of the area and surrounding buildings. It is acknowledged that the signage serving 32 Broad Street (Malletts) would be somewhat obscured from a certain angle (as detailed on the submitted street scene), as would surrounding buildings as users of the area move throughout the vicinity, however the Coronation Fountain is open in nature and would be located approximately 5.2m away from the existing buildings, which would provide sufficient separation distance that alternative unobstructed views would be available. The proposed location is such that significant adverse impacts on the amenity of users of the area and businesses are not anticipated.

9.30 Concerns have been raised by local residents regarding anti-social behaviour, security and vandalism as a result of the relocation. The Police Designing Out Crime Team have been consulted as part of the application and have advised that they have been in consultation with the applicant and discussed security measures, they have no objection to, or recommendations, in relation the scheme. The structure is open and as such would prevent concealment, the area has a high level of natural surveillance and is served by the Council's Public Space Surveillance System[3].

[3] CCTV - Fenland District Council

Ecology

9.31 The Council's Wildlife Officer considers that due to the nature and location of the structure an ecological assessment is not necessary, and as such there are no objections or conditions required in relation to ecology.

Flood Risk

9.32 The application site falls within Flood Zone 1 (low risk), however there is a high risk of surface water flooding in the vicinity. The application is accompanied by a Flood Risk Scoping Study which identifies surface water as the principle risk of flooding to the wider scheme, however advises that design of the highways elements of the scheme (which are to be undertaken separately to this application) will ensure that new infrastructure is designed in accordance with Highways Drainage Design and as such no further information is considered necessary as part of this application which is purely for the relocation of the Coronation Fountain.

10 CONCLUSIONS

10.1 The principle of development is considered to be supported, subject to the development complying with all other relevant policies and material considerations.

10.2 National and Local Planning Policy, along with associated Government initiatives, seek to support the role that town centres play at the heart of their communities, by taking a positive approach to their growth, management and adaption and promote their long-term vitality and viability. The March Future High Street project together with the March Area Transport Study Project seek to regenerate the town centre in response to identified challenges, address existing congestion, and air quality issues and futureproof the road network for the town's planned housing and employment growth. The relocation of the Coronation Fountain forms part of these wider schemes.

10.3 The Local Highways Authority (LHA) have no objections to the scheme, advising that the relocation of the Coronation Fountain is acceptable in highway safety terms and there are no issues to address regarding ecology or flood risk.

10.4 It is considered that the benefits of the wider regeneration project outweigh the less than substantial harm identified to heritage assets, and in this instance relocation of the grade II listed Coronation Fountain is acceptable in heritage terms against the backdrop of the wider scheme.

10.5 The proposed re-location is not considered to have a significant detrimental impact on the character of the area, its users or businesses and the Police Designing Out Crime Team have no objections or recommendations in relation to community safety.

10.6 As such, a favourable recommendation may be forthcoming.

11 RECOMMENDATION

Grant; subject to the following conditions:

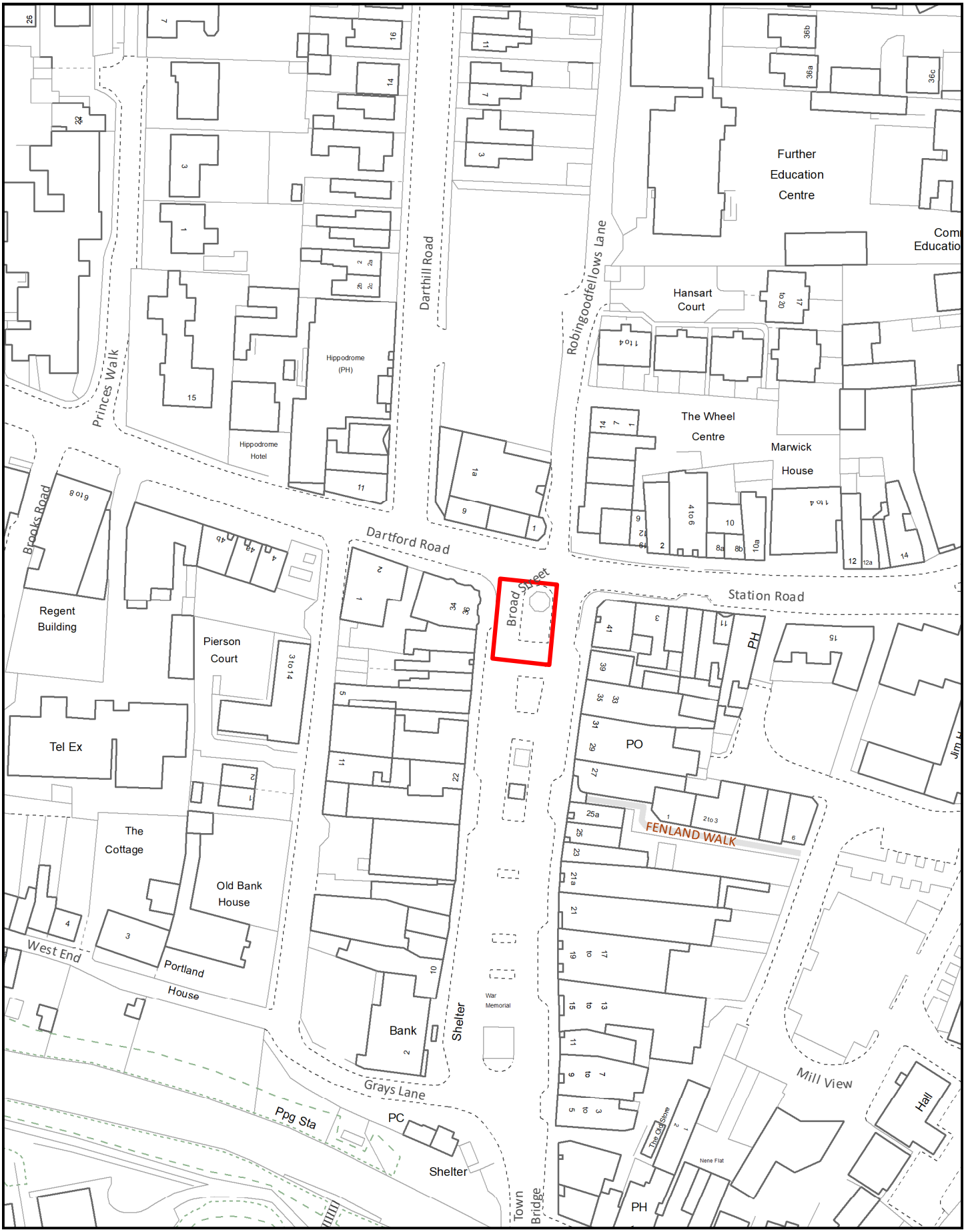
F/YR22/1318/LB:

1.	The works/demolition permitted shall be begun not later than 3 years from the date of this consent. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2.	Prior to the commencement of the works hereby approved, a scheme for the phasing, timetable and completion of the deconstruction and relocation/reconstruction of the Coronation Fountain shall be submitted to and approved in writing by the LPA. Thereafter the works shall then be undertaken in accordance with the approved details. Reason - To ensure that the Coronation Fountain is reconstructed in a timely manner and in order to preserve the special architectural and historic character of the area and in accordance with Policy LP18 of the Fenland Local Plan 2014. This is a pre-commencement condition to ensure a suitable timetable for reconstruction is agreed prior to the Coronation Fountain being dismantled.
3.	Prior to commencement of the relevant works a schedule identifying any renovation, repair or repainting (as necessary) along with full details of the works proposed (clarified through 1:20 drawings and 1:5 typical sections where relevant), including finishes, shall be submitted to and approved in writing by the local planning authority and works undertaken in accordance with those approved details. Reason - In order to preserve the special architectural and historic character of the structure and in accordance with Policy LP18 of the Fenland Local Plan 2014.

4.	The development hereby permitted shall be undertaken in full accordance with the Schedule of Repairs, Dismantling and Storage Methodology and Schedule of Works contained within the Condition Assessment Report Ref: TMP-RT-20899 Dated June 2021. Reason - In order to preserve the special architectural and historic character of the structure and in accordance with Policy LP18 of the Fenland Local Plan 2014.
5.	Plans and Documents

F/YR22/1332/FDC:

1.	The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2.	Plans and Documents



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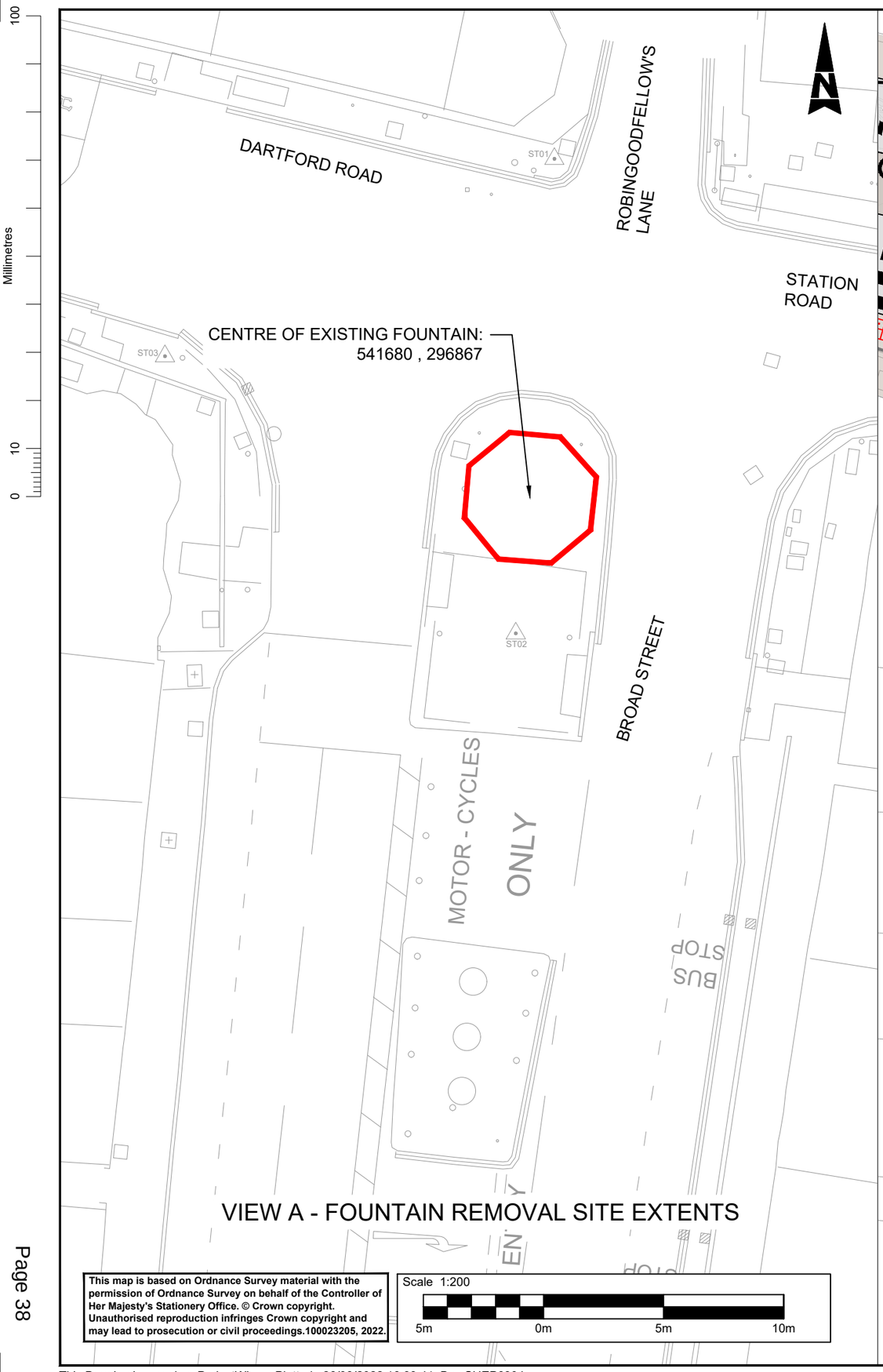
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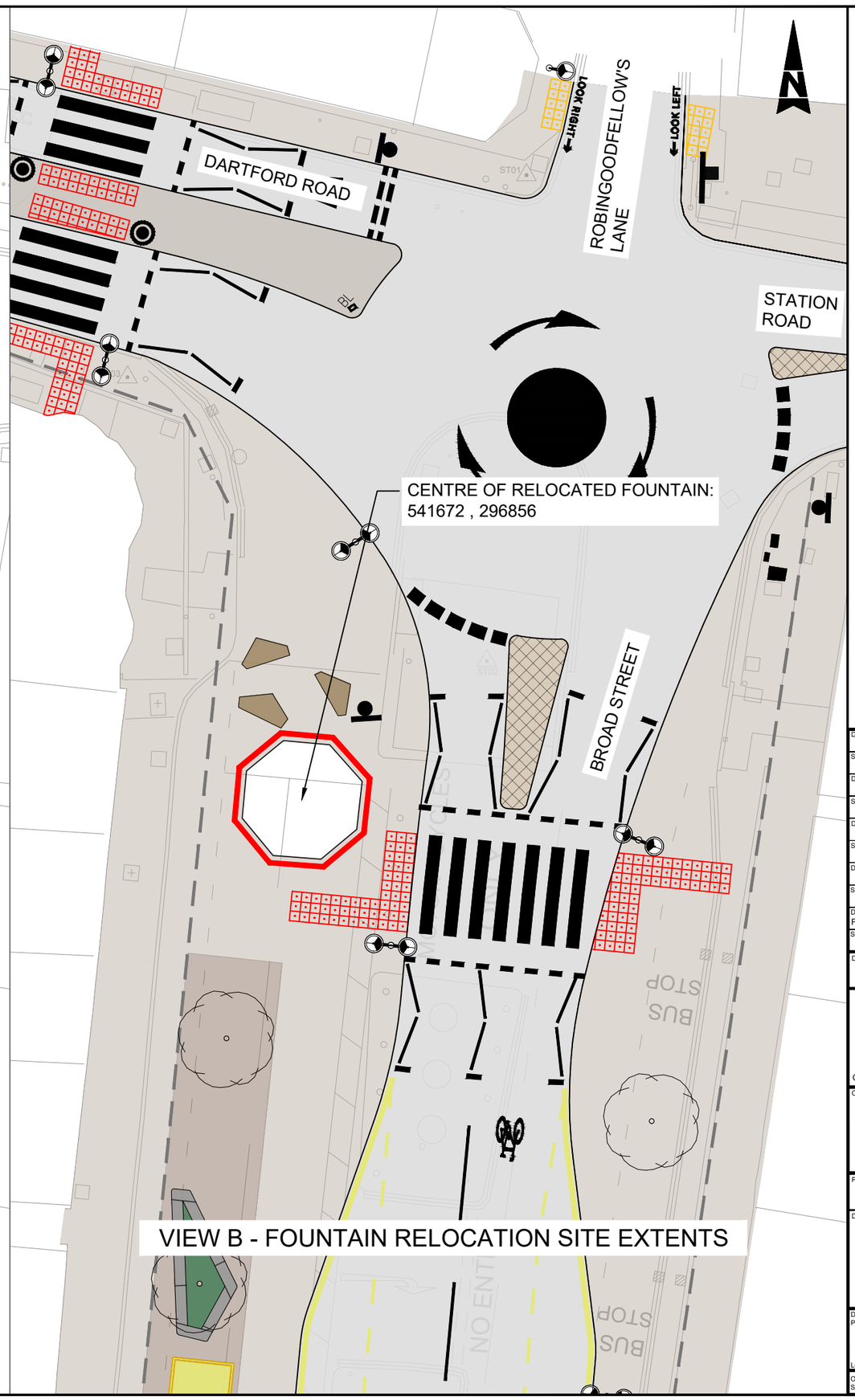
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N

Fenland
CAMBRIDGESHIRE
Fenland District Council



VIEW A - FOUNTAIN REMOVAL SITE EXTENTS



VIEW B - FOUNTAIN RELOCATION SITE EXTENTS

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Scale 1:200

5m 0m 5m 10m

Key:

- Red Line Boundary
- Proposed Road Layout

Description						
Status	Revision	Drawn	Checked	Reviewed	Authorised	Issue Date

Description						
Status	Revision	Drawn	Checked	Reviewed	Authorised	Issue Date

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Status	Revision	Drawn	Checked	Reviewed	Authorised	Issue Date

Description						
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Client: Fenland District Council

Project Title: Future High Street - Broad Street & Riverside

Drawing Title:

RED LINE BOUNDARY
FOUNTAIN REMOVAL AND RELOCATION
1:200
WITH SCHEME IMPOSED

Drawing Number					
Project	Originator	Volume			
CCCFHSF	ATK	GEN			
Location	Type	Role	Number		
XX	DR	CH	000006		

Original Size:	Scale:	Project Ref. No:	Sheet:	Rev:
A3	1:200	5210127	1 of 1	C01



Existing Street Scene

Scale 1:100

0 1 2 3 4

metres



Proposed Street Scene

Scale 1:100

0 1 2 3 4

metres

General Notes

1. All dimensions are shown in 'mm' unless otherwise stated.
2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
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

FOR APPROVAL

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Job Title
Revised Street Scene Drawing Broad Street, March

For: Fenland District Council

Drawing Title
Existing and Proposed Street Scene

Date	Drawn by
January 2023	MC
	Checked by RS

Job No.	Sheet Size
SE-1937	A2
Dwg No. PP1000	Revision

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F/YR22/1319/FDC

Applicant: Mr Matthew Wright
Fenland District Council

Agent : Mrs Fiona Bage
ELG Planning

The Broad Street Project, Broad Street, March, Cambridgeshire

Demolition of the public toilets and shelter within a conservation area

Officer recommendation: Grant

Reason for Committee: Number of representations received contrary to Officer recommendation & Fenland District Council is the applicant.

1 EXECUTIVE SUMMARY

1.1 The application seeks full planning permission for the demolition of the public toilet block and adjacent shelter, within March Conservation Area.

1.2 National and Local Planning Policy, along with associated Government initiatives, seek to support the role that town centres play at the heart of their communities, by taking a positive approach to their growth, management and adaption and promote their long-term vitality and viability. The March Future High Street project together with the March Area Transport Study Project seek to regenerate the town centre in response to identified challenges, address existing congestion, and air quality issues and futureproof the road network for the town's planned housing and employment growth. The demolition of the public toilet block and shelter, and resultant opening up of the area along the riverbank, forms part of these wider schemes.

1.3 The Local Highways Authority (LHA) have no objections to the scheme, advising that the demolition of the public toilets and shelter will not result in adverse highway safety impacts, and there are no issues to address regarding flood risk or ecology and trees, subject to suitable conditions.

1.4 There are no archaeological requirements in relation to the site or buildings and it is considered that the benefits of the wider regeneration project outweigh the less than substantial harm identified to heritage assets.

1.5 It is recognised that provision of well-designed, located and maintained public toilets are an essential facility, particularly for certain groups within the community, that existing buildings encapsulate embodied carbon and reuse of existing resources is encouraged. The proposed demolition of the public toilet block and shelter seeks to restore the historic more open character of this former quay site, improving visibility and accessibility and allowing views between Broad Street, the River Nene and West End Park beyond, contributing to the aims of the wider regeneration project. Redevelopment of the site and provision of a new toilet block with improved provision are indicated as being proposed, however would be subject to separate planning applications and cannot be secured through this application. Nevertheless, on balance, the benefits to the wider

regeneration scheme are considered to outweigh the loss of the existing facility and buildings.

1.6 As such, the recommendation is to grant planning permission.

2 SITE DESCRIPTION

The buildings to which the application relates are a block of early 20th century public toilets and adjacent shelter with seating, finished in grey render with red brick and timber detailing, beneath a red tiled roof with contrasting ridge tiles. They are located on a prominent corner at the southern end of Broad Street at the junction with Grays Lane, alongside the riverbank, and in close proximity to a number of trees. The site is within March Conservation Area and the setting of the Grade II listed War Memorial.

3 PROPOSAL

3.1 The application seeks full planning permission for the demolition of the public toilet block and shelter, within March Conservation Area.

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

F/YR22/1319/FDC | Demolition of the public toilets and shelter within a conservation area | The Broad Street Project Broad Street March Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

F/YR11/0883/FDC	Refurbishment of public conveniences to form 5no self contained toilet cubicles (2 male, 2 female and 1 unisex disable cubicle) including elevational alterations and erection of a single-storey extension	Granted 20/12/2011
F/99/0043/TREES/CA	Felling of and works to various trees in Conservation Area	Granted 26/05/1999
F/0830/81/F	Extension to public toilets to provide accommodation for the disabled	Deemed Consent 05/03/1982

5 CONSULTATIONS

5.1 March Town Council

Councillors Court, Tustin and White declared an interest in this application. In light of facebook/social media activity and comments creating predetermination issues there was not the requisite quorum to discuss this item. Therefore no comment/recommendation can be made.

5.2 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 the local air quality and noise climate, or be affected by ground contamination.

5.3 Arboricultural Officer (FDC)

The proposed demolition may have an impact on the trees if protection measures are not put in place.

Whilst the actual demolition may not impact directly, removal of the foundations, if necessary, could lead to root damage as there is potential for roots to be present around the foundations.

Installing new surfacing may also impact on roots, particularly if excavations are required for a new sub-base.

We really require a method statement to confirm the necessary protection measures including ground protection/fencing to ensure the long-term potential of the trees.

5.4 Designing Out Crime Team

Our office has been in consultation with the applicant and have discussed security measures.

I have no further comment at this stage.

5.5 Conservation Officer (FDC)

The application site is a block of early C20 public toilets and adjoining shelter located at the south end of Broad Street, within the March conservation area. The current application proposes their demolition as part of the highway and public realm improvements promoted under the March Future High Street Fund Project. The application is supported by a heritage assessment to the appropriate level expected by the NPPF.

The principal heritage concern is the impact on the March conservation area and although PCAS Archaeology's assessment could have been a little more generous, it is accepted that modern alterations have largely compromised whatever modest architectural character these structures once possessed. In view of this, the minor loss to the conservation area can be offset against the public realm enhancements and other benefits offered by the Broad Street works.

Recommendation:No objection

5.6 Conservation Officer (FDC)

Further comments were requested in relation to the impact on setting of the War Memorial:

PCAS Archaeology's appraisal is an adequate assessment of the heritage impacts involved, and is proportionate to the NPPF's requirements; I have nothing to add to their conclusions.

5.7 Cambridgeshire County Council Archaeology

Thank you for your consultation with regard to the archaeological implications of the above referenced planning application. I am writing to confirm that the CHET have no in-principle objection on historic environment grounds to this proposal, which entails the demolition of the public toilets and shelter located at the junction of Broad Street with Nene Quay at the north end of Town Bridge.

Despite making some clumsy assumptions about the relative significance of some of the assets covered, the submitted heritage statement provides an adequate assessment of the archaeological potential of the site. Although this site lies in an area of archaeological potential adjacent to the town bridge and at the core of post-medieval March, on balance it is not considered that an archaeological evaluation of this very small development area would be likely to yield significant new information which would materially add to our understanding of the development of the settlement. Structures are first recorded adjacent to this location on early edition Ordnance Survey mapping dated to 1927 (1:2500) however these do not appear to represent the existing buildings in size or configuration, and so provide a terminus post quem for the construction of the current facilities. We therefore have no requirements for formal preservation by record of either the below-ground or above-ground archaeological resource affected by this development as proposed, although we would request to be consulted again if the nature and scale of redevelopment works proposed in this location is subject to change.

5.8 The March Society

The toilet block and shelter are important as familiar, easily accessible buildings in public view in Broad Street adding character to the town. The toilet block has stood for nearly 100 years. The 2012 work has changed the façade but could be restored without the individual cubical doors. We urge the building to be retained if not as toilets.

Health and Well-being: 'Fenland has statistically significantly fewer people reporting good or very good health compared with England as a whole.' People with medical concerns need the security of knowing that the toilets are there in the town centre and that the shelter is available for both the need to rest and inclement weather. The shelter is a meeting place for various age groups. Before demolition there must be the provision of new toilets.

It is disturbing when MPs etc are calling for buildings to be refurbished rather than demolished, that this council apply to demolish a sound building. And to build a replacement building close by.

Demolition and rebuilding are recognised as adding to climate change by causing CO2 emissions. The shelter is a sound protected seating area and we prefer the toilet block be internally redesigned and modernised. If not acceptable, the building should be given alternative use. There are numerous country-wide examples of reused toilet blocks. Opening an area of the riverbank with an unattractive view of the arches under the buildings and steel support structure opposite is not a view worth this demolition. More attractive views of the river are on the other side of the bridge and in West End Park.

Broad Street is a busy shopping area with a variety of buildings and businesses and convenient toilets and covered seating area. Demolition of these buildings changes the character of the town centre and leaves an empty space. Proposed seating on the steep riverbank facing buildings is also not the preferred attractive area for viewing the river.

There has been an announcement that a future replacement building would be to the western end of Gray's Lane near the wall of the riverside grounds and play area of listed Bank House, a decision recently refuted.

There are concerns about night-time vandalism and anti-social behaviour in this secluded corner. The present site is ideal as open to high street view.

With an aging population and increasing percentage of older residents, as well as medical conditions, the toilets on this site are essential for both residents and visitors. Families, especially at town events, use these only public toilets in March.

Mindful of climate-change and recognised beneficial effects of trees on health and well-being and in improving air quality in the urban environment, we do not want to lose trees from the riverbank. Lining the riverbank from West End Park they add character to the area and importantly support the banks which have suffered collapses further along the river. We hope that the findings in the tree report will be followed in expanding tree canopy cover, retaining trees and new planting to benefit wildlife and biodiversity.

Demolishing sound buildings, in this case the convenient toilet block and well-frequented shelter to obtain a view, sets a disturbing precedent for removing buildings which are not recognised as being important by some decision makers.

Stance: Object

5.9 Wildlife Officer (FDC)

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

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

Pre-Commencement Condition(s) –

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

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

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

- *No external lighting shall be erected until, a "lighting design strategy for biodiversity" for all lighting across the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

a) identify those areas/features on site that are particularly sensitive for ecological constraints that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.•

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

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

-Placement, type and number of any recommended biodiversity enhancements within the Ecological Scoping Appraisal: Bats and Nesting Birds (Greenwillows associates Ltd, June 2022); and

-Boundary treatments.

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

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

Informative -

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

- *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 proposal to demolish the buildings is unlikely to have significant negative impact on the neighboring habitats. A tree is proposed to be removed however the ecological assessment state that this is unlikely to create new negative impacts on the light pollution impacting the neighboring river. The lighting design conditions will aim to demonstrate that there will be no impact and all best practices will be followed.

Other pathways of negative impact on the river will be addressed through the conditioned CEMP. The landscaping documentation will ensure that the development will result in an overall net positive for biodiversity.

5.10 Cambridgeshire County Council Highways

I do not object to this application. The proposed demolition of the public toilets and shelter will not result in adverse highway safety impacts.

Under Section 62 of the Highways Act 1980, the Local Highway Authority – CCC in this case who is the applicant – have general powers of improvement within the highway maintainable at public expense. This enables the LHA to execute works such as, but not limited to provision of roundabouts and alterations to junctions; diversion of carriageway and re-allocation of road space; provision of barriers, refuges, rails, fences, bollards vegetation; and highway drainage works.

Similarly, Schedule 2 Part 9 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 states that works carried out by the LHA within the boundaries of the highway – or outside but adjoining the highway if necessary to facilitate the works – fall within Permitted Development rights.

As such, I have no comment to make regarding the highway proposals as they do not require planning permission.

5.11 Cambridgeshire County Council Project Manager - Place and Sustainability

The planned housing and employment growth in March will result in increased levels of traffic in future years, and extensive traffic modelling has demonstrated that this will put additional strain on the road network. The Broad Street Junction is located at a critical point in March and already experiences high levels of congestion and poor air quality, and these issues will be exacerbated as further demand is placed on the network. The modelling has demonstrated that the junction and surrounding area will suffer from significant increases in delay and congestion, and worsening air quality, without intervention.

Several options for the Broad Street Junction have been tested using traffic modelling packages, including traffic signals, various sized roundabouts, and a gyratory system. The assessment demonstrated that a roundabout (18m diameter) performed best, reducing congestion, and improving air quality whilst also facilitating the Broad Street public realm improvements being delivered by the Future High Street Fund. This assessment took account of all future growth in March resulting from the Local Plan.

The MATS Broad Street Scheme, which will be delivered by March 2024, will improve traffic flow through the town centre and result in stable traffic flows. Delay is expected to reduce by over half compared to a without-scheme scenario. The scheme will also improve air quality and is expected to reduce NOx emissions by 15 tonnes and PM2.5 emissions by 2.5 tonnes over the 60-year period that has assessed. This is achieved as idling traffic is largely removed following the reduction in queues with the implementation of a roundabout and the removal of traffic signals.

5.12 Local Residents/Interested Parties

17 objections have been received in relation to the following:

- Historic preservation and reuse of existing buildings (rather than demolition and re-build) helps to reduce carbon footprint
- Would like to see the building reused/modernised/refurbished, even if not as toilets
- Prominent landmark
- Loss of toilets/amenity detrimental to both local residents and visitors, impact on less mobile
- Demolition of the toilets should not be considered until new toilets are constructed and operational/ would not comply the health and wellbeing policy
- Current location is good as visible/prominent and prevents anti-social behaviour
- Shelter provides protection from the weather and a popular meeting place
- Provides character to the area, unique building, and would be detrimental to visual amenity
- The need to open up views of the river is misplaced
- Trees should remain to hold the riverbank, improve air quality, wellbeing, amenity and for wildlife
- Would set a precedent
- Would not be required if an alternative road layout proposed
- Impact on use of town centre/businesses
- Unacceptable to rely on businesses for toilet access
- Concerns regarding the suitability of the wider Broad Street project including consideration of alternative schemes, loss of parking, traffic congestion, consultation, comments of local residents not considered, anti-social behaviour, impact on town centre businesses, traffic congestion

5.13 A 318 signature (names, signatures and addresses have not been checked) petition to save the public toilets has been received from The March Society, covering comments relate to the following:

- Stood as a landmark for nearly a century
- Conveniently located
- Only public toilets in town, removing them would mean a long walk to another site
- In a prominent location, City Road toilets removed due to vandalism
- Residents feel strongly the toilets should not be lost but adapted to modern standards

5.14 A 197 signature e-petition to save the public toilets has been received by the Council, this is not linked to this planning application and began before its submission, however is referred to here for completeness.

In response to the comments received:

5.15 The local resident consultations have been checked and considered to comply with the Statement of Community Involvement (Statement_of_Community_Involvement.pdf (fenland.gov.uk)), which sets out how Fenland District Council will consult with the public and wider stakeholders on planning applications. Two site notices were posted near the site and the application was advertised in the Fenland Citizen on 7/12/2022 (in accordance with relevant legislative requirements).

5.16 Publicity and consultation in relation to the wider project are not a matter for this application.

5.17 Any application for planning permission will be considered on its own merits.

5.18 Comments where they relate to planning matters in relation to what is being applied for will be considered in the sections below.

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, I2
Nature – N1, N3
Public Spaces – P1, P2, P3
Uses – U3

Fenland Local Plan 2014
LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP6 – Employment, Tourism, Community Facilities and Retail
LP9 – March
LP13 – Supporting and Mitigating the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP18 – The Historic Environment
LP19 – The Natural Environment

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

LP1 – Settlement Hierarchy
LP2 – Spatial Strategy for the Location of Residential Development
LP3 - Spatial Strategy for Employment Development
LP4 – Securing Fenland's Future
LP5 – Health and Wellbeing
LP7 – Design
LP8 – Amenity Provision
LP11 – Community Safety
LP16 – Town Centres
LP17 – Culture, Leisure, Tourism and Community Facilities
LP19 – Strategic Infrastructure
LP20 – Accessibility and Transport
LP23 – Historic Environment
LP24 – Natural Environment
LP25 – Biodiversity Net Gain
LP27 – Trees and Planting
LP28 – Landscape
LP32 – Flood and Water Management

Delivering and Protecting High Quality Environments in Fenland SPD 2014
DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the Area
DM8 – Riverside Settings

Fenland Infrastructure Delivery Plan 2016

Cambridgeshire Flood and Water SPD 2016

March Neighbourhood Plan 2017
There are no specific policies relating to this site however Town Centre Regeneration is a key theme of the Plan, and the visions, aims and objectives are that the quality of the built and natural environment is improved.

8 KEY ISSUES

- **Principle of Development**
- **Town Centre and Economic Growth**
- **Highways**
- **Heritage**
- **Amenity, Health and Wellbeing and Climate Change**

- **Ecology and Trees**
- **Flood Risk**

9 ASSESSMENT

9.1 Please be advised that the application relates only to the demolition of the public toilet block and shelter and only the merits of this development can be taken into consideration.

9.2 The wider March Future High Street project and March Area Transport Study project do not form part of this application.

Principle of Development

9.3 Policy LP3 of the Fenland Local Plan 2014 sets out the spatial strategy for the district, identifying March as a Primary Market Town and as such a main area for growth with a focus for delivering housing and commerce to support economic growth. As such, the principle of development is considered to be supported, subject to the development complying with all other relevant policies and material considerations.

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

Policy LP1, Part A identifies March as a Market Town and as such a focus for future growth; Part B advises that proposals within the settlement boundary will be supported in principle.

Town Centre and Economic Growth

9.5 Policy LP6 seeks to support development where it would strengthen the role of Market Towns, enabling these to adapt and provide a wide range of facilities in a high-quality environment. The NNPF (para 86) seeks to support the role that town centres play at the heart of their communities, by taking a positive approach to their growth, management and adaption and promote their long-term vitality and viability. The site is within the Town Centre Boundary and Primary Shopping Area.

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

Policy LP3 sets out the spatial strategy for employment growth, which is principally focussed on the Market Towns. The site is within an Established Employment Area; March Town Centre (EEA9), Town District Centre and Primary Shopping Area. Policy LP16, in particular Part A, seeks to encourage the development and regeneration of town centres.

9.7 Fenland's Annual Monitoring Review confirms that there has been a steady decline in town centre uses[1]. Information submitted within the application states that it has been identified that town centre vacancy rates within March are increasing, there are a number of unused or underused buildings, and that hospitality, and leisure offers are currently poor.

9.8 The Government's Future High Streets Fund (FHSF) aims to renew and reshape town centres and high streets in a way that drives growth, improves experience and ensures future sustainability. The March Future High Street project with funding from FHSF and the Cambridgeshire and Peterborough Combined Authority (CPCA) underpinned by Growing Fenland[2], aims to regenerate the area

around Broad Street, the River Nene and the Market Place in response to these challenges and seeks to increase sustainable transport modes, reduce traffic dominance and improve the public realm.

9.9 This sits alongside the March Area Transport Study Project highway infrastructure works to Broad Street, which seeks to address existing congestion and air quality issues and futureproof the road network for the town's planned housing and employment growth and associated increased traffic levels. Cambridgeshire County Council's Place and Sustainability Manager has advised that several options for the Broad Street Junction have been tested using traffic modelling and the scheme taken forward performed most favourably in relation to reducing congestion, improving air quality and enabling the proposed public realm improvements, taking into account future growth.

9.10 The demolition of the public toilet block and shelter, and resultant opening up of the area along the riverbank, forms part of these wider schemes.

[1] https://www.fenland.gov.uk/media/18154/Fenland-Monitoring-Report-2020-2021/pdf/Fenland_Monitoring_Report_2020-2021.pdf?m=637795725250630000
[2] Growing_Fenland_-_March_Final_Report.pdf

Highways

9.11 The Local Highways Authority (LHA) have no objections to the scheme, advising that the demolition of the public toilets and shelter will not result in adverse highway safety impacts.

9.12 The LHA have no comments regarding the wider Broad Street highway infrastructure works, as they do not form part of the application nor require planning permission:

9.13 Under Section 62 of the Highways Act 1980, the Local Highway Authority have general powers of improvement within the highway maintainable at public expense. This enables the LHA to execute works such as, but not limited to, provision of roundabouts and alterations to junctions; diversion of carriageway and re-allocation of road space; provision of barriers, refuges, rails, fences, bollards, vegetation; and highway drainage works.

9.14 Schedule 2 Part 9 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 states that works carried out by the LHA within the boundaries of the highway – or outside but adjoining the highway if necessary to facilitate the works – fall within Permitted Development rights, and as such would not require planning permission.

Heritage

9.15 Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has a legal duty to have special regard to preserving a listed building or its setting when considering whether to grant planning permission which affects a listed building or its setting; and in deciding whether to grant planning permission for development in a conservation area, the Council has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9.16 Policies LP16 and LP18 of the Fenland Local Plan seek to protect and enhance heritage assets. Chapter 16 of the NPPF 2021, C1, C2 and I1 of the NDG 2021 are also relevant.

9.17 Paragraph 195 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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

9.19 Paragraph 199 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.20 Paragraph 200 of the NPPF states that any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification.

9.21 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.22 The application is accompanied by a Heritage Statement, in accordance with Paragraph 194 of the NPPF, which assesses the heritage impacts of the scheme.

9.23 Cambridgeshire County Council Archaeology have no in principle objection on historic environment grounds to the proposal, advising that on balance it is not considered that an archaeological evaluation of this very small development area would be likely to yield significant new information which would materially add to their understanding of the development of the settlement. As such, they have no requirements for formal preservation by record of either the below-ground or above-ground archaeological resource affected by the development.

9.24 This Council's Conservation Officer accepts that modern alterations have largely compromised whatever modest architectural character the toilet and shelter structures once possessed and as such their demolition would result in less than substantial harm to the surrounding heritage assets. Paragraph 202 of the NPPF requires that where less than substantial harm to the significance of designated assets is identified, this should be weighed against the public benefits of the proposal, and it is considered that the minor loss to the Conservation Area can be offset against the public realm enhancements and other benefits offered by the wider scheme.

Amenity, Health and Wellbeing and Climate Change

9.25 Policy DM8 of the Delivering and Protecting High Quality Environments in Fenland SPD seeks to enhance riverside settings, achieve good quality landscaping and provide opportunities for public access to the river. The River Nene is currently considered to be obscured from view within the town centre due to the presence of the existing structures, and the proposed demolition of the public toilet block and shelter seeks to restore the historic more open character of this former quay site, improving visibility and accessibility and allowing views between Broad Street, the River Nene and West End Park beyond, contributing to the aims of the wider regeneration project. Redevelopment of the site is proposed, and indicative design proposals have been provided, however this has not been finalised and would be subject to a further application for planning permission if taken forward. In the interim it is proposed to landscape the site (full details of remediation and soft landscaping can be secured by way of a condition), retaining the existing trees, which would provide greening and softening to the area and a link between hard landscaped pedestrianised area, the river and park.

9.26 It is recognised that provision of well-designed, located and maintained public toilets are an essential facility, particularly for certain groups within the community and the NPPF (paragraph 93) seeks to guard against the unnecessarily loss of valued facilities and services, ensuring that these are able to develop and modernise and are retained for the benefit of the community. Information submitted with the application indicates that a new toilet block, with improved provision is proposed, however this has yet to be finalised, would be subject to a separate application for planning permission and cannot be secured through this application, and as such cannot be afforded any weight in decision making.

9.27 It is acknowledged that existing buildings encapsulate embodied carbon and when a building is demolished energy is used to deconstruct it, and remove, process and dispose of the waste. The NPPF (paragraph 152) seeks to encourage the reuse of existing resources, including the conversion of existing buildings. The submitted Heritage Statement indicates that the building is not suitable for conversion, notwithstanding this, the wider scheme proposes their removal with the intention of opening up views in connection with the wider public realm which would not be possible if the buildings are retained in their current location.

Ecology and Trees

9.28 The application is accompanied by an Ecological Scoping Appraisal in relation to bats and nesting birds; the Council's Wildlife Officer considers that due to the unique nature of the site and the fact that minimal ecological habitats are going to be disturbed, the documents submitted are suitable to answer the question of potential impacts. It should be noted that the report relates not only to the buildings subject to this application but also the wider surrounding area.

9.29 The proposal to demolish the buildings is unlikely to have significant negative impact on the neighboring habitats and other pathways of negative impact on the river will be addressed through the proposed Construction Environmental Management Plan (CEMP) condition. Conditions are also recommended in relation to lighting design, to demonstrate that there will be no impact and all best practices will be followed. The landscaping condition will ensure that the development will result in an overall net gain for biodiversity.

9.30 The application is accompanied by a Tree Inspection Report which advises that the trees in the vicinity of the site are of high prominence, making a significant

contribution to the character of the area, providing a major green corridor within the town centre and contributing to protecting the riverbank from collapse. The application does not seek to fell or undertake works to the surrounding trees and in order to ensure that the trees are adequately protected during demolition works an Arboricultural Impact Assessment and Method Statement is required to be secured by condition.

Flood Risk

9.31 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures. The application is however accompanied by a Flood Risk Scoping Study for the wider scheme which does not identify any issues in respect of the application site. The site has a very low risk of surface water flooding.

10 CONCLUSIONS

10.1 National and Local Planning Policy, along with associated Government initiatives, seek to support the role that town centres play at the heart of their communities, by taking a positive approach to their growth, management and adaption and promote their long-term vitality and viability. The March Future High Street project together with the March Area Transport Study Project seek to regenerate the town centre in response to identified challenges, address existing congestion, and air quality issues and futureproof the road network for the town's planned housing and employment growth. The demolition of the public toilet block and shelter, and resultant opening up of the area along the riverbank, forms part of these wider schemes.

10.2 The Local Highways Authority (LHA) have no objections to the scheme, advising that the demolition of the public toilets and shelter will not result in adverse highway safety impacts, and there are no issues to address regarding flood risk or ecology and trees subject to suitable conditions.

10.3 There are no archaeological requirements in relation to the site or buildings and it is considered that the benefits of the wider regeneration project outweigh the less than substantial harm identified to heritage assets.

10.4 It is recognised that provision of well-designed, located and maintained public toilets are an essential facility, particularly for certain groups within the community, that existing buildings encapsulate embodied carbon and reuse of existing resources is encouraged. The proposed demolition of the public toilet block and shelter seeks to restore the historic more open character of this former quay site, improving visibility and accessibility and allowing views between Broad Street, the river Nene and West End Park beyond, contributing to the aims of the wider regeneration project. Redevelopment of the site and provision of a new toilet block with improved provision are indicated as being proposed, however would be subject to separate planning applications and cannot be secured through this application. Nevertheless, on balance, the benefits to the wider regeneration scheme are considered to outweigh the loss of the existing facility and buildings.

11 RECOMMENDATION

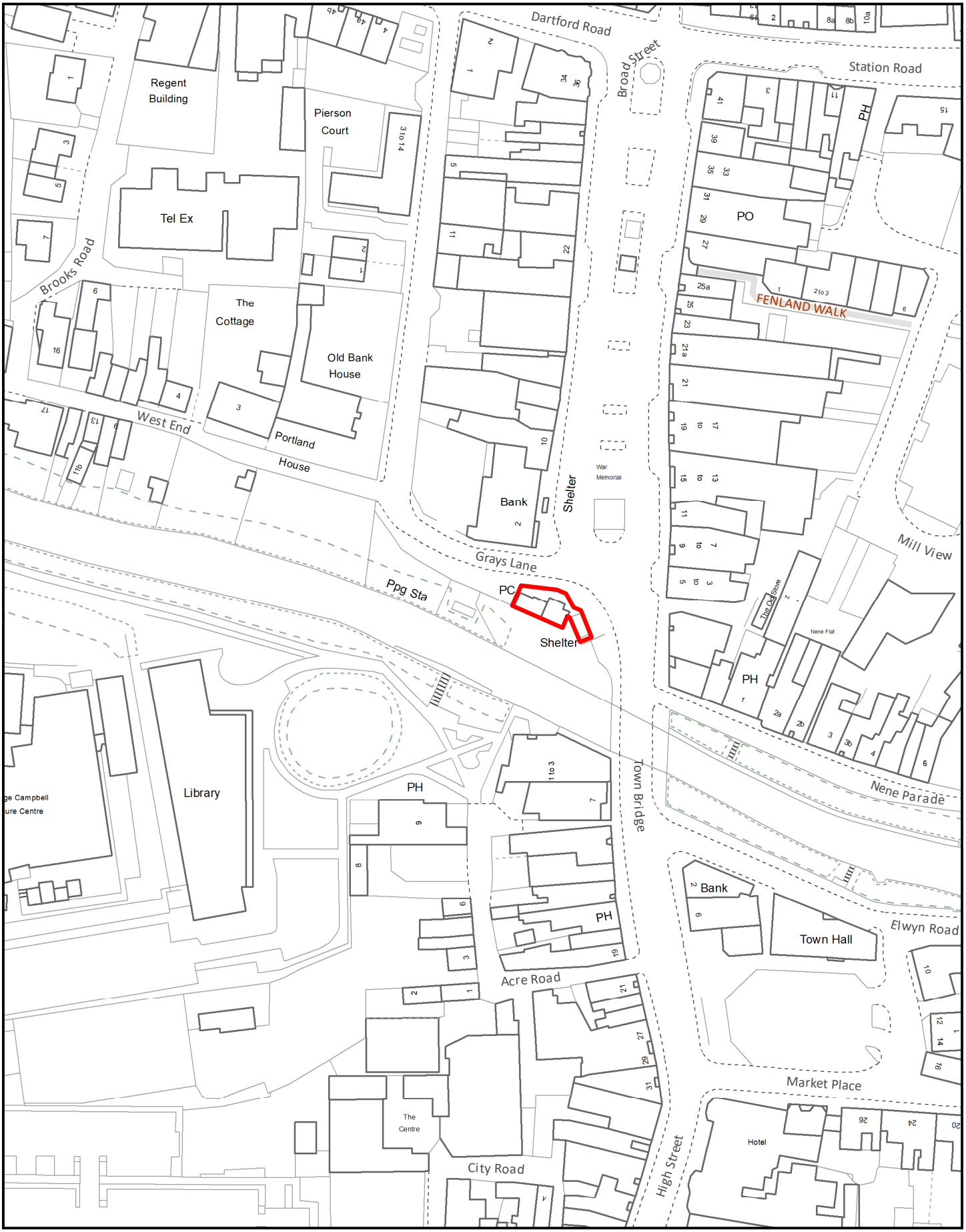
Grant; subject to the following conditions:

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

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

1.	The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2.	No development shall take place until a scheme for the remediation and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details: -Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting; -Placement, type and number of biodiversity enhancements -Boundary treatments. Development shall be carried out in accordance with the submitted details and at the following times: Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species. Reason: To protect and enhance visual amenity and the biodiversity value of the habitat around the site in accordance with Policy LP16, LP18 and LP19 of the Fenland Local Plan 2014. A pre-commencement condition is necessary in order to ensure no works are undertaken before a suitable scheme for remediation and landscaping of the site is agreed, in order to protect and enhance the character of the area.
3.	No development shall take place until a detailed Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. These shall identify tree constraints, specify protective fences for exclusion areas and detail how work will be undertaken in

	relation to root protection areas. All works shall be carried out in accordance with the agreed details. Reason: To ensure that the trees on site are adequately protected and to safeguard the character and appearance of the area, in accordance with policies LP16, LP18 and LP19 of the Fenland Local Plan 2014. The condition is pre-commencement in order to ensure that the protection measures are implemented and work methods identified prior to any site works taking place to avoid causing damage to trees to be retained on site
4.	No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following: a) Summary of potentially damaging activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site. d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. Reason - In the interests of protecting biodiversity in and around the site in accordance with policy LP16(b) and LP19 of the Fenland Local Plan, 2014. A pre-commencement condition is necessary in order to ensure that the impacts of the development on biodiversity is adequately mitigated.
5.	Plans and Documents



Created on: 01/12/2022

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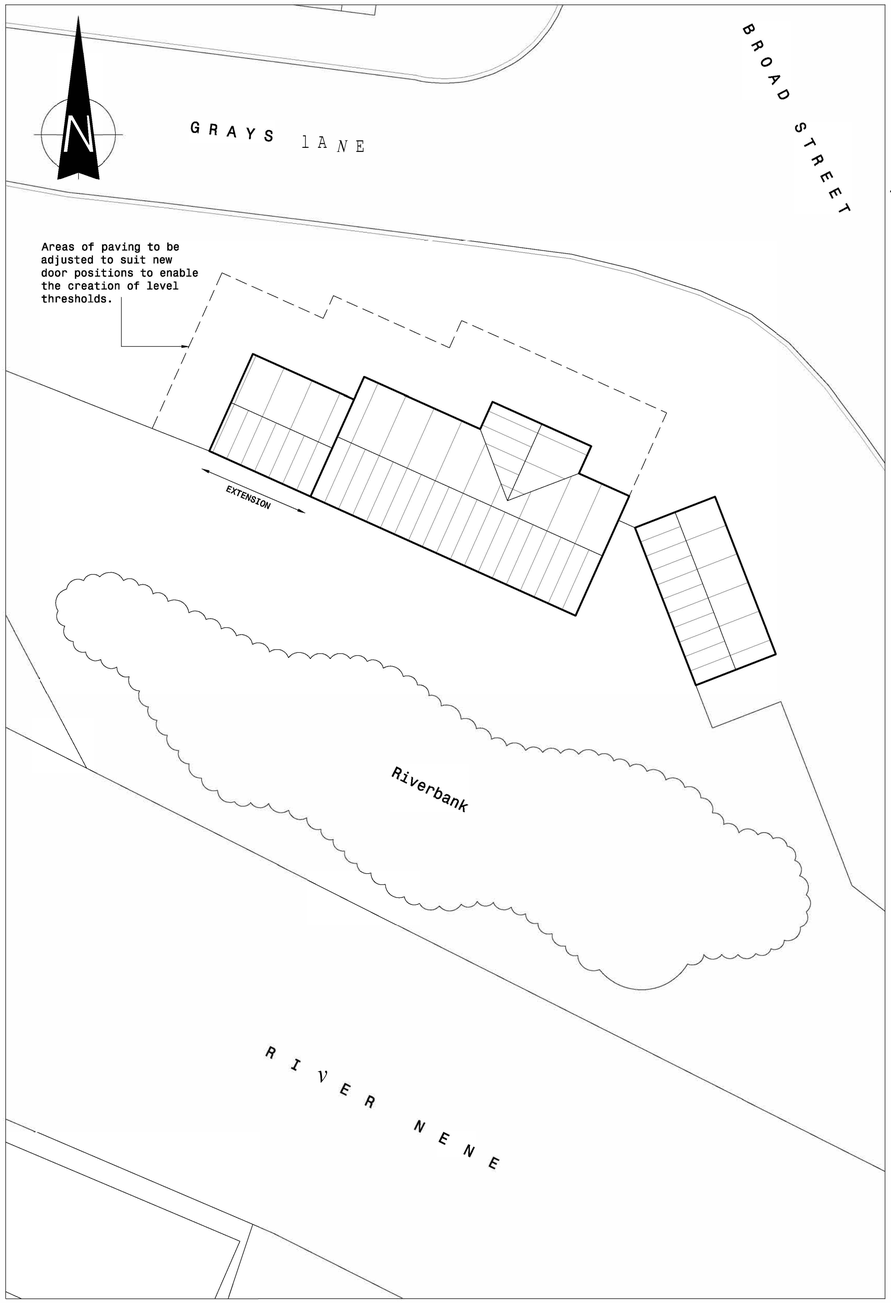
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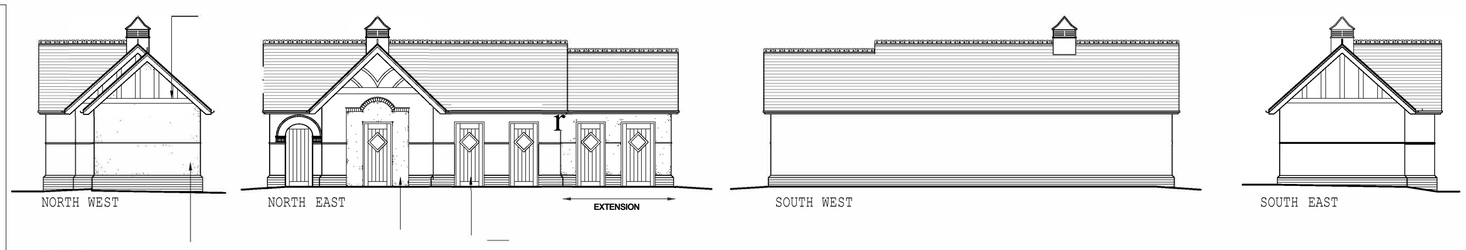
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Fenland CAMBRIDGESHIRE

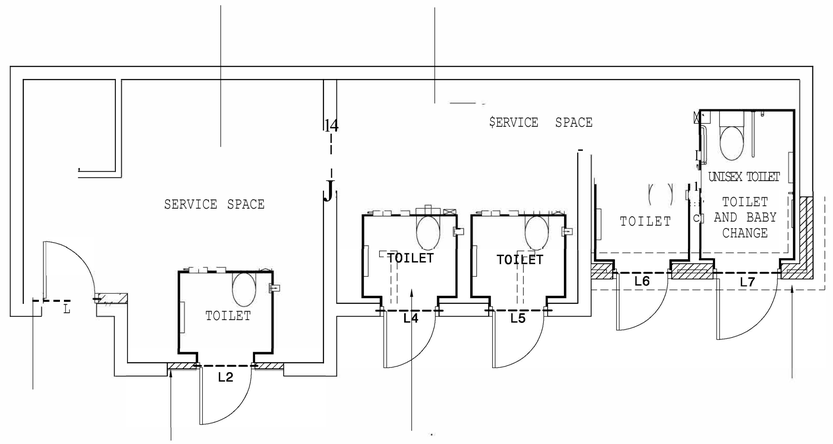
Fenland District Council



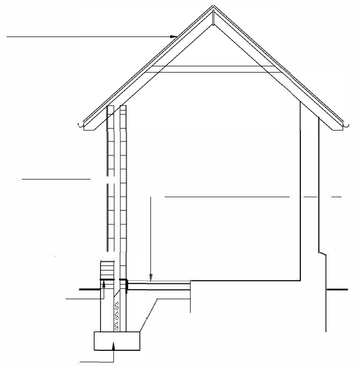
SITE PLAN 1:100



ELEVATIONS 1:100



PLAN1:50



TYPICAL SECTION 1:50

Revisions				
Rev	By	Date	Aprvd	Description
A	TA	2a.11.11		Timber detailing added to North west (extension)
B	TA	20.11.11		Door aperture changed and bollards removed
C	TA	13.12.11		Unisex cubicles removed

Designed | Eng. Chk
Drawn | Approved

Project

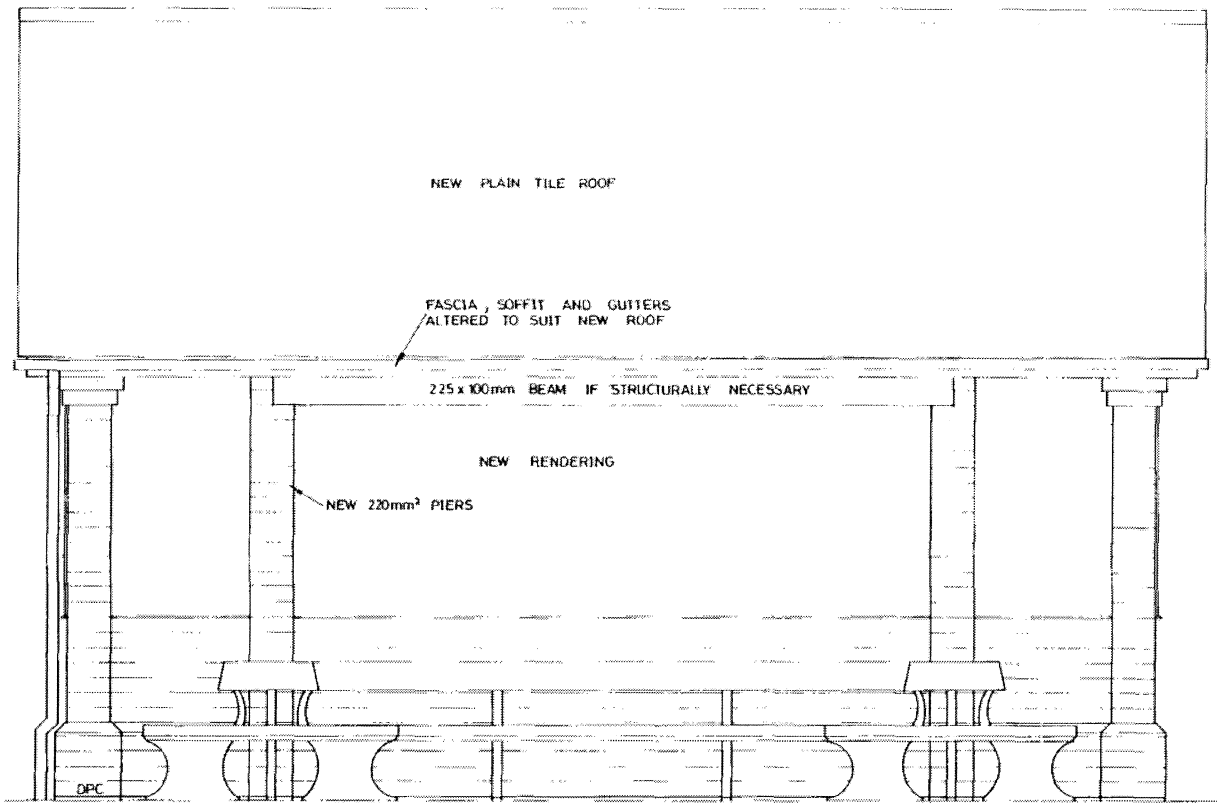
PROPOSED ALTERATIONS TO PUBLIC TOILETS AT BROAD STREET, WISBECH

Title

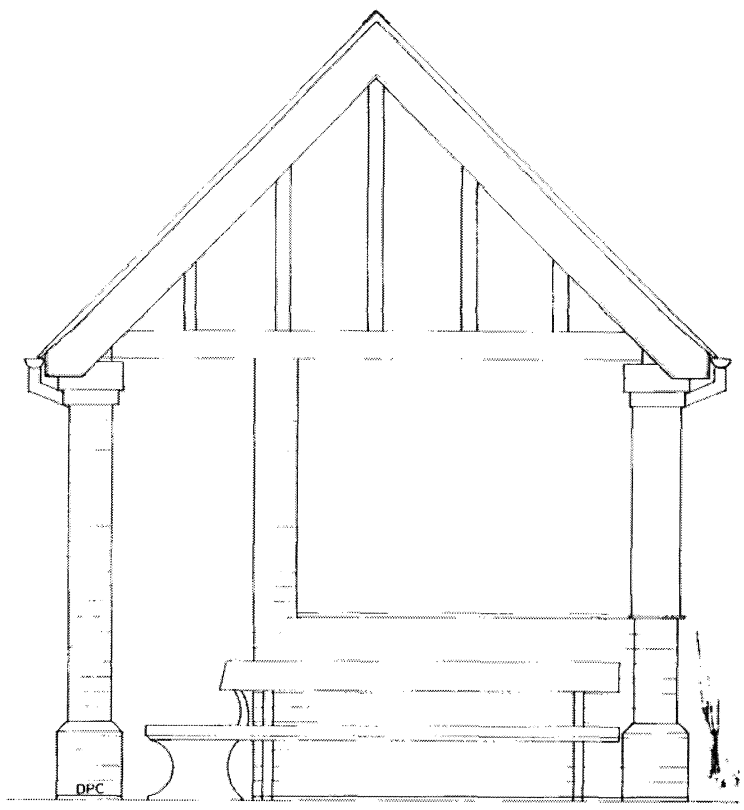
EXISTING PLANS

Fenland CAMBRIDGESHIRE
Fenland District Council
Fenland District Council, Fenland Hall, County Road, March, Cambridgeshire, PE15 8NQ
Tel: 01354 654321 www.fenland.gov.uk

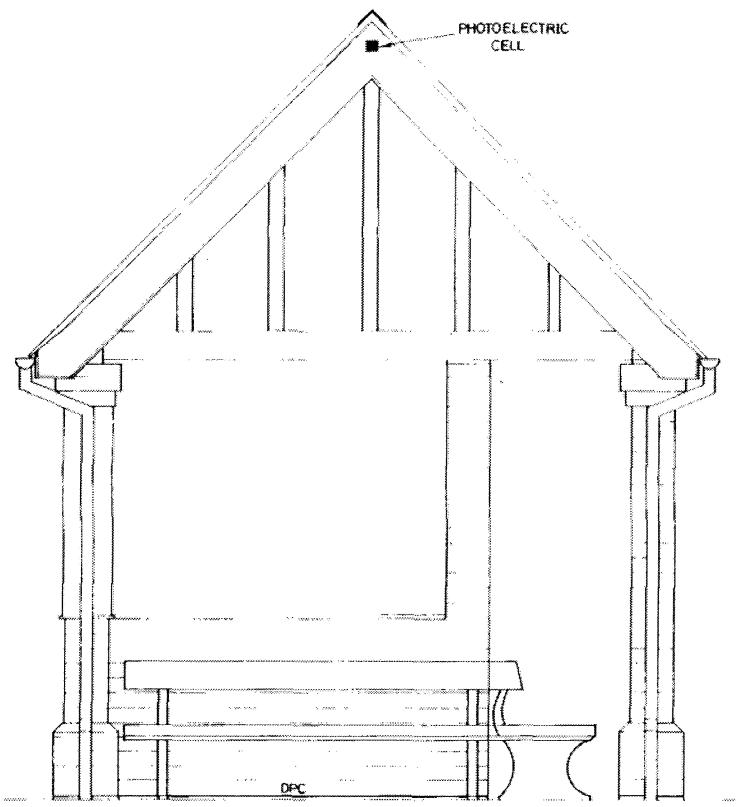
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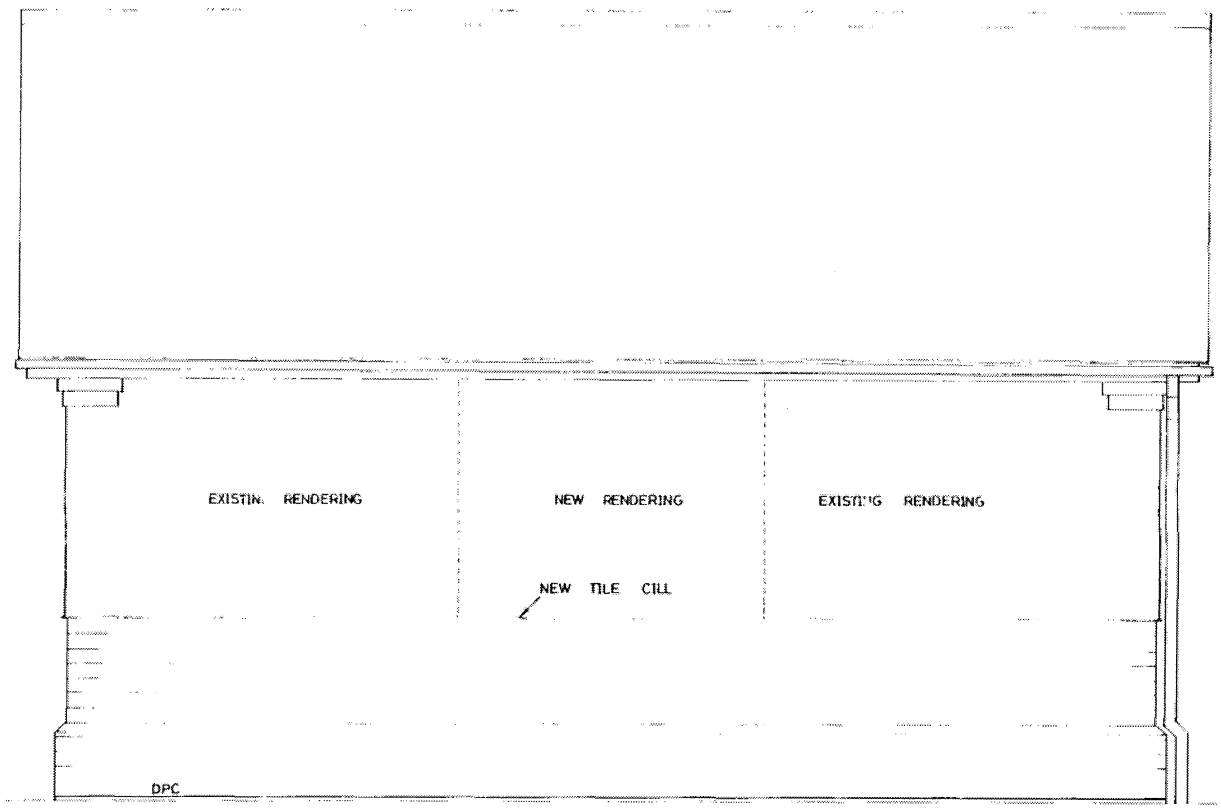
FRONT ELEVATION



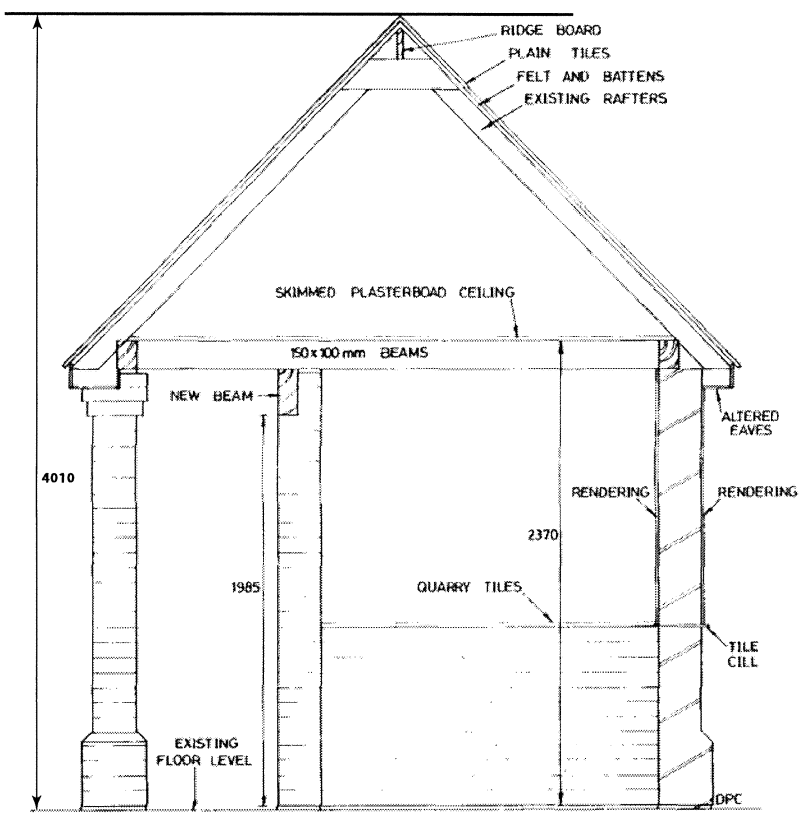
SIDE ELEVATION



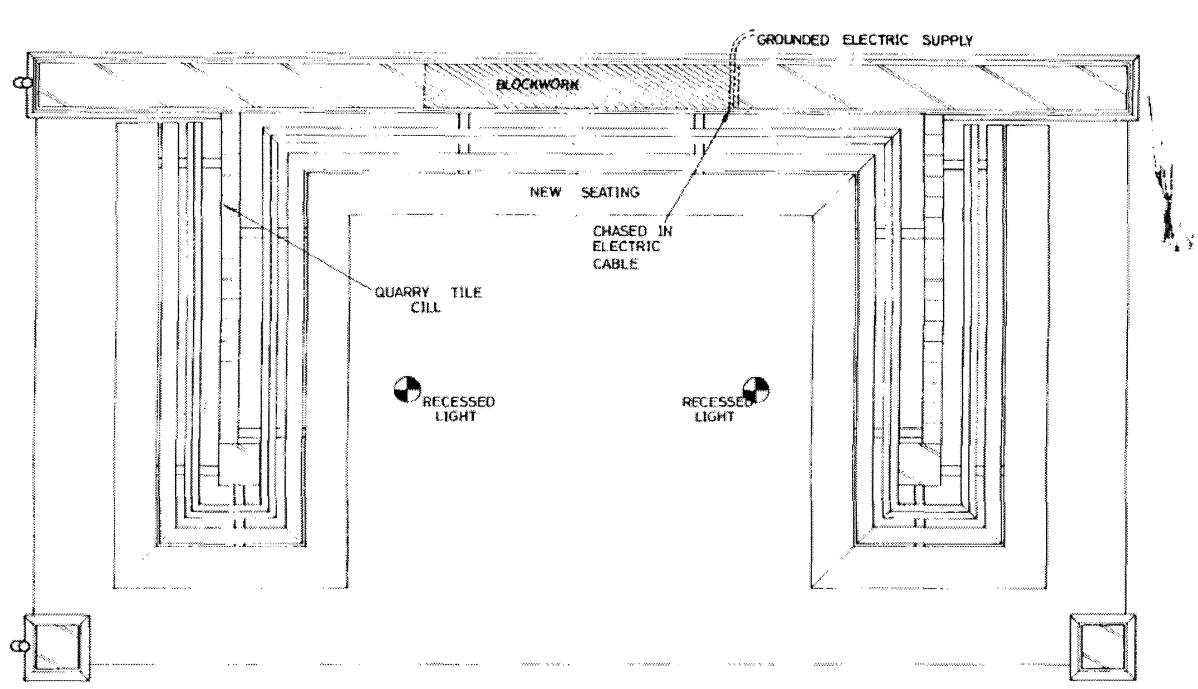
SIDE ELEVATION



REAR ELEVATION



SECTION



LAYOUT

Drawing Title
SHELTER , BROAD STREET , MARCH .

Client
FENLAND DISTRICT COUNCIL

Scales	Date	Drawing No	Rev
	26 · 7 · 1991	TP 17 / 4	

Craig Brand
Architectural & Highway Design
53A St. Peters Road
March, Cambs, PE15 9NA
Tel: (0354) 56977

F/YR22/0226/F

Applicant: Bowsall Developments Ltd & Longhurst Group

Agent: Mrs Beverley Moss Hourigan Planning

33 And Land North Of 17-31, Gosmoor Lane, Elm,

Erect 63 x dwellings comprising of 4 x 2-storey 4-bed, 27 x 2-storey 3-bed, 24 x 2-storey 2-bed, 4 x single-storey 2-bed and 1 x block of flats (4 x 1-bed), installation of a pumping station and the formation of an attenuation pond, involving the demolition of existing buildings

Officer recommendation: Grant Subject to Prior Completion of S106 agreement

Reason for Committee: Parish Council comments and number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

1.1 This is a full application for the erection of 63 dwellings, 100% being affordable, together with a pumping station, attenuation pond and the demolition of existing buildings. The proposal will be accessible off Gosmoor Lane. Considerable objections have been received from nearby residents and the Parish Council. Previous permission for 50 dwellings together with a car park to serve the primary school have now expired. However, this consent remains a material consideration in that permission for 50 dwellings on part of this site was granted being assessed against the current adopted Local Plan.

The key issues are:

- Principle of Development
- Access and Highway Safety
- Form and Character
- Flood Risk
- Impact on Residential Amenity
- The need for Social Housing
- Infrastructure provision

1.2 Concern exists regarding the impact on the character of the area and design. Matters of flooding and highway safety, on which residents make significant reference, have been considered by the drainage and highway authorities and are now resolved. There is an identified need for Affordable Housing exacerbated in the district by the Council's position on viability. Proposals for 100% affordable in Fenland are welcomed. The application is considered against the relevant national and local planning policies and balances identified harm against the benefit of delivery of 100% affordable housing. It is, on balance, recommended to grant the application subject to a Section 106 agreement being completed for the delivery of 100% affordable housing.

2 SITE DESCRIPTION

2.1 The 1.94-hectare site is located to the northern side of Gosmoor Lane in Elm and adjoins the main built-up settlement. Existing access is off Gosmoor Lane itself and there is an existing agricultural/industrial building on site. The remainder of the site extends north and east and comprises of vacant land which is overgrown in some areas and was formerly agricultural. Part of the site runs to the rear of existing dwellings along Gosmoor Lane and to the north and north-east lies open agricultural land. The main settlement of Elm is located to the west, north-west and south-west of the site and is characterised by residential development, which in some areas is relatively high density, others more organic in form and therefore less dense, and the school which is to the west fronting on to Main Road. The site is in Flood Zone 1.

3 PROPOSAL

3.1 The full application includes 63 dwellings with a mix of the following accommodation:

- 4 two-storey 4-bed,
- 27 two storey 3 bed,
- 24 two- storey 2 bed
- 4 two-bed bungalows,
- 1 block of 4x 1 bed flats.

3.2 The site is accessed from Gosmoor Lane between No's 31 and 33 similar to a previously permitted scheme for 50 dwellings and associated car park for the adjacent school. The proposal includes 4 dwellings fronting Gosmoor Lane continuing the street pattern. The remaining houses are to the rear served by a cul-de-sac road intended to be adopted. The application includes an attenuation area on the north-eastern corner which forms the majority of the open space provided by the development. The application proposes no infrastructure contributions. It also provides approximately 0.19 hectare for public open space, most of this is the proposed attenuation area. The scheme includes some highway improvements. A later amendment repositions plots 13 and 14 approximately 0.75 metres to the south, slightly nearer to properties on Gosmoor Lane.

3.3 This proposal is for 100% affordable housing, to be safeguarded via a section 106 agreement.

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

F/YR22/0226/F | Erect 63 x dwellings comprising of 4 x 2-storey 4-bed, 27 x 2-storey 3-bed, 24 x 2-storey 2-bed, 4 x single-storey 2-bed and 1 x block of flats (4 x 1-bed), installation of a pumping station and the formation of an attenuation pond, involving the demolition of existing buildings | 33 And Land North Of 17-31 Gosmoor Lane Elm (fenland.gov.uk)

4 SITE PLANNING HISTORY

F/YR15/0952/O Erection of 50 dwellings (max) involving the demolition of existing buildings (Outline application with some matters committed - Access)
Withdrawn 08.04.2016

F/YR16/0543/F Change of use of agricultural land to form a school car park involving the demolition of existing building
Granted 31.07.2017

F/YR16/0545/O Erection of 50 dwellings (max) involving the demolition of existing buildings (Outline application with some matters committed - Access)
Granted 31.07.2017

F/YR20/1093/AEA Additional Environmental Approval relating to F/YR16/0545/O (Erection of 50 dwellings (max) involving the demolition of existing buildings (Outline application with some matters committed - Access))
Granted 10.12.2020

F/YR20/1095/AEA Additional Environmental Approval relating to F/YR16/0543/F (Change of use of agricultural land to form a school car park involving the demolition of existing building) Land East of Elm Children And Families Centre Main Road Fronting, Gosmoor Lane
Granted 10.12.2020

5 CONSULTATIONS

5.1 **Elm Parish Council-** Object on the following grounds:

- Although acknowledging the previous permission in 2017, since then has been significant development in the village, without the school car park this proposal constitutes overdevelopment eroding the character of the village,
- As Affordable housing makes no infrastructure contributions how will local services cope, where will new children go to school?
- Gosmoor lane is inadequate, barely two vehicles being able to pass, road surfacing collapsing, junction at Gosmoor Lane/Fridaybridge Road is dangerous with 2 fatalities, Bus restricted to one per hour which is inadequate,
- Flooding concerns regarding nearby Oldfield Avenue, Roseberry Road and Ingle Road all of which connect to Gosmoor Lane.

Following further consultation regarding amended plans the Parish Council “maintains it’s strong objection” to the proposal previously submitted.

5.2 **Cambridgeshire Constabulary Crime Prevention Officer-** Considers the site to be at low risk to crime at present, whilst the Design and Access statement gave no mention, the layout appears acceptable with good natural surveillance along with defensible space and well-planned footpaths with pedestrian safety addressed. The Officer recommends external lighting meets British Standards, cycle storage be considered in detail, shared access gates be addressed in detail, parking for plots 35, 50 and 58 have increased views for surveillance, landscaping should be well managed.

5.3 **Peterborough City Council Housing Strategy-** Identifies the need for 100% affordable provision and supports the units provided and the tenures.

5.4 **PCC Wildlife Officer**- Has no objection subject to conditions requiring proposed mitigation and bird and bat boxes.

5.5 **Environment Agency-** No objection**.**

5.6 **Cambridgeshire County Council Lead Local Flood Authority**
In September the LLFA objected to the amended proposal referring to the following concerns:

Proposed method of surface water disposal to be discharged to a watercourse without proving that infiltration will not be an option via soakaway tests, and the discharge outfall is outside the site needing proof of ownership beyond the site, The risk of pump failure leading to flood risk, requiring pump failure modelling. Culvert diversion and infilling of watercourses having an impact flooding upstream.

On 20th January the LLFA commented as follows:

Having reviewed the following documents:
- *Drainage Strategy, Topping Engineers Ltd, Ref: 20518-DR-C-0100 Rev P17*
- *Pump Failure Modelling Report, Pluviam Environment Ltd, Ref: PN0044, Dated: 15 December 2022*
- *Pump Failure Modelling, Topping Engineers Ltd, Ref: 20518-DR-C-0111 Rev P2, Dated: January 2023*
- *Surface Water Calculations, Topping Engineers Ltd, Dated: 17 July 2022*
- *IDB Watercourse Assessment, Topping Engineers Ltd, Ref: 20518-DR-C-0110 Rev P2, Dated: October 2022*

Based on these, as Lead Local Flood Authority (LLFA)can 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 attenuating water in an open basin, before pumping into the watercourse to the south of the site at a rate of 4.5 l/s. Effort must be made on the inclusion of interception source control within the scheme. It should be noted that under section 6.3.7 of the Cambridgeshire Flood and Water SPD, source control is required on development sites. This is to mimic the natural drainage and treat water at source forming the SuDS management train.

5.7 **Hundred of Wisbech IDB**
In October submitted comments regarding Ecology referring to nature conservation duties under the Land Drainage Act and others. However, these duties do not include the Planning Acts. Therefore, consideration regarding Protected species/biodiversity shall relate to the Wildlife Officer advice.

Concerns are highlighted by the IDB regarding land ownership (point of discharge etc) These have been addressed by the LLFA. Culvert works will require Land Drainage Consent (separate from Planning permission). These are matters for the IDB and the applicant outside the planning process. A list of Board concerns was highlighted. However, advice from the IDB was included in the drainage strategy.

Further comments were received in November available in full on Public Access. The IDB comments on the issues regarding Proposed method of surface water disposal, Surface water pumping, proposed culvert diversion and infilling of watercourses, and source control and water quality, Maintenance and management. The IDB requests an informative be included.

5.8 **CCC Archaeology-** Identifies the site within an area of Archaeological potential (as with the previous permission) requires a planning condition regarding agreeing a programme of archaeological investigation and its implementation prior to commencement of development.

5.9 **CCC Local Highway Authority**

The Transport Assessment team have the following comments:
The LHA acknowledges the "*historic planning consent for the development of 50 dwellings (F/YR16/0545/O) which included a footway link on the southern side of Gosmoor Lane within the vicinity of the site to the existing footway provision, with a crossing point as one of the planning conditions.*

Gosmoor Lane is a narrow single carriageway road of approx. 4.5 to 5m in width subject to 30mph within the vicinity of the site to the junction with Main Road. The site is located within acceptable walking and cycling distance to a range of key facilities and amenities within Elm. Footway improvement works are proposed to link the site to the existing pedestrian provision within Elm. There is limited dedicated cycle infrastructure within Elm. It is anticipated residents will use the existing on-road routes which are subject to 30mph.

The closest formal set of bus stops to the site are situated on Fridaybridge Road approximately 650m south of the site. Both stops comprise bus flag and pole and timetable infrastructure and serve the No.56 service which operates at an hourly frequency Monday-Saturday between Wisbech and Manea.

The latest available 60 months accident data obtained from the County Council has been used within this assessment. No accident cluster sites have been identified.

Vehicular access into the site will comprise a priority-controlled junction onto Gosmoor Lane. A 2m wide footway will be provided on both sides of the vehicular access into the site. Gosmoor Lane will also be widened locally to 5.5m within the vicinity of the site access.

The proposed mitigation should be agreed as deliverable with Highways Development Management prior to determination of this application.

The developer proposes to improve the existing speed limit change signage on Gosmoor Lane to the east of the site to comprise the following:
- *Speed limit signage on yellow highlighting backing boards*
- *High friction surfacing with speed limit roundel markings*
- *Lane narrowing markings*
- *Reflective bollards*
- *'SLOW' road markings*

The development comprises 127 car parking spaces. Car provision is provided in accordance with the parking standards outlined in the Fenland Local Plan (2014).

It is ultimately up to the Local Planning Authority to agree on-site car and cycle parking provision.

The development is anticipated to generate 51 vehicle trips in the AM peak and 45 vehicle trips in the PM peak. 3 Trip Distribution The distribution of development traffic has been calculated in accordance with the existing flow data on Gosmoor Lane.

The LHA considers the Transport Statement provides an overly robust assessment of the proposed site access junction. The site access junction will operate well within capacity with the proposed development in place. The development is anticipated to generate a worst-case 33 additional vehicle trips through the Gosmoor Lane/Main Road junction in the AM peak. This calculates to 3 additional trips every 5 minutes. This is a negligible increase. The LHA considers the proposal will not cause detriment to the capacity of the Main Road/Gosmoor Lane junction in the peak periods.

As part of the proposals, the developer will deliver a 2m wide footway on the southern side of Gosmoor Lane between the site access and the existing footway provision to the west of the site with a dropped kerb and tactile paved crossing point. An improved speed limit gateway feature on Gosmoor Lane to the east of the site is also proposed to be delivered by the developer. The footway, pedestrian crossing point, and highway improvement works as submitted are satisfactory to accommodate the development and are deliverable subject to agreement with the IDB for realignment of the ditch on the southern side of Gosmoor Lane. The footway and pedestrian dropped kerb crossing works will link the site to the existing provision within Elm, whilst the gateway feature will increase safety.

The Highways Development Management section (HDM) originally objected on the issue of provision of the 2 metre wide footpath to the south of Gosmoor Lane, and the ability to deliver. However after further discussions the HDM commented on 23rd January regarding the proposed access, drainage and layout and resulted in minor repositioning of plots 13 and 14 to provide acceptable pedestrian visibility to parking spaces. “The Highways Development Management Section has no objection subject to conditions. Reference is made to potential problems in seeking adoption of the highway due to longitudinal watercourse running alongside the carriageway. This is not a reason on which to refuse an application however could result in private management of the road and private waste collection for residents. Reference is also made to the need to obtain IDB consent to realign the ditch to the south of Gosmoor Lane in order to provide the 2metre wide footpath”.

5.10 **Anglian Water** identifies assets close to or crossing the site, for which sewers may need to be diverted. Available wastewater treatment capacity exists. A condition is recommended regarding on site foul water drainage works to be submitted and approved.

5.11 **NHS (Cambridgeshire and Peterborough Integrated Care System)-** *Reviewing the existing estate footprint and registered patients, they do not have the capacity to support this additional proposed growth resulting from this development. It is noted that the Planning Statement and Health Impact Assessment does not assess Primary Care and Health Access impact. The development would have an impact on the primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must, therefore, be considered under the ‘presumption in favour of sustainable development’*

advocated in the National Planning Policy Framework, provide appropriate levels of mitigation and we would therefore request that this is a consideration to enable NHS support for this development.

5.12 **Natural England-** Has no objection**.**

5.13 **Cambridgeshire Fire and Rescue-**Request provision of fire hydrants**.**

5.14 **CCC Education-** *The Council confirms that education contributions would be required. However, it confirms the primary school and early years accommodation is currently full. If the development generates further places and the planning permission is unable to provide contributions, these places will have to be found by the County Council however, no certainty regarding where such places will be located can be given.*

5.15 **FDC Environmental Health**- Notes and accepts the submitted information and have 'No Objections' to the proposed development as it is unlikely to have a significant detrimental effect on air quality or the local noise climate. The findings of the Phase II Site Appraisal (Boswell Developments Limited ref: B21006/PII/Rev 1 - October 2021) are agreed. The development is unlikely to raise any significant health risks to construction workers and end users from legacy issues associated with previous use of the land. However, due to the demolition of existing structures, conditions should be imposed in the event that planning permission is granted.

5.16 **Local Residents/Interested Parties**

Objectors 57 letters of objections received which include the following issues:

- Density/Over development
- Does not comply with policy, Elm being a limited growth village having had considerable recent growth in the village, becoming a dormitory town but with minimal facilities,
- Drainage
- Environmental Concerns
- Flooding, failure of drainage pumps in the area, Loss of natural drainage, new development in the village has resulted in flooding of the roads,
- Increased odours.
- Local services/schools - unable to cope (school overloaded, no medical facilities, bus access poor). Developer paying no contributions is inadequate, will result in harm to the village.
- Affordable units built nearby Elm High Road and Grove Gardens, therefore no affordable need,
- Harm to air quality
- Noise
- Impact on Residential Amenity of houses abutting the development, privacy, separation, loss of outlook, overshadowing/ loss of light,
- Impact to children in school during construction,
- Traffic increase with failure to maintain roads, safety issue due to rat-run through village, also diversion route when A47 closed, it is a country lane in poor condition with subsidence etc, no highway mitigation,
- Highway safety re access near to end of 60mph stretch with traffic far exceeding speed limits, fatalities occurred,

- Power failures will be exacerbated
- Loss of trees and open green space,
- Wildlife Concerns
- No need for housing in the area
- Anti-Social behaviour/increase in crime, alleged use of drugs in the village,
- Parking concerns on Gosmoor Lane at peak times relating to the school, insufficient parking proposed,
- Increased waste/litter
- Loss of Agricultural Land
- Light pollution
- Poor design/appearance, out of character with the area
- Precedent
- Proposal is low quality housing, the slums of the future, gradual urbanisation of what was a rural village, plenty of sites available for such developments in Wisbech.
- Should be a woodland development being more sustainable,

One letter of representation whilst no objection had concern regarding infrastructure.

One letter of representation received from Stephen Barclay MP passing on a resident's letter to emphasis the strength of feeling in the village.

Following amended plans regarding alterations to the front 4 properties facing Gosmoor Lane and Plots 13 and 14, a further objection was received regarding:

- Existing problems caused by HGV vehicles passing through Gosmoor Lane shaking the houses,
- Flooding concerns heighten by further flooding information provided and noise from the pump station,
- Lack of public transport on Gosmoor Lane
- Loss of privacy, proposed fencing inadequate
- Reference to perceived concern from the village school.

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
Design
Health and Wellbeing
Rural Housing

Fenland Local Plan 2014
LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing
LP5 – Meeting Housing Need
LP6 – Employment, tourism community and retail.
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
LP18 – The Historic Environment
LP19 – The Natural Environment

Cambridgeshire Flood and Water SPD (2016)

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 1 – Spatial Planning
Policy 2 – Local Housing Need
Policy 4 – Open Space
Policy 5 – Local Green Space
Policy 7 – Design Quality
Policy 8 – Historic Environment
Policy 10 – Flood Risk
Policy 12 – Delivering Sustainable Transport

8 KEY ISSUES

- **Principle of Development**
- **Economic Growth**
- **Form and Character and Impacts on the Surrounding Area**
- **Design**
- **Residential Amenity**
- **Provision of Social Housing**
- **Highway Safety**
- **Flood Risk and Drainage**

9 BACKGROUND

91. Previously outline permission was granted for part of the site for 50 dwellings in 2017. Pre application advice was favourable to further residential of this site for this applicant. Both of these are time expired but remain material. The application for the school car park has expired and has not been part of this application which include 4 of the 63 houses on the car park area.

10 ASSESSMENT

Principle of Development

10.1 The principle of housing on this site was previously considered to be acceptable with the 2016 application. Policy LP3 of the Local Plan identifies Elm as a 'Limited Growth Village' where a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability and may be appropriate as a small village extension.

10.2 For development in villages Policy LP12 states that new development should be in or adjacent to the existing developed footprint of the village and not extend existing linear features or result in ribbon development. This proposal will utilise a site with a former agricultural building that is adjacent to the main settlement of Elm and therefore in principle the proposed development complies with this part of Policy LP12 and Policy LP3. As regards Housing supply the Council currently can demonstrate 6.69 years supply, the provision of 63 dwellings on a site where 50 were previously permitted will assist in the council continuing to remain in a healthy position for the immediate period, which whilst not critical, is nevertheless beneficial.

10.3 Representations regarding the permitting of other developments in the village have been received. However, in permitting other developments the Council was aware of the previous permission on this site. In order to be consistent with the previous decision, and decisions for other housing developments in the village based on the adopted policies, the principle of residential development of this site is considered to be acceptable, subject to compliance with the other relevant policies of the Local Plan. However, this is based on the background history of the site and does not set a precedent for other sites that should be determined on their merits.

Form and Character and Impacts on the Surrounding Area

10.4 The applicant refers to the previous planning permission for 50 houses and the assessments made. It is right to highlight that this was made against the same adopted Local Plan. That decision referred to the following key issues:

- The development resulted in the demolition of a large former agricultural building which should be taken into account,
- The site is situated adjacent to the main settlement of Elm,
- Other areas nearby (Oldfield Avenue and Roseberry Road) are estate type of relatively high-density housing,
- Other areas are perhaps of lower density,
- To the north and east of the site is open countryside.

That report concluded the following:
'Due to its brownfield nature and the density of development in close proximity to the site that, on balance, the proposal would not adversely affect the form and character of the surrounding area'. Furthermore, the indicative site layout shows the northernmost part of the site as being proposed for an area of open space which will assist in the transition between the development and the countryside. Therefore, it is considered that this development would not result in the loss of rural character and would not result in unacceptable or harmful encroachment in this instance. The proposal therefore complies with Policy LP12 in this instance.

10.5 That previous application considered the site to be brownfield. However, the built element to be demolished did not extend across the entire site, being then largely

agricultural, retaining open undeveloped land to the rear of houses on Gosmoor Lane. That application has since lapsed. Furthermore, the view on its impact on the character of the area was a balanced opinion. Also, that outline permission required the submission of reserved matters relating to layout, scale and appearance which was never pursued. Therefore, whilst that decision remains material, it is reasonable to view the details of this application based on its own merits.

10.6 Following discussions with officers the applicant submitted a 'Density Assessment' considering the proposal to be of high quality and of 35.3 dwellings per hectare (dph). This was accompanied by an assessment against Building for Healthy Living, which, in the applicant's view, merits a green score against the 12 relevant sections. However, a failure to provide distinctive character together with a lack of open space or play provision within the development suggests some concern regarding the outcome of this assessment.

10.7 Para 134 of the NPPF states 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. No mention regarding the implementation of the National Design guide is made. Relevant paragraphs include:

> *'Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.'*
>
> *'The architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development.'*
>
> *'Well-designed parking is attractive, well landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene.'*
>
> *'Provides attractive open spaces in locations that are easy to access with activities for all to enjoy such as play, food production, recreation and sport to encourage physical activity and promote health and well being and social inclusion.'*

It is considered the proposal fails to meet these aspirations within the Design Guide.

10.8 The applicant's Density Assessment refers to the following:

- the previous permission being on a smaller site (minus the school car parking provision) to be 26.2 dph.
- The applicant cites app ref F/YR18/0320/F 27 dwellings off Cedar Way with a dph of 33.8,
- The applicant refers to application ref F/YR15/0614/F Land north of Henry Warby Avenue. (Appeal decision allowed for 30 dwellings with a dph of 40.5).

It is accepted these illustrate that similar or higher density has been permitted under the same policy considerations. However, both the Cedar Way and Henry Warby Avenue developments were located within more modern estate settings with less of a rural fringe than the site proposed. Gosmoor Lane has a more

spacious organic mixed character and with more surrounding open countryside. The development will mainly be seen from the Gosmoor Lane entrance which has larger more organic or less uniform houses and some bungalows opposite, with the open countryside to the south further to the east and across the land at the backs of houses on Gosmoor Lane.

10.9 There are areas of higher density housing in the village, albeit they are not viewed immediately alongside the proposed development. Oldfield Avenue (a street off Gosmoor Lane in the vicinity of the site), has a character of front boundary hedgerows, large front gardens/parking areas, and an area of public open space that gives a more spacious atmosphere. The proposed development lacks such space. The applicant highlights that the increase in numbers comes about partly due to the exclusion of the school car park from the previous scheme. However, in comparison the land previously used for school car park only accommodates 4 proposed dwellings. Therefore, this scheme has provided an additional 9 dwellings in direct comparison to the previously approved 50. This development is therefore inherently more cramped in nature.

10.10 When viewed from Gosmoor Lane, and looking into the site, it is considered the development will appear denser and more urban in character. The additional information provided is not considered to allay this concern. It is accepted that consideration be given to the removal of the former agricultural buildings, and the consideration of the site as a brownfield site of the previous permission and granting 50 dwellings. Nevertheless, balanced against these are the lack of meaningful open space/play facilities within the development, and the more cramped and therefore more urban nature of the proposal located in an edge of rural village location. On balance the proposal is likely to result in some degree of harm to the character of the area, and in that respect is contrary to Policy LP16(d) of the adopted Local Plan.

Design

10.11 The proposed housing is perhaps typical in design of modern urban estate housing with a small palette of contrasting materials and simple design features. As the housing becomes smaller in accommodation it becomes denser and more compact in form. Large numbers of front-of-plot parking spaces dominate the development. There is minimal open space, mainly the attenuation area which without assurances to the contrary being received, is assumed will be inaccessible at some times of the year, and, with confirmed slopes 1:3, will be largely inaccessible to some residents. No off-site open space is proposed due to the development being 100% affordable housing. Some landscaping is proposed but the proposal is considered to be more urban in character than the immediate adjacent areas, perhaps more appropriate to town or city locations. From viewing the proposed house-types the proposal does not demonstrate local distinctiveness.

10.12 Regarding landscaping the necessary attenuation area enables some softening to the edge of the rural area. It includes an area of approximately a 2.5 metre planting strip with 6 individual trees. Some hedges/ trees on the boundary are retained, but most planting is within plots and to be managed by the future occupiers.

10.13 Whilst the designs of houses are considered moderate in appearance, the layout does provide suitable separation distances and improvements upon the original layout to the relationships with Nos 31 and 35 and a slight set-back from

Gosmoor Lane has been achieved. By itself the design of the houses, whilst perhaps standard in nature, wouldn't in Officers' views merit refusal. However, the above concerns should be considered in the overall planning balance.

Residential Amenity

10.14 Properties directly affected include 11- 31 and 33 Gosmoor Lane and 4 St Giles Grove. The applicant has demonstrated suitable separation (rear to rear of a minimum of 21 metres, usually accepted for 2 storey-to-2 storey). The amendments to Plots 13 and 14 retain 28 and 31 metre separation from No's 21 and 23 Gosmoor Lane respectively. Both provide suitable levels of privacy.

10.15 No 31 has a number of side windows facing the side gable of Plot 2 (plot 2 has no windows on the side gable) with a separation of 11.5 metres. This is a common relationship for side-to-side properties. Nevertheless a planning condition removing Permitted Development regarding new windows on the side gable of Plots 2 and 58 could be attached to any permission. No 31, will also have 6 dwellings with rear aspects facing its rear garden, however plots 7 and 8 are bungalows, and Plots 5 and 6 have separation of 15 and 16 metres to the boundary fence, and plots 3 and 4 have a perpendicular juxtaposition with a separation of 12.7 metres. However, No 31 Gosmoor will have a range of houses abutting its permitter. On a modern urban estate such relationship is perhaps not unusual.

10.16 No 19 Gosmoor Lane will have a blank gable of Plot No 15 facing its rear aspect. The nearest corner will be 3.5 metres to the north of the boundary fence but with an overall separation of 21.7 metres which as a rear to side separation would exceed acceptable separation. Nevertheless, there will be something of an overdominance feeling when viewed from inside No 19's rear garden. But given concerns of over-domination when viewed from the end of the garden, are not as critical as the impact when seen from the actual rear of the house where in this instance suitable separation exists. It is not considered this by itself would represent a reason on which to refuse the application. As Plot 15 is almost due north from No.19 Gosmoor there will be no loss of sunlight.

10.17 A brief comparison of the current proposal and the previous indicative scheme (which included garages) had buildings located either in a similar position or nearer to the rears of houses on Gosmoor Lane Particularly No 31 Gosmoor Lane, therefore in that respect the current scheme is an improvement.

10.18 Nearly all other rear gardens exceed 10 metres in length (excluding some of the bungalows) which is considered acceptable. Therefore, with normal provision of close boarded fencing privacy/overlooking is considered to be acceptable. Therefore, it is considered the proposal does accord with adopted Policy LP16(e).

Provision of Social Housing

10.19 This 100% affordable scheme of 63 dwellings will provide much needed affordable homes in the wider Wisbech area. In terms of applicants currently on the housing register, Wisbech has the highest demand for affordable rented housing in Fenland. There are currently 1644 applicants on the register as of 6th December 2022. Of these, 923 applicants (56%) have expressed a preference for housing in Wisbech. Viability issues in Wisbech mean that it is very difficult to secure affordable housing through planning gain on eligible sites and therefore the opportunity for a land led affordable housing scheme directly by a registered provider, will make a big contribution to meeting the gap in provision. The

applicant agrees to the safeguarding of affordable housing via a Section 106 agreement.

10.20 The scheme provides a tenure mix of 35 rented dwellings and 28 shared ownership. 2 will be provided as M4(3) wheelchair standard bungalows. This is particularly beneficial since Fenland's Local Plan does not include a requirement for the provision of wheelchair adapted housing and consequently it is rarely delivered. Also given the Council's position regarding viability, applications that deliver the adopted policy quantum of affordable houses are likely to be minimal. Therefore, given these facts there is clearly an urgent and demonstrated need for affordable housing. Consequently, the benefit of the provision of 100% affordable housing is significantly high and if delivered will impact on the councils register. This clearly accords with Policy LP5 of the Adopted Local Plan.

Highway Safety

10.21 The proposal is similar in access and degree of traffic to the previous consent. The application included a Transport assessment and proposed the provision of a footway extension welcomed by the Local Highway Authority. Residents highlight concerns of high degrees of traffic movements, congestion, safety issues in the village. The LHA (detailed comments referred to above) has confirmed it has considered the Transport Assessment provided and whilst acknowledging local concerns, concludes that the proposal will not result in severe harm to the highway network. Improvements to the footways, highway at the point of access and safety measures on the eastern edge of the village are conditionally requested. Therefore, there are not considered to be highway safety reasons on which to refuse the application and the application is considered to accord with Policy LP15 of the adopted Local Plan.

10.22 Issues of adoption and provision of the footway (requirement to realign the ditch across Gosmoor Lane) are raised, however neither are planning reasons on which to recommend refusal. Planning conditions seek provision of the footway and submissions of details of estate management are attached.

Flood Risk and drainage.

10.23 The site is within flood Risk Zone 1, i.e., preferred location in flood risk terms. The proposed drainage strategy includes a pumping station and large attenuation area. The applicant has provided a section of the attenuation area which will be 1.2 metres deep with 1:3 slope gradients.

10.24 The LLFA were concerned regarding the impact if the pumps failed during a 1 in 100-year flood event (the pumps are to be monitored and it is acknowledged this to be unlikely). Nevertheless, the applicant was asked to provide a model of such an event with the concern being that the site needs to hold 620m³ of flooding which would otherwise result in flooding downstream. The model drawing indicates the provision of a 300mm bund on the northern boundary of the site and the area including the attenuation area, pump station part of the small area of open space and some area of the cul-de-sac and private drive. In such extreme circumstance this shaded area will flood to 200mm which is acceptable to the Lead Flood Authority. The Environment Agency have been reconsulted on this further information but at present no comments have been received. Any representation will be included in an update to members.

10.25 Further evidence regarding the infilling of existing watercourses on site has been received and the LLFA no longer objects on this issue. The LLFA confirms that

the proposal is now acceptable to the Flood Authority. Therefore, the development is considered to accord with Policy LP14 of the adopted Local Plan.

Other Considerations

Infrastructure provision

10.26 Paragraph 4.2 of the Developer Contributions SPD identifies affordable housing amongst criteria where planning obligations (other than the provision of the affordable dwellings themselves) will not normally be sought. Therefore schools/NHS and libraries provision is not considered justifiable in this instance. Comments regarding the sustainability of developments without meeting their need are noted. However, if applied it may be difficult to ever achieve 100% affordable housing, and therefore the need for affordable housing is considered to outweigh the provision of infrastructure contributions in this instance.

10.27 Objections refer to concerns of lack of school places, medical facilities etc, which are lacking in the village. Whilst empathising with their view, if the Council's developer contributions policy does not justify collection of contributions on schemes for 100% affordable housing, it would not be a reasonable reason on which to base a refusal of planning permission. The proposal therefore accords with Policy LP13 and the Developer Contributions SPD.

Ecology

10.28 The Wildlife Officer has assessed the proposal and subject to conditions considers it acceptable. Those conditions are attached. The proposal is therefore considered to accord with Policy LP19 of the adopted Local Plan.

Archaeology.

10.29 The County Archaeologist considers the site to be sensitive and requests a suitable condition be attached. The proposal is therefore considered to accord with Policy LP18 of the adopted Local Plan.

Fire Hydrants

10.30 Fire hydrants can be provided via a condition which is attached.

11 CONCLUSIONS

11.1 The application is considered to fail to demonstrate local distinctiveness and to some extent results in harm to the character of the area which would be contrary to Policies LP16(d, e, and g).

11.2 The drainage scheme has been accepted by the LLFA and Anglian Water and therefore there are no flood risk reasons to refuse this application which therefore accords with Policy LP14.

11.3 The proposal is considered to accord with Policies LP15 (Highway safety), heritage (archaeology) Policy LP18 LP19 (Natural Environment) and LP13 regarding contributions and provides 63 (100%) affordable dwellings on a site previously permitted for housing. The balancing of these issues is best thought of in the following terms, considering the degree of harm (but ought to be only the harm beyond that permitted previously for 50 dwellings) weighed against the significant benefit to the Council and the district, of provision of 63 affordable homes. In this

instance it is considered that the benefit outweighs the identified harm whilst acknowledging this is a balanced recommendation.

11.4 The recommendation is therefore on balance to grant planning permission, subject to the signing of a section 106 agreement for the provision of 63 affordable (35 rented tenure dwellings and 28 shared ownership dwellings. 2 will be provided as M4(3) wheelchair standard bungalows) dwellings.

12 RECOMMENDATION

1. That the Committee delegates authority to finalise the planning conditions and terms of the S.106 agreement to the Head of Planning, and

2. Following completion of the S106 obligation to secure the necessary affordable housing and open space as detailed in this report, F/YR22/0226/F application be granted subject to conditions listed in section 13 below.

OR

3. Refuse the application in the event that the S.106 agreement referred to above has not been completed within 4 months and that the applicant is unwilling to agree to an extended period of determination to accommodate this, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

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

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

A list of initially recommended conditions follows:

1	The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2	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 in accordance with Policy LP16 of the Fenland Local Plan, 2014.

3	No works shall commence on site until such time as a Construction Management Plan shall be submitted to an approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following: - Haul routes to and from the site; - Hours of on-site working; 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. - Parking, turning and loading/unloading areas for all construction/contractor's vehicles; - Site compounds/storage areas; - Temporary access points; - Wheel cleansing facilities capable of cleaning the underside of the chassis and wheels of all vehicles entering and leaving the site during the period of construction; - A noise management plan including a scheme for the monitoring of construction noise; - A scheme for the control of dust arising from building and site works; - Details of remedial measures to be taken if complaints arise during the construction period; and - Any proposed temporary traffic restrictions. Thereafter the details shall be implemented in accordance with the approved plan. Reason - In the interests of highway safety and residential amenity in accordance with Policy LP15 and LP16 of the Fenland Local Plan 2014.
4	All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any dwelling, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority. Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.
5	No development shall commence on site until such time as a refuse collection strategy has been submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall be implemented in full upon first occupation of the dwellings and thereafter retained in perpetuity.

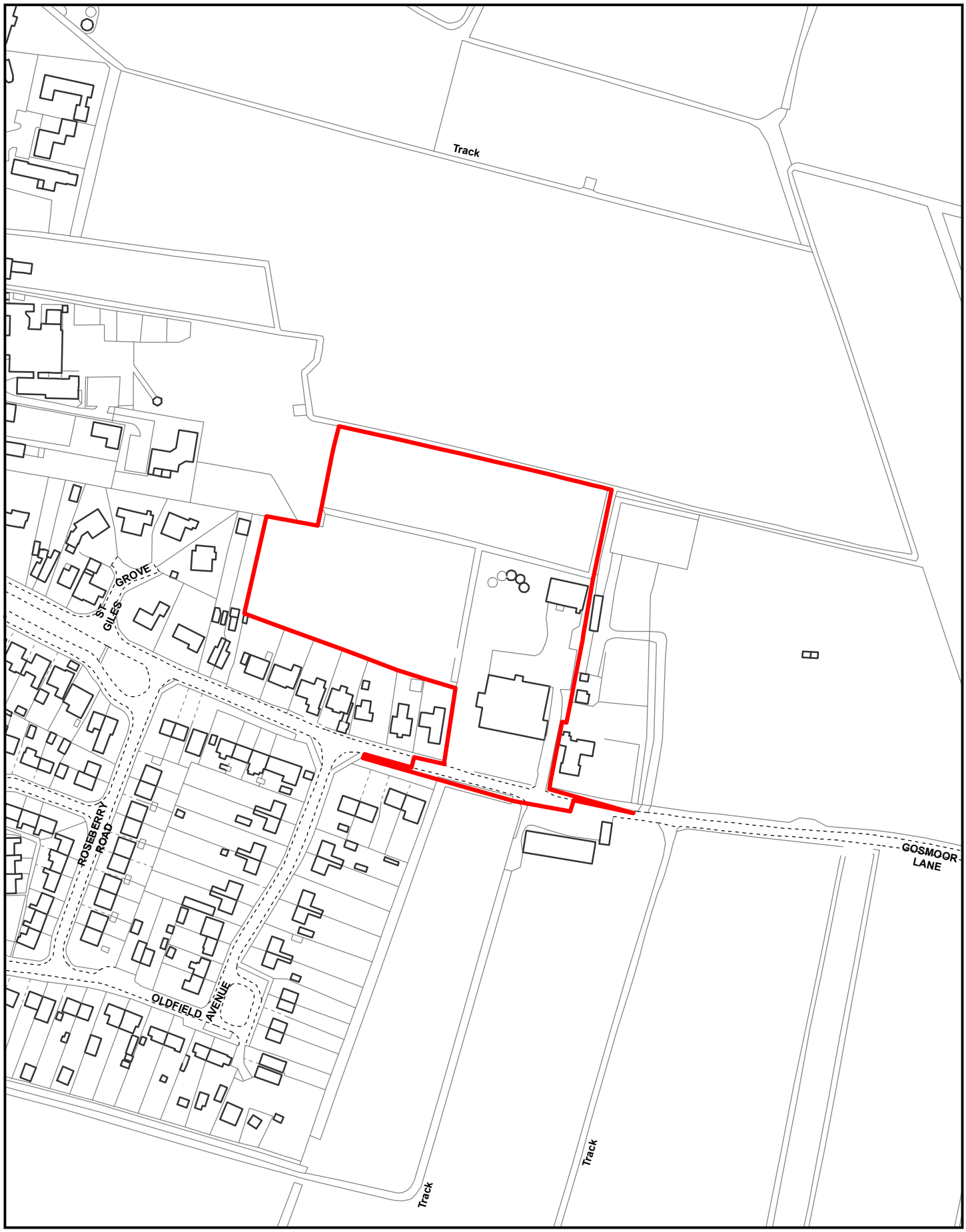
	Reason: To ensure a satisfactory form of refuse collection in accordance with Policy LP16 of the Fenland Local Plan, 2014.
6	Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority and provision of the fire hydrants shall be made in accordance with the scheme and timetable. Reason - To ensure a satisfactory form of development.
7	Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy LP14 of the Fenland Local Plan (adopted 2014).
8	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any other Order revoking or re-enacting that Order with or without modification), no additional windows other than those shown on the plans hereby approved shall be placed in the western elevations of Plot 2 and the eastern elevation of Plot 58 of the development hereby approved. Reason To protect the amenities of the adjoining properties.
9	Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of Welcome Travel Packs to be agreed in writing with the Local Planning Authority. The Welcome Travel Packs shall include the provision of bus taster tickets and/or cycle discount vouchers. The Welcome Travel Packs shall be provided to residents upon first occupation of each dwelling. Reason: In the interest of sustainable transport in accordance with Policy LP15 of the Fenland Local Plan (adopted 2014).
10	No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include: a) the statement of significance and research objectives; b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; c) The timetable for the field investigation as part of the development

	programme; d) The programme and timetable for the analysis, publication and 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 the National Planning Policy Framework.
11	Prior to commencement of development, the developer shall submit details of a 2m wide footway on the southern side of Gosmoor Lane between the Site Access junction and the existing footway provision on the southern side of Gosmoor Lane to the west of the site, for approval by the local planning authority. This shall include a dropped kerb crossing with tactile paving to facilitate crossing to this footway from the site. The works are shown indicatively in drawing no. P21086-001D. The approved scheme shall be implemented in accordance with the approved scheme prior to first occupation. Reason: In the interests of safe movement of pedestrians near to the permitted development and in accordance with Policy LP15 of the Fenland Local Plan (adopted 2014).
12	Prior to first occupation, the developer shall deliver a gateway feature at the existing speed limit change on Gosmoor Lane to the east of the site as shown indicatively in drawing no. P21086-001G Details to be submitted to and approved by the Local Planning Authority and works to be carried out by the developer. Reason: In the interest of highway safety and in accordance with Policy LP15 of the Fenland Local Plan (adopted 2014)
13	The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Extended Phase 1 Habitat Survey & Daytime Bat Survey (Rachel Hacking Ecology, December 2021) which details the methods for maintaining the conservation status of bats, and nesting birds, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England. Reason: In the interests of biodiversity and the safeguarding of protected species and in accordance with Policy 19 of the Fenland Local Plan adopted 2014.
14	The development hereby permitted shall not be occupied until a scheme, including timetable for delivery, to provide at least 15 bird boxes and 10 bat boxes have been submitted to and approved by the Local Planning Authority. The scheme shall be designed in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds and Bat Conservation Trust and shall be carried out in accordance with the agreed details.

	Reason: In the interests of biodiversity and the safeguarding of protected species and in accordance with Policy 19 of the Fenland Local Plan adopted 2014.
15	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 Drainage Strategy prepared by Topping Engineers Ltd (ref: 20518-DR-C-0100 Rev P17) and shall also include: a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) 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. b) 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); c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections); d) 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. e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems. f) Full details of the maintenance/adoption of the surface water drainage system. g) Permissions to connect to a receiving watercourse or sewer; h) 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.
16	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.
17	Upon completion of the surface water drainage system and including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; prior to occupation of the 60th dwelling, a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved under the planning permission. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development.
18	Prior to the first occupation of any dwelling the roads and footways required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining Gosmoor Lane in accordance with the details approved on drawings ref 2107-P-03 rev R as amended by drawing P21086-004A (Part Layout). Reason: In the interests of a satisfactory development, the amenity of the future occupiers of the dwellings hereby proposed and in accordance with Policy LP15 of the Fenland Local Plan (2014).
19	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: In the interests of a satisfactory development and in accordance with Policy LP15 of the Fenland Local Plan (2014).
20	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved. Reason: In the interests of a satisfactory development, highway safety and in accordance with Policy LP15 of the Fenland Local Plan (2014)
21	Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall

	thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established. Reason: In the interests of a satisfactory development, the amenity of the future occupiers of the dwellings hereby proposed and in accordance with Policy LP15 of the Fenland Local Plan (2014).
22	Prior to the occupation of a dwelling, the pedestrian visibility splay associated with its access and as shown on the drawing P21086-004A shall be provided each side of the vehicular access measured from and along the back of footway or carriageway edge, whichever is closer. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway or carriageway, whichever is higher. Reason: In the interests of a satisfactory development, highway safety. the amenity of the future occupiers of the dwellings hereby proposed and in accordance with Policy LP15 of the Fenland Local Plan (2014).
23	The development hereby permitted shall be carried out in accordance with the approved plans and documents



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F/YR22/0226/F

Scale = 1:2,500

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Fenland CAMBRIDGESHIRE

Fenland District Council

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Elm C of E Primary School

St Giles Chapel (site of)

Mast

SEWER LINE

House

Oak Lodge

ockhurst

The Heathers

Nevane

GROVE

ST GILES

ELM Cof E PRIMARY SCHOOL

Elm

Refer to Artemis drawings for landscape/ pos details

Refer to Toppings Enginners drawings for Suds and drainage details

Pumping station 10x14m

SUD,s Attenuation Pond 893m3

bin collection

shared drive

shared drive

New 1.8m high fence

CAT 3 Bungalow

Bungalow

carport

Surveyed fence line

building line

Surveyed building line

existing 1.3m fence

New 1.3m high fence to match existing fence

New 0.9 m high railings

Tree group removed

Hedge removed

FOOTPATH LINE

2.4m

TCB

Track

Gosmoor

21

31

20

NORTH

WEST EAST

SOUTH

0m 10m 20m 30m

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LEGEND

- Existing Trees to be retained
- Trees to be removed
- INDICATIVE TREES AND SHRUBS — REFER TO ARTEMIS LANSDCAPE PROPOSALS - **ART214.00**
- ORNAMENTAL SHRUBS AND HEDGES — REFER TO ARTEMIS LANSDCAPE PROPOSALS - **ART214.00**
- GRASS- PRIVATE AMENITY
- **NEW STREETS - TARMAC**
- **PARKING - TARMAC PARKING 5M X 2.5M SPACES**
- **PATHWAYS -MARSHALLS 450X 450 GRAY PAVING SLABS**
- 2.1m high brickwork boundary wall topped with brick on edge.
- 1.8m high close-boarded fence rear garden fences
- 1.3m high close-boarded fence rear garden fences
- 1.8m high lockable timber gate.
- 240 litre general waste bin.
- 240 litre garden waste bin.
- Recycle bin.
- Shed.

SITE AREA

19790 Sqm - 1.98 Hectares 4.8 Acres
POS 1772sqm -0.17HA
Net 18018sqm 1.80 HA / 4.4 Acres

MIX
04 x 1B2P FLATS
28 x 2B4P
27 x 3B5P
04 x 4B6P
63 No TOTAL @ 35.3 dph NET

WALK UP FLATS

1a	02 x 1B2P -	516 sqft - 48 sqm
	02 x 1B2P -	538 sqft - 50 sqm

BUNGALOWS

TYPE 2a-11	02 x 2B4P -	656 sqft - 61 sqm
TYPE 2b	02 x 2B4P -	841 sqft - 78.2 sqm

LG TYPES

2c-13	24 x 2b4p -	742 sqft - 69 sqm
3a-19	03 x 3b5p -	893 sqft - 83 sqm
3b-20	09 x 3b5p -	861 sqft - 80 sqm
3c-22	02 x 3b5p -	893 sqft - 83 sqm
3d-44	10 x 3b5p -	925 sqft - 86 sqm
3e-19	01 x 3b5p -	893 sqft - 83 sqm
4a-27	02 x 4b7p -	1044 sqft - 97 sqm

SPECIALIST HOUSES

TYPE J	02 x 3B5P -	1011 sqft - 94 sqm
TYPE K	02 x 4B7P -	1184 sqft - 110 sqm

TOTAL 63 No
Gross Internal Area 51,746 sqft - 4807.4 sqm
coverage = 13,268 sqft per acre net

AFFORDABLE RENT *

WATKISS DAWSON & WARD
Office 4 Civic Centre, Stourport on Severn DY13 8UJ
T: 01952 289076 M: 01952 289076
E: jeremy@wdward.co.uk W: www.wdwa.co.uk

Contract
PROPOSED RESIDENTIAL DEVELOPMENT
GOSMOOR LANE ELM

Sheet Title
SITE LAYOUT

Client
BOWSALL

Scale 1:500@A1
Date 09.11.21
Drawn By JDW
Checked By

Drawing Number
2107-P-03 rev S



GOSMOOR LANE - STREET SCENE



PUBLIC OPEN SPACE - STREET SCENE

rev	date	revision	by	by

Contract	Client	Sheet Title
GOSMOOR LANE ELM	BOWSALL	STREET SCENES

Date	Scale	Drawn By	Checked By	Drawing Number
09.12.21	1:200 @a2	JDW		2107-P-07 B

W·D·W architecture

WATKISS DAWSON & WARD
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F/YR22/0784/RM

Applicant: Ms Kendal
Bellway Homes Limited

Agent: Mr Matthew Harmsworth
Barton Willmore

Land South Of, Bridge Lane, Wimblington, Cambridgeshire

Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR20/1235/O to erect 88 x 2-storey dwellings (10 x 2-bed, 42 x 3-bed and 36 x 4-bed) with associated garages and parking and open space, involving the formation of a new access and an attenuation pond, raised ground levels.

Officer recommendation: Approve

Reason for Committee: Parish Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

1.1 Outline permission was granted by the Planning Committee issued on 25th September 2022 for up to 88 dwellings subject to conditions and a section 106 agreement.

1.2 This application seeks approval of details of appearance, landscaping, layout and scale only.

1.3 Representatives from neighbours received detailed and addressed in the report. Objections from Wimblington Parish Council received.

1.4 Officers were concerned regarding the appearance of a development orientated perpendicular to March Road. An amended street scene has been negotiated. Secondly officers were concerned regarding the drainage strategy with associated significantly raised ground levels on the southern edge of the site impacting on existing housing. A negotiated amended drainage proposal, including an underground pumping station, has enabled minimal increases in ground levels.

1.5 The amended proposals are assessed against the relevant Development Plan Policies. Appearance and scale of the houses are considered to be satisfactory. An assessment against 'Design for Healthy Living' is included which scores well. Assessment of impact on neighbouring residential amenity is included and is considered unlikely to result in significant harm. The layout including landscaping, is considered to be satisfactory. Matters of drainage /flood risk have been considered and advise from statutory consultees confirms acceptance of the amended scheme.

1.6 The recommendation is therefore to grant approval of Reserved Matters.

2 SITE DESCRIPTION

2.1 The site lies at the north of Wimblington and comprises around 3.6ha of previously agricultural land. It's northern and western boundaries front onto Bridge Lane and March Road respectively. The site is surrounded by ditches to the south (ordinary watercourse) and east (IDB Drain). The site has remained as agricultural land throughout its mapped history beyond which is a smaller field which is enclosed on its eastern and southern boundary by a belt of trees. Immediately south is the recent Matthew Homes development (67 dwellings: F/YR14/0232/O) and the detached property, 38 March Road ('The Gables'). Eastwood Hall is located directly opposite the site to the west, on the other side of March Road. Application for 4 self/custom build dwellings and the formation of an access (ref. F/YR22/0332/F), was recently permitted by Planning Committee in November on land adjacent to the Hall opposite Bridge Lane and the northern part of this site. A 2m wide footway is already along the frontage of the site, linking Wimblington to March.

2.2 The area is open in character but with the backdrop of the main core of Wimblington to the south but now the immediate aspect of the neighbouring development, and the rural, looser-knit developments along Bridge Lane and Wimblington Road heading north. Views eastwards, beyond the site are face the belt of trees that line the easternmost edge of the adjacent field.

2.3 The site is within Flood Zone 1. There are two easements that cross the site, one diagonally across the top from north-west corner to the centre of the eastern boundary (which contributes to the shape of the proposed open space) and a second that runs the length of the eastern boundary.

3 PROPOSAL

3.1 The application provides 88 houses. This application submits matters reserved by the outline consent including:

- The Layout
- The Scale
- Appearance
- Landscaping

3.2 A single point of access (5.5metre road) was permitted at the outline stage approximately 36 metres north of the southern site boundary on March Road. No vehicular access is proposed from Bridge Lane. The proposed layout has a looped 5metre wide road accessing two cul-de-sacs including a 6 metres wide shared surface section with numerous small private drives.

3.3 The plans illustrate bus stop positions; however, their positions are the subject of planning condition 18 of the outline application and are therefore not part of this application.

3.4 The layout has an attenuation area in the south-east corner which abuts an existing ditch (outside the site). The site includes an area of public open space on the northern edge that faces Bridge Lane which includes a LEAP (equipped play area) to serve the northern side of the village, and two swales with additional tree planting.

3.5 22 of the dwellings are affordable (25%). Affordable provision includes 6 that are 2-bed, 14 3-bed and 2 4-bed properties. These are largely located within the centre

of the layout. The tenures are 15 affordable rent and 7 shared-ownership dwellings.

3.6 Houses on the southern edge abutting the recent development are a mix of orientations including some side-on and some rear facing aspects. There is an existing ditch set in a space just under 6 metres in width, which separates the existing houses from the development site. Plot 85 has a rear garden depth of approximately 9 metres (the smallest garden) but has a further separation of 5.5 metres to the side garden fence of No 40 March Road. Plot 86 (the nearest rear facing dwelling to the house at No 40) is approximately 23 metres from the side gable which includes some side windows). Plot 82 has a rear to side separation of approximately 18.8 metres.

3.7 The development has 8 detached properties on the March Road frontage, 4 of which are orientated side-on to the road. Discussions with officers regarding how the application addresses March Road took place and alterations to the March Road street-scene now include the following:

- bay windows to the 4 'side on' plots 4,5,8 and 9,
- Houses repositioned in the layout and further set back to enable tree and hedge-planting (previously lacked space).
- Close boarded fencing with brick peers.

3.8 A drainage strategy for both surface and foul water is submitted with the application. An earlier iteration included significant increase in land levels particularly around the southern edge of the site from between 0.5 and 1.5 metres higher than at present. This was in order to seek an entirely gravity-based drainage strategy. However, after discussions with officers the applicant has amended the scheme and has submitted a revised drainage strategy together with finished floor levels and sections. This demonstrates only very slight increases compared to existing. To enable this approach the applicant provides an underground packet pumping station located near the southern edge between Plots 80 and 81 to serve 12 dwellings.

3.9 The amended landscaping plan includes additional tree-planting on the southern boundary as previously requested by officers.

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

F/YR22/0784/RM | Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR20/1235/O to erect 88 x 2-storey dwellings (10 x 2-bed, 42 x 3-bed and 36 x 4-bed) with associated garages and parking and open space, involving the formation of a new access and an attenuation pond | Land South Of Bridge Lane Wimblington Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

F/YR20/1235/O Erect up to 88 dwellings (outline application with matters committed in respect of access) Granted 25.01.2022

5 CONSULTATIONS

5.1 **Wimblington Parish Council**
The Parish Council objected to the original proposal regarding the following:

- Insufficient detail regarding position of houses in proximity to the ditch. Agreed reservation regarding riparian ownership of the ditch (identical concern of LLFA),
- Concern regarding position of bus stop and street lighting seeking clarity to responsibility, and similarly responsibility for maintenance of grass verge on March Road.

The Parish Council was reconsulted following amended plans regarding drainage and ground level changes and objected on the following grounds:

- *Parish Councillors have concerns that the lowered section of land will flood and possibly flood Nursery Gardens. Councillors felt unable to make too much comment or raise valid objections as the new drainage report was so technical in its content that Councillors felt unqualified to comment*.

- *With regard to the rest of the application Councillors accepted the layout of the site and were pleased to note that there will be no entrance to the development via Bridge Lane. Councillors also noted once again the positioning of the bus stop and shelter, raised previously, which they feel will impact on visibility when exiting Bridge Lane onto March Road.*

5.2 **Cambs County Council (Archaeology)**
We have no comments to make on these reserved matters. We will provide further recommendations for the continuance of the archaeology programme secured by Condition 7 for planning consented granted to F/YR20/1235/O.

5.3 **Anglian Water**
Anglian water has assessed the drainage strategy report and can confirm that a gravity connection via manhole 4001, or downstream of this via new manhole is acceptable.

Anglian Water has raised no objection to the amended drainage strategy. It is noted Anglian Water has agreed to discharge of condition 6 of the outline permission which is outside of this application.

5.4 **FDC Environmental Health Officer**
No objection. The EHO consider there to be no noise impact regarding the underground pump station and therefore no nuisance to immediate neighbours likely.

Outside of this application the EHO considered the Construction Management details can be discharged.

5.5 **FDC Tree Officer**
Considered the illustrative landscaping is acceptable, hedging should be mixed native, welcomed some small growing ornamental on the southern boundary to assist with screening.

5.6 **Crime Prevention Officer (Cambs Police)**
Considered the layout acceptable. Recommends lighting to be to BS5489:1 2020 standard and consideration be given to cycle storage.

5.7 **Natural England**
Has no comments to make on this reserved matters application.

5.8 **Peterborough City Council (Housing Strategy)**
Welcomes the provision of 25% affordable and accepts the type and tenure provided.

5.9 **CCC (Lead Local Flood Authority)**
considers the Drainage Strategy report accords with the details provided with condition 10 of the outline consent and is therefore acceptable. Officers raised the concern of the neighbouring landowner. However, the LLFA confirms that a dual use of the space between the ditch to the east, and the proposed attenuation area to the west, as an easement in order to maintain these elements will be acceptable. Therefore, the LLFA has no objection on this matter.

5.10 **PCC Wildlife Officer**
No objection (final comments sought on amended LEMP and Ecological Impact Assessment).

5.11 **NHS (Cambridgeshire and Peterborough Integrated Care System)**
Request a contribution of £52,889.31 as "*The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application Fenland Group Practice: Wimblington*".

5.12 **Cambridgeshire Fire and Rescue**
Request fire Hydrants.

5.13 **CCC Highways**
Raise no objection subject to requested conditions and informatives.

5.14 **FDC Environmental Services**
The applicant amended plans detailing refuse storage and swept path for refuse vehicles. The amended details are acceptable to Environmental Services.

5.15 **Objectors**
Letters received from occupiers of 5 properties nearby (two each from Bridge Lane and March Road and one from Lily Avenue) referring to the following issues:

- Loss of privacy due to rear first floor windows of Plots 83-86 overlooking the side and rear of No 40 March Road (the adjacent property) A preference to the orientation of Plot 88 which is side-on to No 40. The objector highlights a previous experience on the now built Matthew Homes development with overlooking and refers to the Councils response relating to the separation distances involved. The objector disagreed with the response considering this did not satisfactorily deal with the issue. No 40 will be surrounded by houses overlooked by multiple houses.
- Why have Bridge Lane properties been treated so dissimilar by comparison with an area of open space separating the existing houses from those proposed.
- Concern regarding the juxtaposition of the eastern edge of the proposed attenuation area alongside the existing ditch. The objector refers to an easement strip that Middle Level has regarding the ditch.
- The use of the easement with the require proportion of open space.
- Alleged protected species habitat in the ditch.
- Use of the easement area in public open space calculation.
- Concern regarding traffic safety if the bus stop/ shelter is positioned as shown on the plans due to poor visibility to the south.
- Poor Access, loss of agricultural land,

- Overdevelopment
- Poor design and appearance,
- Drainage concerns and flooding,
- Light Pollution
- Local services unable to cope,
- Loss of view/outlook,
- Noise Pollution
- Out of character
- Proximity to property and loss of amenity
- Loss of light
- Increased traffic,
- Increased litter/waste
- Wildlife concerns,
- Precedent.

5.16 **Representations**

1 letter of representation was received regarding a preference not to have pedestrian cycleway routes through neighbouring housing areas which could increase anti-social behaviour.

Officer comment: No such link is proposed.

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)
Of relevant concern includes the following:
Sustainability, a presumption in favour of.
Approve developments that accord with up-to-date development plan without delay
Achieve healthy, inclusive safe places
Transportation, patterns of movement, streets, parking and other issues contribute to high quality places,
Good design is key

National Planning Practice Guidance (NPPG)
National Design Guide 2021 (The 10 characteristics)
Context C1,
Identity I1, I2, I3,
Built Form B1, B2
Movement M1, M3
Nature N1, N2, N3
Public Spaces P1, P2,
Uses U2

Homes and Buildings H1, H2, H3,
Resources R2
Lifespan L1

Fenland Local Plan 2014

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

Policy LP2 – Spatial Planning
Policy LP5 – Health and Wellbeing.
Policy LP7 – Design Quality
Policy LP8 - Amenity Provision
Policy LP12 - Meeting Housing Need
Policy LP22 – Parking Provision
Policy LP25 - Biodiversity Net Gain
Policy LP27 – Trees and planting
Policy LP28 – Landscape
Policy LP29 – Green infrastructure
Policy LP31 – Open Space and Recreation facilities
Policy LP34 – Air quality

8 KEY ISSUES

- **Principle of Development**
- **Residential Amenity**
- **Design and Character of the Area.**
- **Highway safety and Parking**
- **Flood Risk and drainage**
- **Other issues**

9 BACKGROUND

9.1 Outline permission granted by Planning Committee for up to 88 dwellings at the August 2021 meeting. The application was policy compliant as regards provision of affordable housing. A number of conditions were attached to the outline permission. 5 of those conditions required details to be submitted within the reserved matters including the following:

- Detailed design of surface water drainage (Cond 10)
- Finished floor levels (Cond 12)
- Landscape and Ecological Management Plan -LEMP (Condition 13)
- Details of tree protection (Condition 14)
- Details of adoption of highway land (Condition 15)

Officer Note, the above is addressed in this application by the following documents:

- Detailed design of surface water (Cond 10) is included in the Drainage Strategy Report received 19th December 2022,
- Details regarding floor levels, (Cond 12) are included (Dwg. 8842-102-001 Rev D)
- Regarding Condition 13 – The Landscape and Ecological Management Plan dated 28th October 2022
- Condition 14 Appendices 4 and 5 to the Arboricultural Impact Assessment (Rev C, 25th October 2022) provides details of the protection to the retained trees and hedges.
- Condition 15 – Proposed arrangements for future adoption, management and maintenance of the streets within the development, this information is contained within Adoption Plan – BW267EC-PL-09 Rev L.

10 ASSESSMENT

Principle of Development

10.1 The principle of the residential development of the site for up to 88 dwellings was established with the previous granting of outline permission.

Residential Amenity

10.2 A significant consideration is the impact of the development on immediate neighbours, in particular in this instance how proposed houses relate to those on the southern boundary.

10.3 Adjacent to the development to the south No 40 March Road was previously located within open land with no houses abutting. Following the development of the site to the south (Matthew Homes site) there are now a number of houses that have rear aspects facing the garden of No 40. This application proposes 3 houses (Plots 84-86) that directly face the side of No 40 with Plot 85 being the nearest (14.5metres approximately to the boundary fence of No 40).

10.4 Fenland as a Council does not have design guidance on separation standards in estate layouts. Other councils that do, frequently refer to back-to-back separation of 20 or 21 metres being acceptable, with the aim being to achieve 10metre deep rear gardens where possible, and rear to side flank wall distances of around 12 to 14 metres. The separation proposed (a minimum of 14.5m) is considered to be acceptable in this context.

10.5 Plot 88 which faces March Road is positioned side on to No 40 and approximately 7 metres in front of the front of No 40. There is a proposed separation of approximately 10metres. The side gable of Plot 88 is a blank wall.

There are two windows on the side of No 40. However, a planning condition could remove permitted development rights from Plot 88 regarding installation of windows. The applicant has submitted sectional drawings that indicate Plot 88 sits on slightly higher ground than No 40, but the eaves and ridge should be slightly below that of No 40 as the proposed dwelling is not as tall as No 40. Therefore, the impact of Plot 88 as seen from March Road, will appear somewhat conventional. There are not normally any estate separation standards for side-to-side properties. Therefore, this relationship is considered to be acceptable.

10.6 As regards Plot 86 this will be separated from the side windows of No 40 by approximately 22 metres reflecting normal rear to rear separation and which is considered to provide acceptable levels of privacy.

10.7 From the representations the occupier of No 40 has significant concerns regarding being overlooked given the change in circumstances created by both developments resulting in No 40 being somewhat enclosed by new houses. However, the separation proposed by the current layout is considered in keeping with similar developments. The side-to-side impact is not out of character.

10.8 Plot 82 has a rear aspect facing the side of the nearest property (15 Lily Avenue) in the recently completed Matthew Homes development. Plot 82 also has a blank gable and is separated From No 15 by 17.5 metres considered appropriate to acknowledged standards. The permitted development rights for Plot 82 regarding windows are also proposed to be removed by condition.

10.9 Proposed land levels rise slightly on Plots 81, 80 and 64. The side of Plot 80 to side of No 17 Lily Ave has separation of 17.3 metres. Plot 64 has a separation of 11.78metres to side of No 33 Lily Av to the main flank wall (there is a ground floor bay window nearer). Permitted development regarding windows is proposed to be removed on these 3 dwellings to protect amenity of existing residents nearby. However, none of the proposed houses will have eaves or ridge lines above those existing to the south and these relationships are considered acceptable.

10.10 Ground levels increase on houses to the north/east (plots 65 and 63), but these do not impact on existing housing.

10.11 Consideration regarding the amended details has been given to standards used in estate layout development elsewhere and the normal space to retain suitable amenity in terms of privacy or overlooking are achieved. Therefore, in this instance the impact upon amenity of the existing neighbour is considered acceptable and therefore accords with adopted policy LP16(e).

Design and Character of the area.

10.12 The applicant confirms a density of 33.8 dwellings per hectare across the site. The layout resulted in a dual frontage to both March Road and Bridge Lane albeit separated by an area of open space, a play area and swales with additional landscape planting. This should result in a shared sense of overlooking of a communal area beneficial in overall impact of this part of Wimblington. The street scenes facing the open space and March Road, have a variety of properties mixing the materials and handing the houses to provide a street scene of a more organic appearance complementing nearby street aspects. Internal streets of a denser character are more uniform in layout.

10.13 The side-on appearance to March Road (a previous concern) has been improved and is considered acceptable. The remaining layout is somewhat typical and

similar in form to that permitted to the south. The use of shared surface roadways adds some visual interest, and together with a strong hierarchy of roads is welcomed.

10.14 Regarding landscaping the application includes 141 trees to be planted, along with over 2000 shrubs and 216 native hedgerow plants. There are a small number of trees on the southern boundary mostly alongside the proposed attenuation area. An Arboricultural Assessment has been undertaken which the Council's Tree Officer considers to be acceptable subject to conditions.

10.15 The scale of development proposed is two-storey dwellings with single storey garages and is considered to be appropriate. The house types include:

- Standard gable and ridge construction with red or bough brick and brown and grey tiles,
- Terraced properties with buff bricks and brown rooftiles
- Semi-detached with corner gables red brick with grey or red tiles with brick quoin corner features,
- Detached with feature front gables with grey weatherboard cladding, porch canopies, brick sills and headers, contrasting buff bricks and grey tiles or alternatively red brick and tiles.

10.16 The Design and Access Statement assesses the development against the 'Building for a Healthy Life' guidelines and concludes that it scores green in all sections apart from amber against 'access to facilities and services'. No assessment against the National Design Guide has been received, however officers consider the design to have some quality particularly on the areas fronting public highways, although it is perhaps of a lower 'adequate' quality in central areas but nevertheless acceptable overall. The detailed design is not considered to harm the character of the area. The layout, scale appearance and landscaping are therefore considered to be acceptable in terms of design. The proposal is considered to accord with Policy LP16.

Highway safety and parking.

10.17 The Local Highway Authority has no objections regarding Highway Safety or the proposed areas of adoption (detailed on the Adoption Plan) which are included in the plans which address Condition 15 of the outline consent. The private drives that serve a maximum of only 5 dwellings are to be maintained by the occupiers. In the LHA's view any other matters can be dealt with under the Highway Acts.

Proposed Parking is considered broadly accords with the policy requirements in the Local Plan, providing a total of 223 spaces for the 80 dwellings. The proposed layout affords provision that does not result in large groups of vehicles dominating views in the streets which is welcomed.

10.18 The issue of position of Bus Stops will be addressed under a discharge of condition application. However, the Parish and residents' concerns will be forwarded to the LHA to consider as part of the discharge of condition process. The proposal is therefore considered to accord with Policy LP15.

Flood risk and drainage

10.19 The original drainage scheme proposed was an entirely gravity-based system which involved significant raising of ground levels. However, after further detailed discussions took place with officers, who were concerned regarding the impact of significantly raised ground levels and dwellings on the southern perimeter, and the likely impact on immediate neighbours to the south, the applicant has

amended the drainage scheme and therefore significantly lowered the land levels and consequently building heights.

10.20 The amended scheme provides a drainage strategy which provides foul water drainage through a gravity piped system that will convey the flows from each plot to an adoptable network and then to the existing Anglian Water sewer, connecting at an existing manhole on the northern eastern boundary. Due to sensitivity with levels along the southern boundary a private package pump station will be provided to serve 12 plots. This will pump flows into the head of the proposed gravity system. The pump will be automatic with telemetry installed to monitor performance. The maintenance of the system will be controlled by a management company. The gravity sewer design has been produced in accordance with Anglian Water guidelines to allow the sewers to be adopted under a S104 agreement.

10.21 The surface water drainage should accommodate all storm events up to and including a 1 in 100 year plus 40% climate change storm event, without any on site flooding of the network. The existing surface water runs-off into adjacent ditches. The greenfield run-off rate for the proposed development has been agreed with the LLFA. Surface water from roofs and driveways will be collected by piped networks to an adoptable sewer network generally beneath the proposed highway. The highway itself will drain via trapped gullies into the same network out-falling via the attenuation basin and flow control manhole into the existing ditch in the southeast corner of the site.

10.22 The surface water network is designed so that no flooding should occur within a 1 in1 00year plus 40% climate change storm event. The attenuation basin is approximately 2.0m deep with 1.5m wide shelves at 600mm intervals and 1 in 4 to 1 in 3 side slopes. It includes a 3m wide maintenance strip around the perimeter. The basin will be dry, and the lower tier lined with an impermeable membrane due to the potential of raised ground water levels. Additional underground attenuation in the form of cellular crates is also required to provide extra volume of storage to deal with the worst-case design storm events.

10.23 Concerns were received from a neighbouring landowner regarding proximity of the attenuation area and a maintenance easement strip alongside the adjacent ditch. This was highlighted to the LLFA. The LLFA confirmed, the top of the bank for the attenuation basin is located outside of the easement strip adjacent. However, the Drainage Strategy does show a 3m maintenance strip for the attenuation basin which will be provided from the top of its bank, part of which will enter the 9m required Middle Level Commissioners easement. The applicant proposes to incorporate the two together as they serve the same function of maintenance, to which the LLFA have no concerns in principle. MLC were consulted on the revised scheme. Providing the 9 metres easement for maintenance of the ditch is retained (a dual use of the strip for maintenance retains that purpose) there should not be a problem. Therefore, there is not considered to be a planning reason on which to refuse this application regarding flood risk in this regard.

10.24 Both the relevant authorities (LLFA and Anglian Water) have no objection to these proposed drainage schemes (Anglian Water also confirms compliance with Planning condition 6 of the outline consent) and the proposal is therefore considered to accord with adopted Policy LP14.

Other Considerations

10.25 The NHS seek an infrastructure contribution. However, this application determines only the layout, scale, appearance and landscaping. Such a request should have occurred at the Outline application stage.

10.26 Cambridgeshire Fire and Rescue request fire hydrants be provided. A planning condition was provided at the outline stage.

10.27 An informative would be attached to any permission regarding the Crime Prevention recommendation requiring lighting to a British Standard.

10.28 Details of refuse arrangement (bin storage/collection points and swept paths of refuse vehicles) were submitted and considered acceptable by the Council's Environmental Services.

11 CONCLUSIONS

11.1 As set out within the above assessment, it is considered that the submitted details in respect of the layout, scale, appearance and landscaping of the proposed development are acceptable and accord with adopted Local Plan Policies. The application is therefore recommended for approval subject to recommended conditions

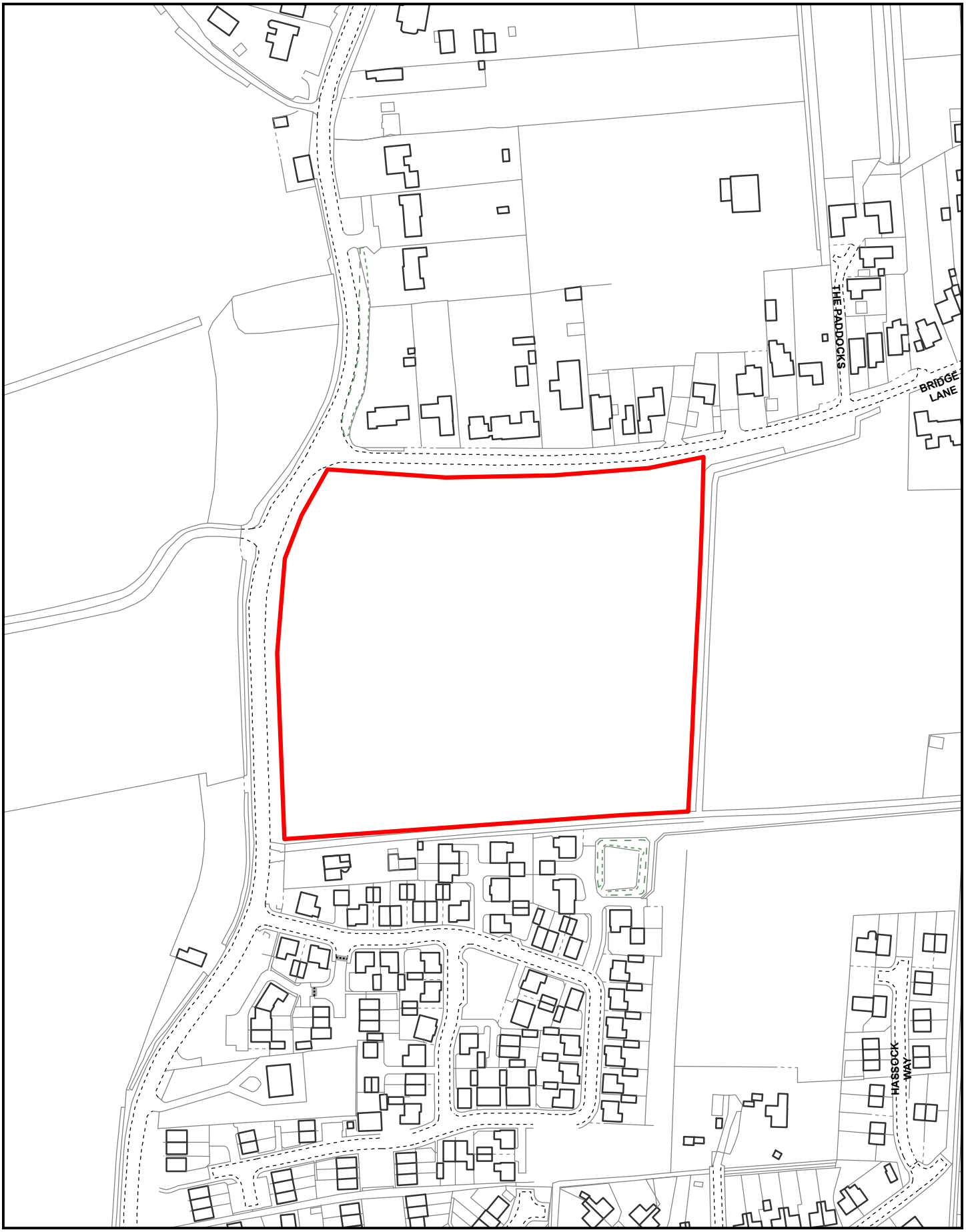
12 RECOMMENDATION

Approve

The proposed conditions are as follows;

1.	No dwelling shall be occupied until the means of vehicular access to that dwelling has been laid out and constructed in accordance with the approved plans. Reason: In the interests of highway safety and to ensure satisfactory access into the site.
2	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any other Order revoking or re-enacting that Order with or without modification), no additional windows shall be provided on the southern aspects of dwelling plot No's 64, 80, Plot 81 and Plot 88 that have southern aspects facing existing houses nearby to the south, without further planning permission. Reason To protect the amenities of the adjoining properties in accordance with Policy LP16(e) of the Fenland Local Plan adopted 2014.
3	Development shall not commence until root protection measures to the trees on the southern boundary identified within the Arboricultural Impact Assessment for retention, have been provided in accordance with root protection details within the Arboricultural Impact Assessment dated 25th October 2022. These root protection measures shall be retained until the development is completed. Reason: In order to protect trees abutting the development and for the wider amenity of the area.

4	All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority. Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan, 2014.
5	Prior to occupation of the first dwelling hereby permitted full details of the public open space and play area (plans specifications, timetable of provision and details of management and maintenance), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and timetable. The public open space and play area shall thereafter be retained and maintained in perpetuity for public use in accordance with the approved details. Reason: To ensure a satisfactory amount of public open space and play area is provided and maintained, having regard to Policy LP16 of the Fenland Local Plan (2014).
6	The development hereby permitted shall be carried out in accordance with the following approved plans and documents:



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F/YR22/0784/RM

Scale = 1:2,500

N

Fenland CAMBRIDGESHIRE
Fenland District Council



Accommodation Schedule

Private Development

No	Name	Beds	Storey
4	Coiner	2	2
8	Blemmere	3	2
11	Coppersmith	3	2
9	Hillard	3	2
2	Pargeter	4	2
4	Sculptor	4	2
6	Scultor Bay	4	2
3	Reedmaker	4	2
5	Luthier	4	2
2	Luthier Bay	4	2
10	Arkwright	4	2
2	Arkwright Bay	4	2
66			

Affordable Dwellings

No	Name	Beds	Storey
6	Salter	2B3P	2
8	Naylor	3B5P	2
2	Ploughwright	3B5P	2
4	Tillman	3B5P	2
2	Cartographer	4B5P	2
22			

Total
88

0 25 50 metre

Bellway
Bellway Homes Limited
(Eastern Counties)
Building 2030
Cambourne Business park
Cambourne
Cambridgeshire
CB23 6DW
tel - 01480 425200

Project-
Land South Of Bridge Lane, Wimblington, Cambridgeshire

Description-
Development Layout

Date- May 2022
Drawing Scale- 1-500 @ A1

Drawing number- BW267EC-PL-02 Rev Q

JCN DESIGN & PLANNING

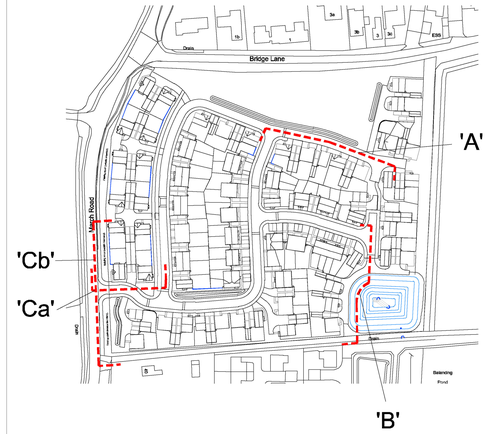
Street Elevations 'A'



Street Elevations 'B'



Elevation Key Plan



Street Elevations 'Ca'



Street Elevations 'Cb'



Wimblington

Cambridgeshire

Street Scenes

Project:-
Land South Of Bridge Lane, Wimblington, Cambridgeshire

Description:-
Street Elevations A, B & C

Bellway

Bellway Homes Essex
1 Cunard Square
Chelmsford, Essex, CM1 1AQ.

Bellway House,
Tel: 01245 - 255980
Fax: 01245 - 255990

Scale:- 1-100 @ A0
Date:- May 2022
Dig no:- BW267-ST-01
Revision:- B

www.jcndesign.co.uk - info@jcndesign.co.uk - 01376 572977



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F/YR22/1148/F

Applicant: **Mr M Durant**
Lodge House Ltd

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

Land East Of, 36 High Street, March, Cambridgeshire

Erect 7 x dwellings (2-storey 2-bed) with bin and cycle stores

Officer recommendation: Grant

Reason for Committee: Town Council objection contrary to officer recommendation

1. EXECUTIVE SUMMARY

1.1. This application relates to a 0.12ha rectangular piece of land located behind No.36 High Street, March. The proposal seeks full planning permission for the erection of 7 x 2-storey dwellings with associated bin and cycle stores.

1.2. The site benefits from extant outline and reserved matters planning approval for a similar scheme (F/YR15/0176/O and F/YR21/0250/RM). At the time of site inspection, construction on the site had begun in respect of the earlier approved scheme. Notwithstanding, the current application seeks approval for a scheme, which whilst similar in scale and principle, differs in terms of the site layout and overall dwelling design.

1.3. The proposed layout and access arrangements for the site are considered to demonstrate an acceptable and sustainable form of development. Whilst there would be some amenity impacts as a result of the proposed scheme, having regard to the town centre location of the site, it is considered, on balance, that the proposal is acceptable.

1.4. There is no conflict with planning policies or material considerations to justify refusal of the scheme considered herein. As such approval is recommended subject to the imposition of planning conditions.

2. SITE DESCRIPTION

2.1. The site is vacant land located within the town centre of March, adjacent to March Conservation Area and is located behind buildings fronting High Street, some of which are Listed Buildings (Nos. 34, 36 and 38 High Street). The adjoining uses include a pub/hotel (The Griffin) and residential properties (including Elwyn Court).

3. PROPOSAL

3.1. The proposal seeks planning permission for the erection of 7 x 2-storey dwellings on an area of land of 0.12 hectares.

3.2. The scheme proposes three pairs of semi-detached dwellings with an additional detached dwelling, which will sit behind 36 High Street and will face out onto the car park associated with the Griffin Hotel. Private amenity space for each dwelling will be set to the rear between the proposed dwellings and No.17 Elwyn Court, together with outbuildings for each unit which are to be used for bin and cycle storage.

3.3. The site layout also includes a multiple bin collection compound to the north-western corner of the site and the existing gated access point will be retained to form a pedestrian access with electronic sliding gates.

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/YR21/0250/RM	Reserved Matters application relating to the detailed matter of landscaping pursuant to outline permission F/YR15/0176/O	Approved 30.04.2021
F/YR20/3034/COND	Details reserved by Condition 8 (Drainage) of planning permission F/YR15/0176/O	Approved 17.04.2020
F/YR19/3066/COND	Details reserved by conditions 4, 5, 7, 10 and 11 of planning permission F/YR15/0176/O	Approved 01.11.2019
F/YR15/0176/O	Erection of 7 x 2-storey 2-bed dwellings with bin and cycle stores (Outline application with matters committed in respect of access, appearance, layout and scale)	Granted 06.04.2018

Additional planning history is available, but has been omitted for brevity.

5. CONSULTATIONS

5.1. **Senior Archaeologist (CCC)**

Thank you for your consultation in regards to the above referenced planning permission.

The site has already been subject to evaluation (Cambridgeshire Historic Environment Record reference. ECB3826). This occurred in 2012 in relation to an earlier planning application (F/YR11/0901/O) and found a boundary ditch and a cow burial with pottery dating mainly from the later Post-Medieval period. No further remains of significance were found and an excavation was not required.

Therefore we have no objections or requirements for this development.

5.2. **Cambridgeshire Fire & Rescue Service**

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

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

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

5.4. **March Society**
There is a need for housing and this is an empty site in the centre of the town, We expect the development to be in keeping with the surrounding listed buildings though there are no details of the bricks and tiles to be used.
There is no plan for the bin and cycle stores though this is a part of the application.

We trust that the recommendations of the tree survey and arboricultural impact survey will be implemented in order to protect the mature beech tree and its roots system.

Stance: Neutral

5.5. **March Town Council**
Recommendation: Refusal - lack of parking and unsatisfactory access/egress

5.6. **Environment & Health Services (FDC)**
No objections from an environmental health standpoint.

5.7. **Local Residents/Interested Parties**
The LPA received seven letters of support for the scheme, the reasons for support can be summarised as follows:

- In keeping with surrounding area;
- Good use of vacant land;
- Good location for first time buyers;
- Good design;
- Regenerate a 'bad' area of town; and
- More houses needed;

The LPA also received one representation raising the issue in respect of a lack of plans for the bin/cycle stores.

6. STATUTORY DUTY

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

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

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) July 2021

Para 2 – applications to be determined in accordance with the development plan unless material considerations indicate otherwise
Para 11 – a presumption in favour of sustainable development
Para 111 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
Para 119 – Promote effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
Para 124 – Supporting efficient use of land, taking into account the: (d) desirability of maintaining an areas prevailing character and setting (including residential gardens); and (e) the importance of securing well-designed, attractive and healthy places.
Para 130 – achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

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
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
LP18 – The Historic Environment
LP19 – The Natural Environment

7.5. Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 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
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP24 – Natural Environment
LP23 – Historic Environment

LP32 – Flood and Water Management

7.6. **March Neighbourhood Plan 2017**
H2 – Windfall Development

8. KEY ISSUES

- **Principle of Development**
- **Character and appearance**
- **Access and Parking**
- **Landscaping**
- **Residential amenity**
- **Refuse collection**
- **Other considerations**

9. BACKGROUND

9.1. The site benefits from extant outline and reserved matters planning approval for a similar scheme (F/YR15/0176/O and F/YR21/0250/RM). At the time of site inspection, construction on the site had begun in respect of the earlier approved scheme. Notwithstanding, the current application seeks approval for a scheme, which whilst similar in scale and principle, differs in terms of the site layout and overall dwelling design.

10. ASSESSMENT

Principle of Development

10.1. The principle of the development has already been established as the site was previously considered to be an appropriate site to deliver additional housing within the town as part of the outline and reserved matters approval.

Character and appearance

10.2. The outline scheme proposed a similar site layout to the scheme put forth within this application, however the proposed dwellings were to be set out as a block of four dwellings and another of three dwellings, with link detached first floors between units 2 & 3, and 6 & 7. In addition, the rooflines of the linked detached dwellings were to be stepped down from the rest of the terrace. The outline scheme also included 'heritage' design features such as cat-slide dormers, stable style doors and paned fenestration. Details in respect of materials including external facing brickwork, roof tile, rainwater goods and fenestration were subsequently discharged under F/YR19/3066/COND and agreed as follows:

- Vandersanden Cottage Mixture Brick;
- Sandtoft Arcadia Reclaim and Britlock Slate Graphite roof tiles;
- Cascade Cast Iron Style Guttering; and
- Conservation Folding Doors and Velux CK04 fenestration.

10.3. The main difference with the newly proposed scheme is the separation of the dwellings into 3 pairs of semi-detached and a single detached dwelling making up the 7th unit, with no link detachment. The proposal will still see the use of cat-slide dormers, stable style doors, stepped roof heights and dummy windows to offer a 'heritage' feel to the overall development. Materials details have been provided as follows:

- Vandersanden Cottage Mixture Brick;

- Redland Fenland Interlocking Pantile in Terracotta;
- Black Brett Martin Cast Iron Effect Rainwater Goods.
- White UPVC windows;
- Black Composite Doors; and
- White Standard Flush Fitted (Built-in) Electric Meter Box.

10.4. The use of uPVC windows and composite doors are regrettable. However given the locality of the development not within the immediate High Street streetscene, the impact of such materials will result in negligible impact to the Conservation Area. Ultimately, the changes proposed are minor in respect of their impact to the character and appearance of the area when compared with the original approved scheme. As such it is considered that the scheme complies with Policies LP16 and LP18 of the Fenland Local Plan 2014.

Access and Parking

10.5. Comments from March Town Council in respect of a lack of parking and unsatisfactory access/egress are noted. The scheme considered herein offers the same access arrangements as the earlier approved scheme, with no allocated parking.

10.6. Policy LP15 part (C) requires all development proposals to be located and designed so that they can maximise accessibility and help to increase the use of non-car modes. Furthermore development schemes should provide well designed car and cycle parking appropriate to the amount of development proposed, ensuring that all new development meets the parking standards as set out in Appendix A of the Local Plan.

10.7. The access point leads into the site from in-between the buildings at 34 and 36 High Street. This access is predominately utilised for the Griffin Hotel car park, although there is also another access serving the Griffin Hotel from Market Place.

10.8. It has been indicated that the access to the dwellings would be for pedestrians and cyclists only, and as such no car parking is provided. Given that the site is located within easy access of town centre facilities and public transport, it is considered that on-site parking is not, in this instance, required. Notwithstanding this position it is noted that the access is sub-standard in terms of width, visibility onto High Street and lack of pedestrian infrastructure, as such any increase in traffic would not be encouraged or supported by officers in the interest of highway safety. It should be noted that the site benefits from extant planning permission, approved without the provision of dedicated car parking.

10.9. The site is within walking distance of shops, education, employment, health facilities and public transport. Furthermore, there is a free public car park in close proximity of the site at City Road approximately 178 metres away which would cater for future occupants if necessary. Limited car parking is also available on the Market Square and on High Street.

10.10. In view of the above officers consider that approving the proposal without parking would help to promote sustainable living. It would also lessen the emphasis on private car use, which would help to reduce carbon emissions.

10.11. As referred to above, Appendix A to the Local Plan sets out that in special circumstances nil parking provision for new residential development may be appropriate. In this case the special circumstances are considered to be a

combination of: the planning history of the site which has approved development with no car parking; the location of nearby services; and the close proximity of alternative and suitable car parking.

10.12. In accordance with national guidance contained in Manual for Streets 2, Local Authority's should promote cycle use and provide cycle storage where possible; this scheme includes such facilities. This adds some further justification to the proposed car parking arrangements.

10.13. Comments from Highways were not received during consultation of the current application, however as the proposals do not differ in terms of access and parking to earlier approved schemes, refusal of the scheme on the basis of a lack of specific comments from Highways would be unreasonable in this case.

10.14. Previous permissions required careful consideration of the means of access to the site for construction, and included conditions requiring a construction management plan (Condition 10 of F/YR15/0176/O). This condition has been previously discharged under F/YR19/3066/COND, and the approved construction management plan has been included within the submitted documents for consideration in respect of the current application. There were no objections to the construction management plan from consultations with the Environmental Health Team and as such it is considered that the submitted construction management plan is therefore acceptable.

10.15. The proposal is therefore considered to be in accordance with Policy LP15 of the Local Plan insomuch as it does provide appropriate car and cycle parking arrangements given the site's locality and will unlikely result in insurmountable matters in respect of highway safety.

Landscaping

10.16. The current scheme proposes soft landscaping limited to rear gardens being laid to lawn and hard landscaping in the form of patio paving and fencing. These proposals are considered acceptable in the context of a small site with little scope to add to the natural landscaping within the town centre.

10.17. However, the scheme does include the retention of Beech located to the north-western corner of the site. It is noted that part of the development proposed would be located within the Root Protection Area of this tree. As such, the application included an Arboricultural Impact Assessment and method statement (AIA) outlining the protection measures and construction methods to mitigate damage to this retained tree. Whilst specific comments from FDC's arboricultural officer were not received in respect of the current application and submitted AIA, the methods proposed are the same as those previously agreed as acceptable by the arboricultural officer during consideration of previous approved schemes. Thus, it follows, that the submitted AIA can be considered acceptable, subject to conditions.

Residential amenity

10.18. There are residential properties located to the south and east of the site within Elwyn Court, including Nos.17 & 19 nearest the site. No. 36 High Street has now been reverted back to its original use as a dwelling. Also to the south-west of the site (at 38 High Street) is a development incorporating 12 residential units, known as Minstrel Place.

10.19. The scheme has been amended in order to seek to improve the relationship from the proposal on existing residential properties surrounding the site, with particular regard to the scale of the proposal and the presence of first-floor windows facing south towards No.17 Elwyn Court.

10.20. The proposed dwellings (Plots 1-4) located closest to the rear garden of No.17 Elwyn Court would have three first-floor bedroom windows facing south together with two roof lights which serve bathrooms. It is considered that the proposed scheme has sought to minimise the scale of the proposal and therefore to reduce the impacts of the proposal in this regard. Whilst there would still be an element of overlooking this would be mitigated to some extent by virtue of the existing line of lime trees (currently around 3.5 metres tall). This relationship is considered, on balance, to be acceptable.

10.21. The proposed dwelling (Plot 7) located closest to 19 Elwyn Court has no windows within the eastern end gable and as such overlooking from this side is limited. The first-floor bedrooms within the southern elevation of Plots 6 & 7 do offer some opportunity for overlooking toward No.17 & No19 Elwyn Court, however the area overlooked would be to the front of these dwellings, within the public realm, and thus this relationship is considered to be acceptable.

10.22. The proposed layout provides each dwelling unit with a sufficient sized rear garden area ranging from depths of 7.1 metres to 7.7 metres which includes a small storage building for bins and cycles.

10.23. It is acknowledged that the proposal would lead to some additional impact upon the occupiers of 36 High Street. The scale of the development would result in some harm to the amenity of this dwelling owing to the presence of a gable elevation which would face the site, although there are no windows proposed within this elevation. However the resulting level of amenity is not considered to be sub-standard in this instance and in this location. The same conclusion was reached in relation to the development to the south of 36 High Street.

10.24. In light of the above and having regard to the town centre location, where buildings are typically located closer together, it is not considered, on balance, that the proposal would conflict with Policy LP16 of the Local Plan nor the guidance within the NPPF.

Refuse collection

10.25. Owing to the width of the access it is not possible for the Council's refuse team to service the site in a conventional manner. This was the position on the previous residential planning approvals for the site.

10.26. Previous applications included evidence of a Unilateral Undertaking in respect of waste collection to be managed by a private waste contractor. However, the current application includes a refuse collection strategy that does not explicitly state whom will be responsible for collections, implying this may be undertaken by the Local Authority.

10.27. In light of this, whilst the matter of refuse collection is not an insurmountable matter for the site, it is necessary for the LPA to confirm the precise details of how waste will be collected from the site to safeguard residential amenity. As such, it is considered appropriate for full details in respect of refuse collection to be submitted prior to occupation of the development, secured by condition.

Other considerations

10.28. The previous application relating to the site was subject to an archaeological evaluation. On the basis of this evaluation the County Council advise that no further archaeological works are necessary.

10.29. The site lies within Flood Zone 1, defined by the NPPG as having a low probability of flooding. The site is located within a highly sustainable location and given the scale of development proposed it is not considered that a FRA is required in this instance.

10.30. The application includes surface water drainage details, utilising soakaways for the disposal of surface water. The proposed drainage scheme appears acceptable, with each plot having a separate soakaway attributed to it and thus operational management of each soakaway will be the responsibility of the occupier. Notwithstanding, matters in respect of surface water drainage are subject to building regulations. Thus, it is considered there are no issues to address in respect of Policy LP14.

10.31. Consultation with Cambridgeshire Fire and Rescue has brought forth the recommendation to include a condition in respect of fire hydrants to be provided in respect of the scheme. Earlier approvals of the scheme did not include such a condition and given these permissions are extant, it would be unreasonable to include this in respect of this revised proposal. Furthermore, it cannot be confirmed if the applicant has ownership or control over the land in which hydrants would likely need to be located, and as such the LPA cannot in good faith obligate the applicant to this by way of planning condition. However, an informative in respect of this should be included to notify the applicant of their responsibility in this regard.

11. CONCLUSIONS

11.1. This proposal provides an efficient use of a vacant and unused area of land within the town centre of March. The principle of the proposal is fully supported by national and local policies and all of the detailed considerations have been assessed within this report. In each instance it is not considered that there is any conflict with planning policies or material considerations such that planning permission should be refused. As such approval is recommended subject to the conditions detailed below.

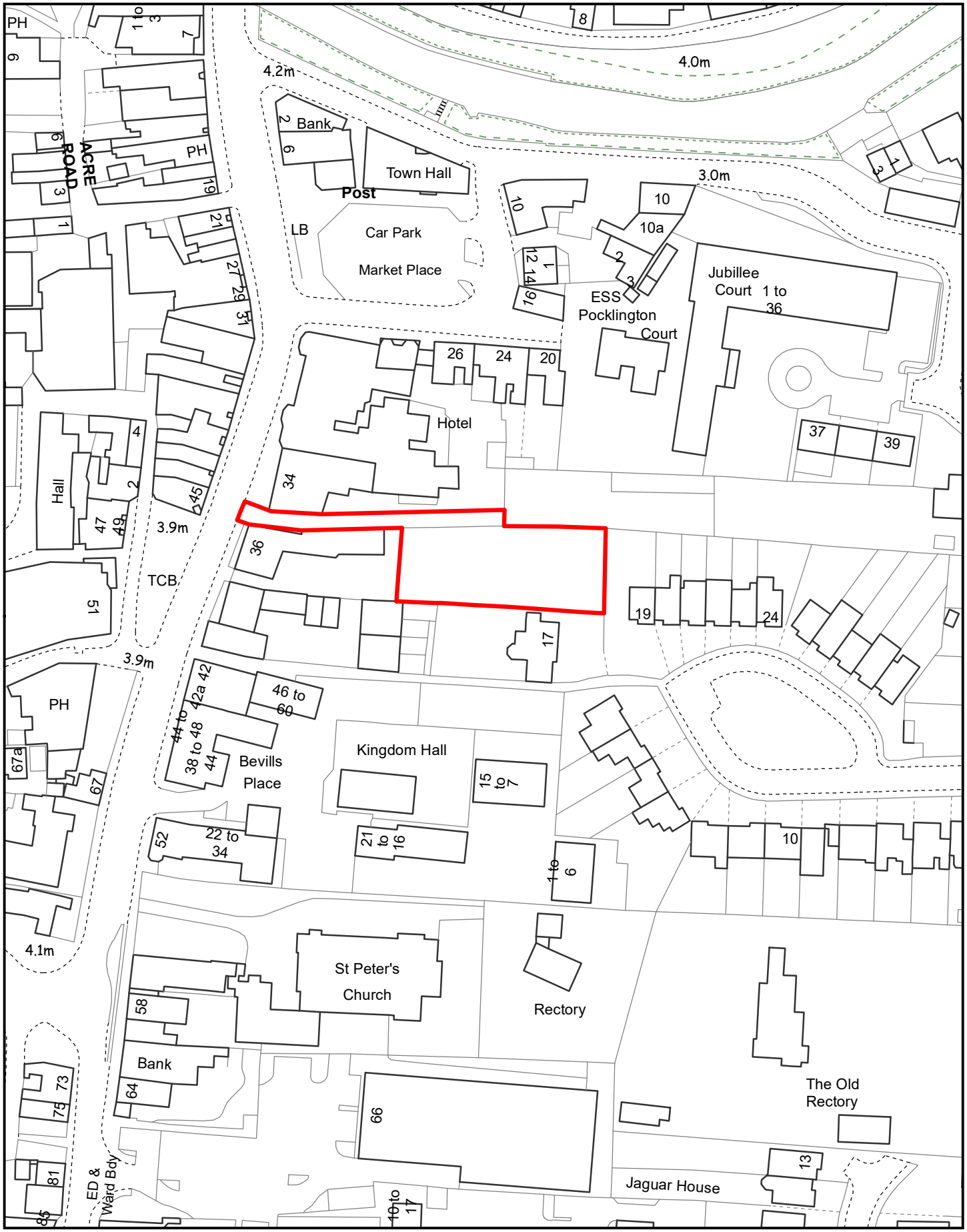
12. RECOMMENDATION

Grant, subject to the following conditions;

Conditions

1	**Start date** The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2	**Materials** The development hereby approved shall be finished externally as detailed on the approved Development Materials Schedule, utilising: - Vandersanden Cottage Mixture Brick; - Redland Fenland Interlocking Pantile in Terracotta; - Black Brett Martin Cast Iron Effect Rainwater Goods. - White UPVC windows; - Black Composite Doors; and - White Standard Flush Fitted (Built-in) Electric Meter Box. Reason: To safeguard the visual amenities of the area and ensure compliance with Policy LP16 and LP18 of the Fenland Local Plan, adopted May 2014.
3	**CMP** The development hereby permitted will be constructed and managed in accordance with the approved Construction Management Plan throughout the construction period. Reason - In order to avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity in accordance with Policy LP15 and LP16 of the Fenland Local Plan 2014.
4	**Trees** All trees that are to be retained shall be protected during the course of construction in accordance with British Standard 5837:2005 and the approved Tree Survey, Arboricultural Impact Assessment and Method Statement. Reason - To ensure that retained trees are adequately protected and in accordance with Policy LP16 of the Fenland Local Plan 2014.
5	**No additional windows** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification), no additional first-floor windows other than those shown on the plans hereby approved shall be placed in the southern elevations of the development hereby approved. Reason - To protect the amenities of the adjoining properties in accordance with Policy LP16 of the Fenland Local Plan 2014.
6 (7)	**Refuse collection** Notwithstanding the submitted strategy, prior to the first occupation of the development hereby approved a detailed refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity unless otherwise agreed in writing. Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.
7	Approved Plans – **on uniform**



Created on: 18/10/2022

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F/YR22/1148/F

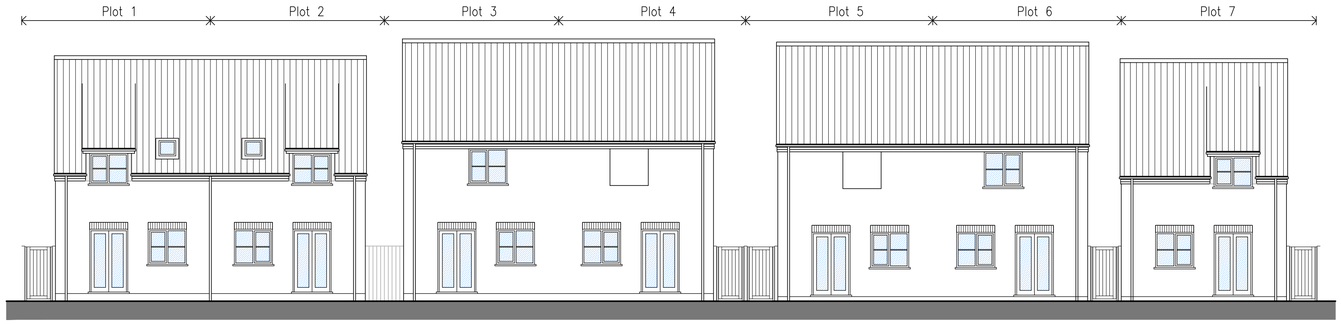
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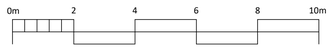
Fenland CAMBRIDGESHIRE
Fenland District Council

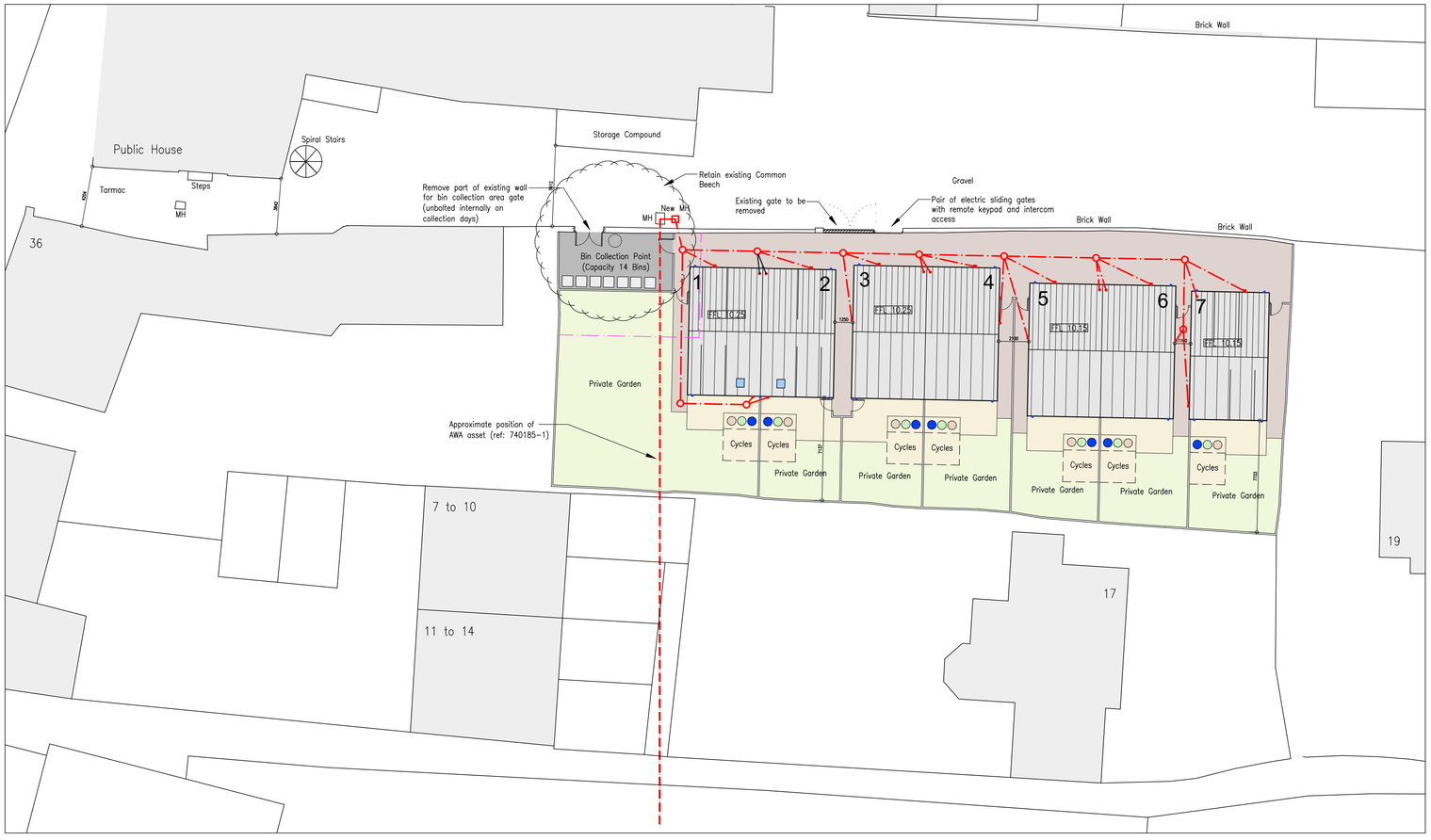


FRONT STREET SCENE 1:100

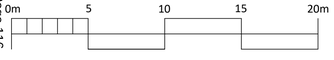


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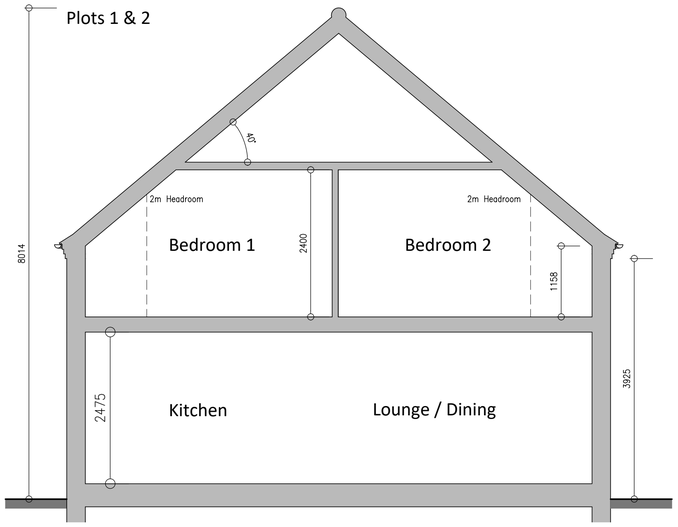
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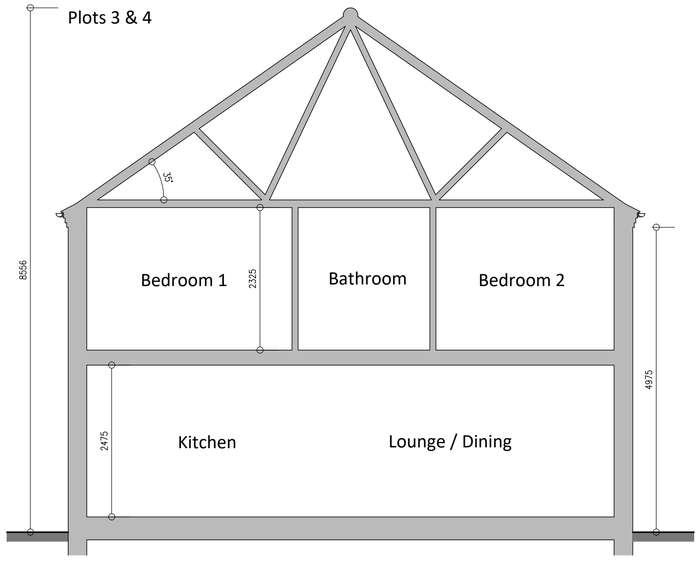




KEY

- 1.8m Close Boarded Fence
- Wheeled Bin Positions
- Permeable Hardstanding
- Paving Slabs
- Tree Protection
- Bin Collection Point
- Concrete Hardstanding
- Grass Areas
- Cycles Cycle Storage





SECTIONS 1:50



C - 10.10.22 - Amendments following planning validation comments.
B - 03.10.22 - Amendments following applicant comments.
A - 30.09.22 - Minor corrections made to plan.
REVISIONS

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CLIENT
MR M DURANT

PROJECT
RESIDENTIAL DEVELOPMENT

SITE
LAND EAST OF 36
HIGH STREET
MARCH
CAMBS
PE15 9JR

DRAWING
PLANNING DRAWING 1

JOB NO.	PAPER SIZE	DATE
6471/PL10C	A1	SEP 2022

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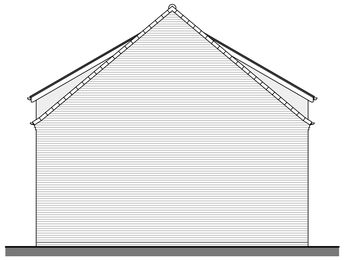
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PLOTS 1 & 2



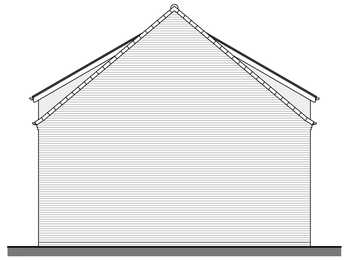
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WEST ELEVATION



SOUTH ELEVATION

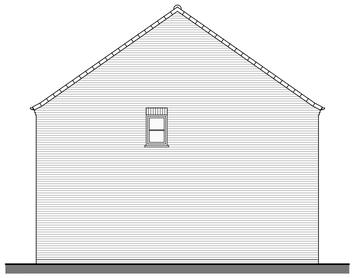


EAST ELEVATION

PLOTS 3 & 4



NORTH ELEVATION 1:100



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

PLOTS 5 & 6



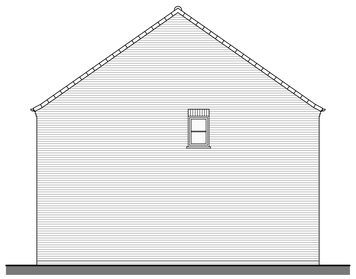
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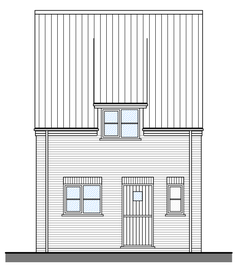


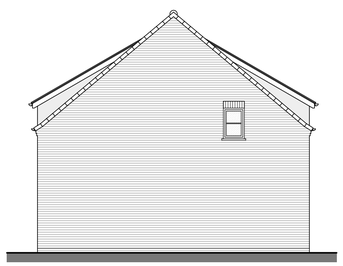
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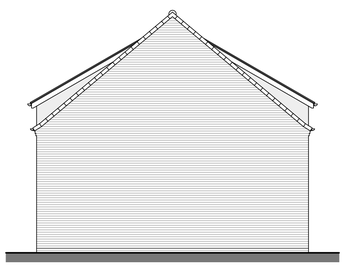
EAST ELEVATION

PLOT 7







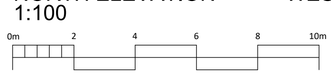


NORTH ELEVATION
1:100

WEST ELEVATION

SOUTH ELEVATION

EAST ELEVATION



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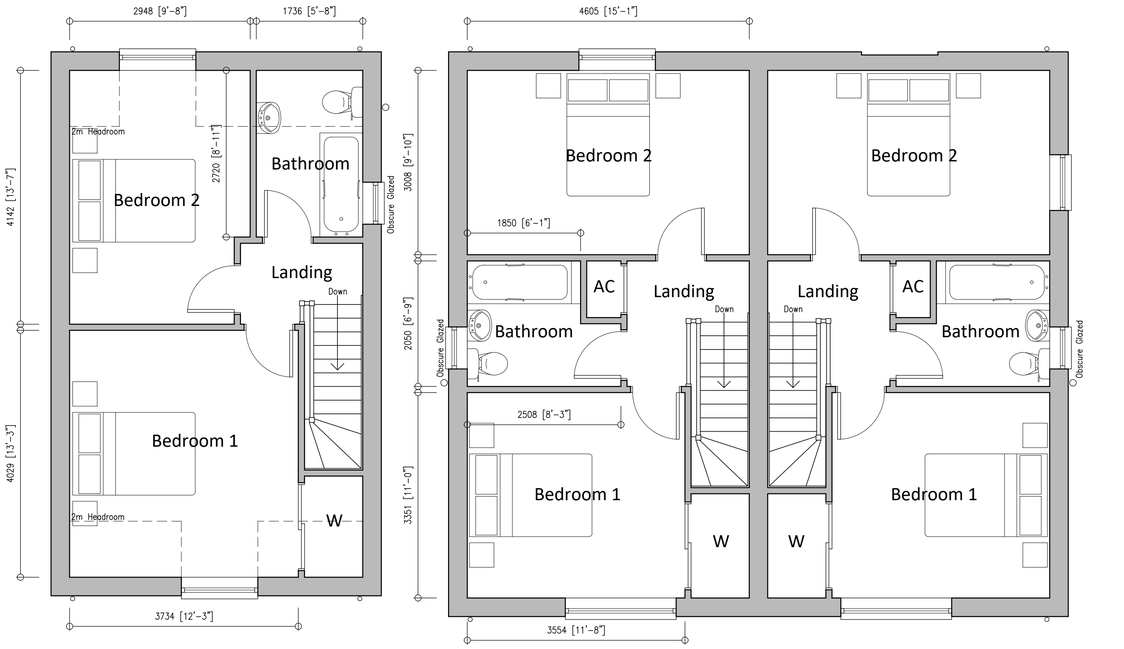
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PLANNING DRAWING 3

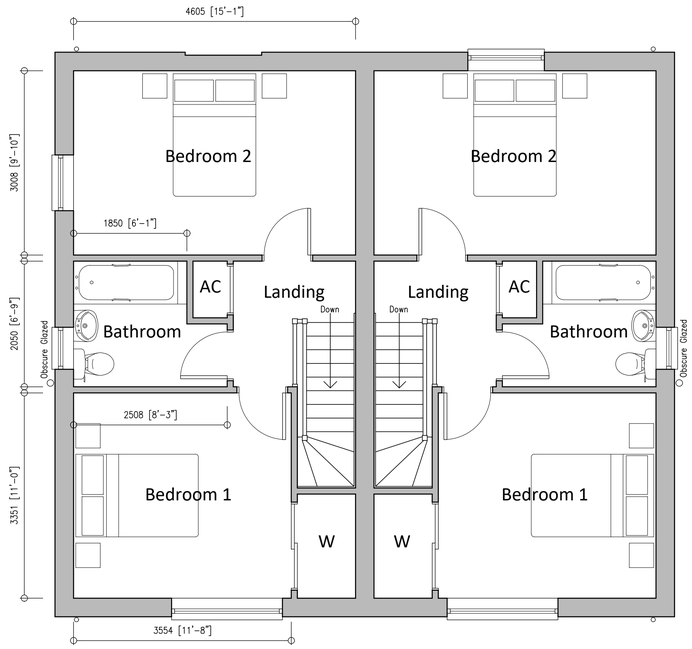
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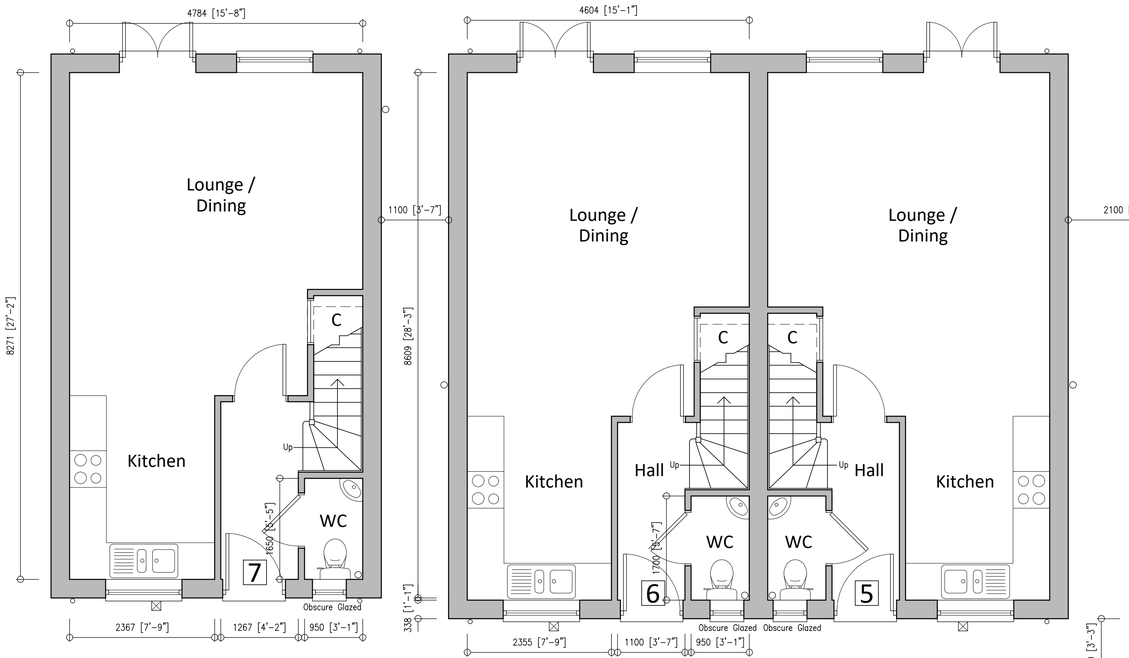
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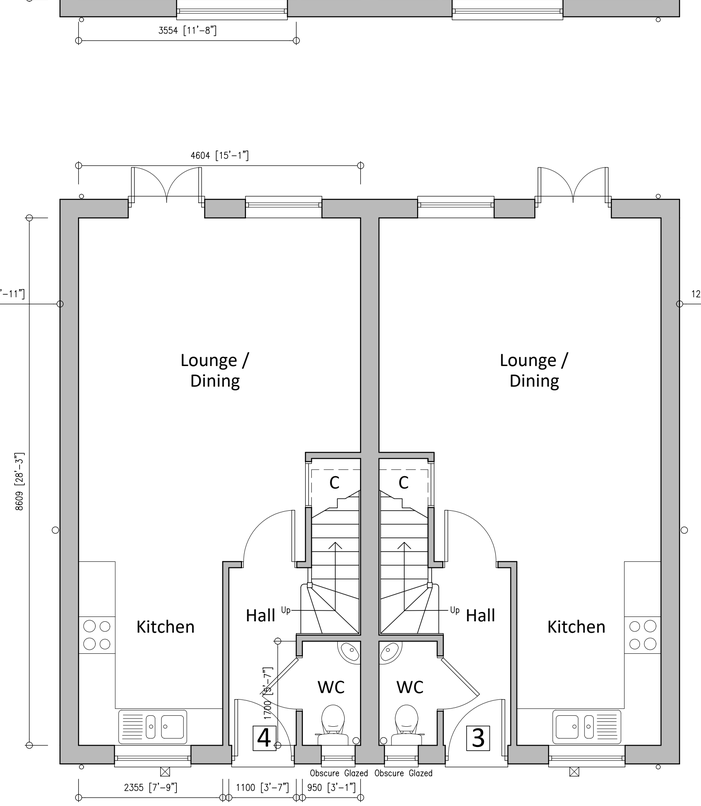


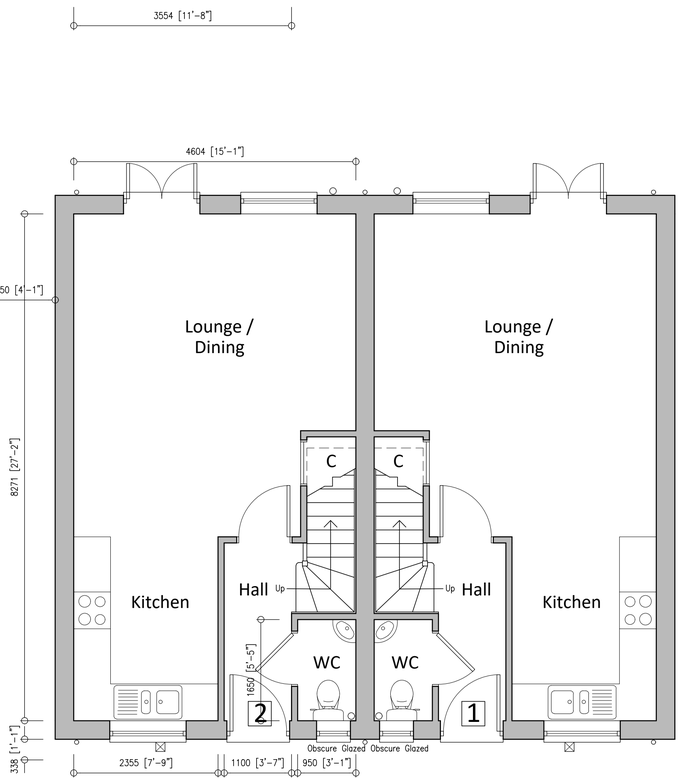




FIRST FLOOR PLANS 1:50







GROUND FLOOR PLANS 1:50

0m 1 2 3 4 5m

B - 10.10.22 - Amendments following planning validation comments.
A - 03.10.22 - Amendments following applicant comments.
REVISIONS

JOB NO.	PAPER SIZE	DATE
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CLIENT
MR M DURANT

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RESIDENTIAL DEVELOPMENT

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DRAWING
PLANNING DRAWING 2

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F/YR22/1198/VOC

Applicant:	**Mr M Durant** **Lodge House Ltd**	**Agent:**	**Mr Jordan Trundle** **Peter Humphrey Associates Ltd**

Land East Of, 36 High Street, March, Cambridgeshire

Variation of conditions 4 (Brick and Roof Tiles), 5 (External Details), Condition 7 (Tree Protection Method Statement), Condition 8 (Surface Water Drainage), Condition 10 (Construction Method Statement), Condition 11 (Floor Slab Levels) and 12 (list of approved drawings) of planning permission F/YR15/0176/O (Erection of 7 x 2-storey 2-bed dwellings with bin and cycle stores (Outline application with matters committed in respect of access, appearance, layout and scale)) amendments to materials, and rewording of conditions to include in accordance with submitted details

Officer recommendation: Grant

Reason for Committee: Town Council objection contrary to officer recommendation

1. EXECUTIVE SUMMARY

1.1. This application relates to a 0.12ha rectangular piece of land located behind No.36 High Street, March. The site benefits from extant consent for the erection of 7 dwellings with bin and cycle stores (F/YR15/0176/O). At the time of site inspection, the build had begun with some foundations and groundworks undertaken.

1.2. This submission is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks to amend conditions 4 (Brick and Roof Tiles), 5 (External Details), 7 (Tree Protection Method Statement), 8 (Surface Water Drainage), 10 (Construction Method Statement), 11 (Floor Slab Levels) and 12 (list of approved drawings) relating to planning permission F/YR15/0176/O.

1.3. The below evaluation considers the proposed amendments are minor in the context of the approved scheme, when considered individually and cumulatively and as such can be approved by virtue of Section 73 of the Town and Country Planning Act.

2. SITE DESCRIPTION

2.1. This application relates to a 0.12ha rectangular piece of land located behind No.36 High Street, March. The site benefits from extant consent for the erection of 7 dwellings with bin and cycle stores (F/YR15/0176/O). At the time of site inspection, the build had begun with some foundations and groundworks undertaken.

3. PROPOSAL

3.1. This submission is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks to amend conditions 4 (Brick and Roof Tiles), 5 (External Details), 7 (Tree Protection Method Statement), 8 (Surface Water Drainage), 10 (Construction Method Statement), 11 (Floor Slab Levels) and 12 (list of approved drawings) relating to planning permission F/YR15/0176/O.

3.2. New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, there are options for amending a proposal that has planning permission, these being:

- A non-material amendment (a Section 96A application)
- A minor material amendment (a Section 73 application)

3.3. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

3.4. In considering this current submission it is necessary to ascertain whether the amendments proposed are indeed minor in the context of the original approval.

3.5. The revisions proposed are as follows:

Condition	**Proposed change**
4 – Brick and Roof Tiles	Amendment from approved Roof Tiles (F/YR19/3066/COND): Sandtoft Neo Pantile (Flanders) on Plots 1, 2 & 7; and Sandtoft Cassius (Antique Slate) on Plots 3-6 To: Redland Fenland Interlocking Pantile (Terracotta) on Plots 1, 2 & 7; and Redland Duo Plain Interlocking Plain Tile (Charcoal Grey) on Plots 3-6.
5 – External Details	Amendment from approved details (F/YR19/3066/COND): Kair gravity Grille 100mm; Terracotta Air Brick; Cascade Cast Iron Style Guttering; and Conservation Folding Doors and Velux CK04 To: Black Brett Martin Cast Iron Effect Rainwater Goods. White UPVC windows; Black Composite Doors; and White Standard Flush Fitted (Built-in) Electric Meter Box.

7 – Tree Protection Method Statement	This application applies to remove the pre-commencement wording to an informative condition that references the Tree Protection Method Statement approved under application F/YR19/3066/COND.
8 – Surface Water Drainage	This application applies to remove the pre-commencement wording to an informative condition that references the Surface Water Drainage design and supporting documents approved under application F/YR20/3034/COND.
10 – Construction Method Statement	This application applies to remove the pre-commencement wording to an informative condition that references the Construction Method Statement approved under application F/YR19/3066/COND.
11 – Floor Slab Levels	A plan (ref: T3167-10) was approved under application ref: F/YR19/3066/COND, this application applies to vary this condition to approve plan ref: 6471-PL20B as per the plans/documents submitted to vary Condition 12.
12 – Approved Plans	This application seeks to vary the approved plans in respect of the above amendments.

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

4. SITE PLANNING HISTORY

F/YR21/0250/RM	Reserved Matters application relating to the detailed matter of landscaping pursuant to outline permission F/YR15/0176/O	Approved 30.04.2021
F/YR20/3034/COND	Details reserved by Condition 8 (Drainage) of planning permission F/YR15/0176/O	Approved 17.04.2020
F/YR19/3066/COND	Details reserved by conditions 4, 5, 7, 10 and 11 of planning permission F/YR15/0176/O	Approved 01.11.2019
F/YR15/0176/O	Erection of 7 x 2-storey 2-bed dwellings with bin and cycle stores (Outline application with matters committed in respect of access, appearance, layout and scale)	Granted 06.04.2018

5. CONSULTATIONS

5.1. **March Town Council**

Recommendation: Refusal - lack of parking and unsatisfactory access/egress

6. STATUTORY DUTY

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

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

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

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) July 2021

Para 2 – applications to be determined in accordance with the development plan unless material considerations indicate otherwise
Para 11 – a presumption in favour of sustainable development
Para 111 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
Para 119 – Promote effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
Para 124 – Supporting efficient use of land, taking into account the: (d) desirability of maintaining an areas prevailing character and setting (including residential gardens); and (e) the importance of securing well-designed, attractive and healthy places.
Para 130 – achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

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
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
LP18 – The Historic Environment
LP19 – The Natural Environment

7.5. Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 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
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP24 – Natural Environment
LP23 – Historic Environment
LP32 – Flood and Water Management

7.6. **March Neighbourhood Plan 2017**
H2 – Windfall Development

8. KEY ISSUES

- **Principle of Development**
- **Implications of changes and whether they are minor-material in the context of the approved scheme**
- **Other matters – conditions to be imposed on VOC**

9. ASSESSMENT

Principle of Development

9.1. The principle of development has been clearly established by virtue of the original grant of consent. It is merely the revised details and any implications of the amendments proposed that require consideration under Section 73; along with an evaluation as to whether the amendments proposed are individually and cumulatively minor in the context of the approved scheme.

9.2. **Implications of changes and whether they are minor-material in the context of the approved scheme**

Condition	Proposed change	Assessment
4 – Brick and Roof Tiles	Amendment from approved Roof Tiles (F/YR19/3066/COND): Sandtoft Neo Pantile (Flanders) on Plots 1, 2 & 7; and Sandtoft Cassius (Antique Slate) on Plots 3-6 To: Redland Fenland Interlocking Pantile (Terracotta) on Plots 1, 2 & 7; and Redland Duo Plain Interlocking Plain Tile (Charcoal Grey) on Plots 3-6.	The changes proposed are minor in respect of their impact to the character and appearance of the area when compared with the original approved scheme. As such it is considered that the proposed roof materials will remain compliant with Policies LP16 and LP18 of the Fenland Local Plan 2014. – **Vary to compliance condition (Materials).**

5 – External Details	Amendment from approved details (F/YR19/3066/COND): Kair gravity Grille 100mm; Terracotta Air Brick; Cascade Cast Iron Style Guttering; and Conservation Folding Doors and Velux CK04 To: Black Brett Martin Cast Iron Effect Rainwater Goods. White UPVC windows; Black Composite Doors; and White Standard Flush Fitted (Built-in) Electric Meter Box.	The use of uPVC windows and composite doors are regrettable. However given the locality of the development not within the immediate High Street streetscene, the impact of such materials will result in negligible impact to the Conservation Area. The remaining changes are minor when compared with the original approved scheme. As such it is considered that the proposed external details will remain compliant with Policies LP16 and LP18 of the Fenland Local Plan 2014. – **Vary to compliance condition and incorporate into Materials condition above.**
7 – Tree Protection Method Statement	This application applies to remove the pre-commencement wording to an informative condition that references the Tree Protection Method Statement approved under application F/YR19/3066/COND.	The methods proposed are the same as those previously agreed as acceptable under approved application F/YR19/3066/COND. Thus, it follows, that the submitted Tree Protection Method Statement can be considered acceptable. – **Vary to compliance condition (Trees).**
8 – Surface Water Drainage	This application applies to remove the pre-commencement wording to an informative condition that references the Surface Water Drainage design and supporting documents approved under application F/YR20/3034/COND.	The methods proposed are the same as those previously agreed as acceptable under approved application F/YR20/3034/COND. Thus, it follows, that the submitted Surface Water Drainage Strategy can be considered acceptable. – **Vary to compliance condition (Surface Water).**

10 – Construction Method Statement	This application applies to remove the pre-commencement wording to an informative condition that references the Construction Method Statement approved under application F/YR19/3066/COND.	The methods proposed are the same as those previously agreed as acceptable under approved application F/YR19/3066/COND. Thus, it follows, that the submitted Construction Method Statement can be considered acceptable. – **Vary to compliance condition (CMP).**
11 – Floor Slab Levels	A plan (ref: T3167-10) was approved under application ref: F/YR19/3066/COND, this application applies to vary this condition to approve plan ref: 6471-PL20B as per the plans/documents submitted to vary Condition 12.	The floor levels proposed are the same as those previously agreed as acceptable under approved application F/YR19/3066/COND. Thus, it follows, that the submitted plan can be considered acceptable. – **Vary to compliance condition with updated plan reference (FFLs).**
12 – Approved Plans	This application seeks to vary the approved plans in respect of the above amendments.	**Vary to reflect new plan references.**

Conditions to be imposed on VOC

9.3. The grant of a S73 approval necessitates the issue of a new planning permission and it is necessary to revisit the conditions imposed on the original consent to ensure that they are still relevant to the revised scheme, a summary of the original conditions and an evaluation of whether they remain relevant in their current format or require revision is provided below:

Original Condition	**Impose on VOC?**
1 – Approval of Reserved Matters	Reserved Matters application relating to the detailed matter of landscaping pursuant to outline permission F/YR15/0176/O was approved 30.04.2021 – **Condition no longer necessary.**
2 – Expiry date of Reserved Matters.	Reserved Matters application relating to the detailed matter of landscaping pursuant to outline permission F/YR15/0176/O was approved 30.04.2021 – **Condition no longer necessary.**
3 – Implementation of Reserved Matters.	Work on the site had begun within the 2 year requirement – **Condition no longer necessary.**

4 – External Materials	**Vary to compliance Condition 1 (Materials):** The development hereby approved shall be finished externally as detailed on the approved Development Materials Schedule, utilising: - Vandersanden Cottage Mixture Brick; - Redland Fenland Interlocking Pantile in Terracotta (plots 1, 2 & 7) - Redland Duo Plain Interlocking Plain Tile in Charcoal Grey (plots 3 - 6) ; - Black Brett Martin Cast Iron Effect Rainwater Goods. - White UPVC windows; - Black Composite Doors; and - White Standard Flush Fitted (Built-in) Electric Meter Box. Reason: To safeguard the visual amenities of the area and ensure compliance with Policy LP16 and LP18 of the Fenland Local Plan, adopted May 2014.
5 – External Details	**Vary and incorporate into compliance Condition 1 (Materials) as above.**
6 – Tree Protection	Re-impose as condition remains relevant: **Condition 2 - Trees** All trees that are to be retained shall be protected during the course of construction in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented prior to the storage of materials or commencement of work on the site and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development. Reason - To ensure that retained trees are adequately protected and in accordance with Policy LP16 of the Fenland Local Plan 2014.
7 – Tree Protection Method Statement	**Vary to compliance condition as per 9.2 above:** **Condition 3 – Tree Protection Method Statement** All trees that are to be retained shall be protected during the course of construction in accordance the methods within the approved Tree Survey, Arboricultural Impact Assessment and Method Statement. Reason - To ensure that retained trees are adequately protected and in accordance with Policy LP16 of the Fenland Local Plan 2014.

8 – Surface Water Drainage	**Vary to compliance condition as per 9.2 above and include new plan reference:** **Condition 4 – Surface Water Drainage** The development hereby permitted will be include a surface water drainage implemented in accordance with the approved Surface Water Drainage Plan **2465-02** before the development is completed and thereafter retained in perpetuity. 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.
9 – No Additional Windows	Re-impose as condition remains relevant: **Condition 5 – No additional windows** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification), no additional first-floor windows other than those shown on the plans hereby approved shall be placed in the southern elevations of the development hereby approved. Reason - To protect the amenities of the adjoining properties in accordance with Policy LP16 of the Fenland Local Plan 2014.
10 – Construction Method Statement	**Vary to compliance condition as per 9.2 above:** **Condition 6 – Construction Method Statement** The development hereby permitted will be constructed and managed in accordance with the approved Construction Management Plan throughout the construction period. Reason - In order to avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity in accordance
11 – Site Levels	**Vary to compliance condition as per 9.2 above and include new plan reference:** **Condition 7 – Site Levels** The ground floor level of the development hereby permitted shall be set as depicted on approved plan **6471-PL20B** and shall thereafter be retained as such in perpetuity. Reason: To ensure that the precise height of the development can be considered in relation to adjoining dwellings to protect and safeguard the amenities of the adjoining occupiers in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.

12 – Approved Plans	**Vary to reflect new plan references: Condition 8 – Approved Plans.**

10. CONCLUSIONS

10.1. As per the evaluation above the proposed amendments are considered minor in the context of the approved scheme, when considered individually and cumulatively and as such can be approved by virtue of Section 73 of the Town and Country Planning Act.

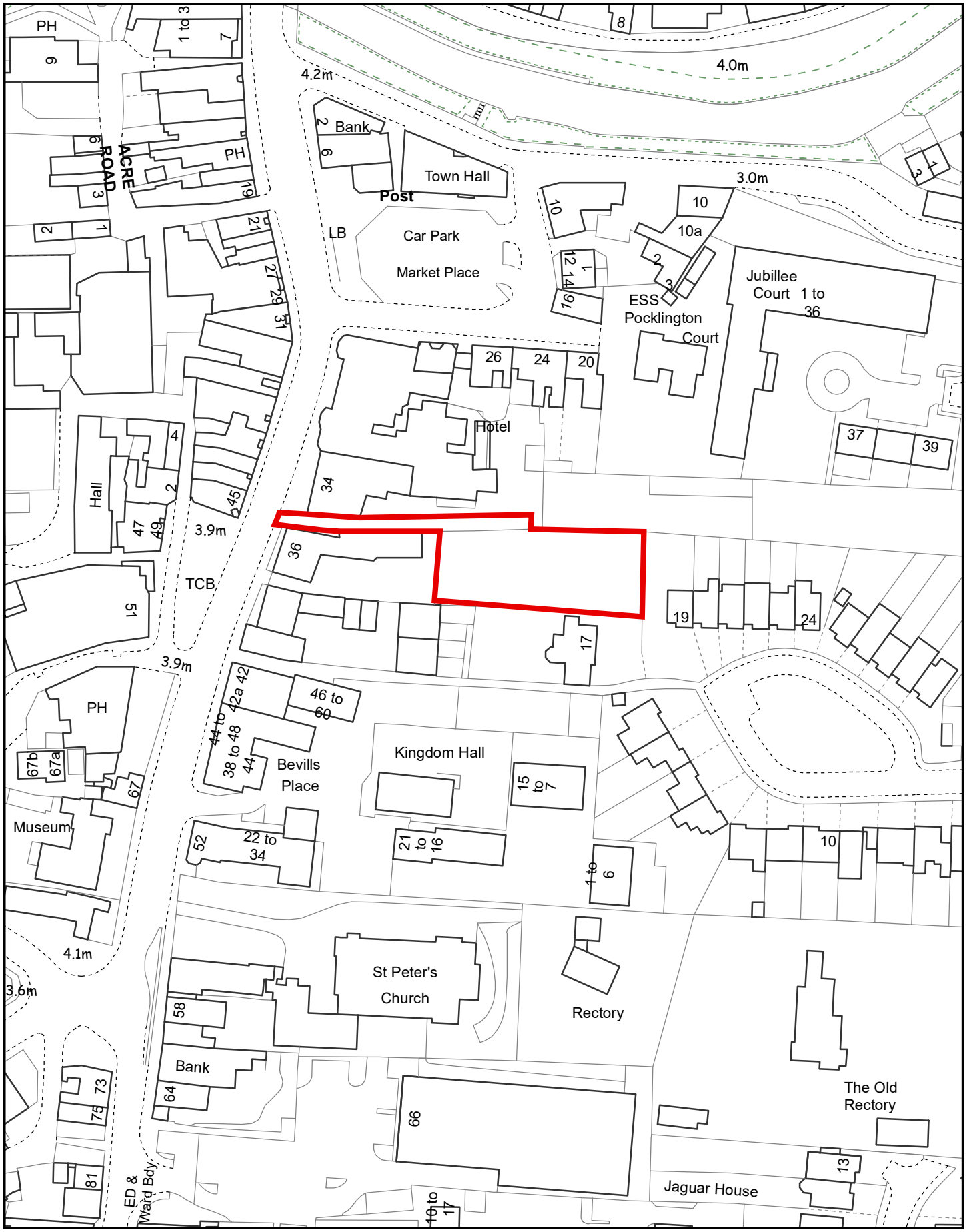
11. RECOMMENDATION

Grant, subject to the below conditions (as set out in 9.3 above);

Conditions

1	**Materials** The development hereby approved shall be finished externally as detailed on the approved Development Materials Schedule, utilising: - Vandersanden Cottage Mixture Brick; - Redland Fenland Interlocking Pantile in Terracotta (plots 1, 2 & 7) - Redland Duo Plain Interlocking Plain Tile in Charcoal Grey (plots 3 - 6) ; - Black Brett Martin Cast Iron Effect Rainwater Goods. - White UPVC windows; - Black Composite Doors; and - White Standard Flush Fitted (Built-in) Electric Meter Box. Reason: To safeguard the visual amenities of the area and ensure compliance with Policy LP16 and LP18 of the Fenland Local Plan, adopted May 2014.
2	**Trees** All trees that are to be retained shall be protected during the course of construction in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented prior to the storage of materials or commencement of work on the site and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development. Reason - To ensure that retained trees are adequately protected and in accordance with Policy LP16 of the Fenland Local Plan 2014.
3	**Tree Protection Method Statement** All trees that are to be retained shall be protected during the course of construction in accordance the methods within the approved Tree Survey, Arboricultural Impact Assessment and Method Statement.

	Reason - To ensure that retained trees are adequately protected and in accordance with Policy LP16 of the Fenland Local Plan 2014.
4	**Surface Water Drainage** The development hereby permitted will be include a surface water drainage implemented in accordance with the approved Surface Water Drainage Plan 2465-02 before the development is completed and thereafter retained in perpetuity. 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.
5	**No additional windows** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification), no additional first-floor windows other than those shown on the plans hereby approved shall be placed in the southern elevations of the development hereby approved. Reason - To protect the amenities of the adjoining properties in accordance with Policy LP16 of the Fenland Local Plan 2014.
6	**Construction Method Statement** The development hereby permitted will be constructed and managed in accordance with the approved Construction Management Plan throughout the construction period. Reason - In order to avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity in accordance with Policy LP15 and LP16 of the Fenland Local Plan 2014.
7	**Site Levels** The ground floor level of the development hereby permitted shall be set as depicted on approved plan 6471-PL20B and shall thereafter be retained as such in perpetuity. Reason: To ensure that the precise height of the development can be considered in relation to adjoining dwellings to protect and safeguard the amenities of the adjoining occupiers in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.
8	**Approved Plans**



Created on: 01/11/2022

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F/YR22/1198/VOC

Scale = 1:1,250

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Fenland CAMBRIDGESHIRE

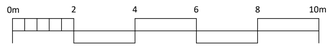
Fenland District Council

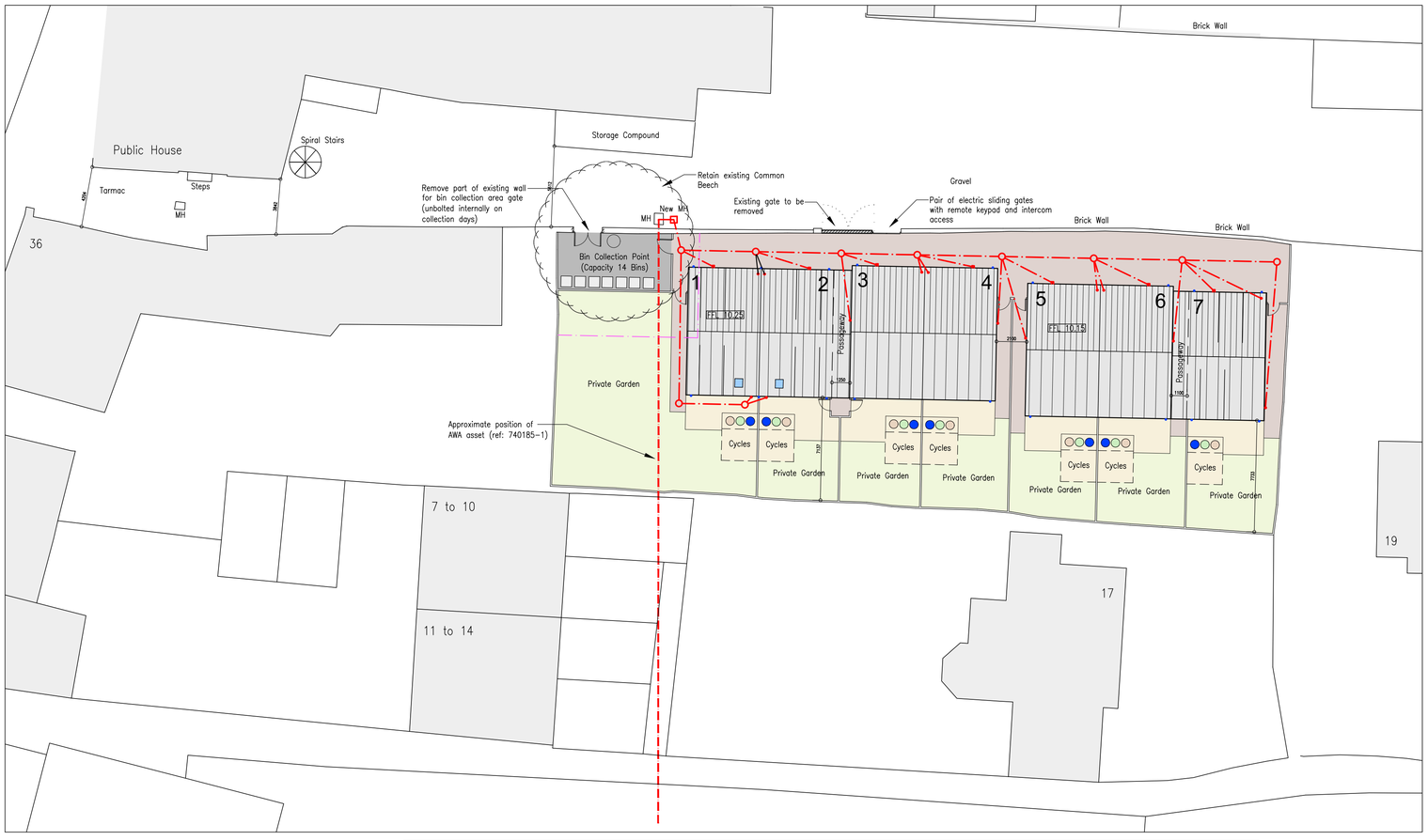


FRONT STREET SCENE 1:100

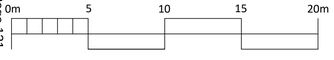


REAR STREET SCENE 1:100





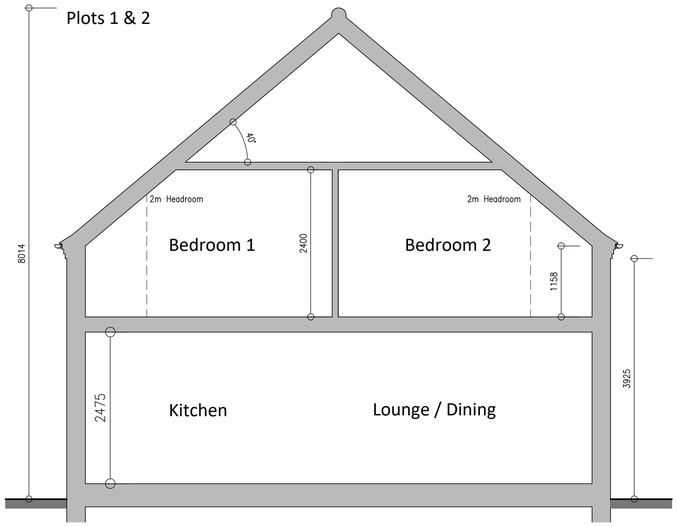
SITE PLAN 1:200

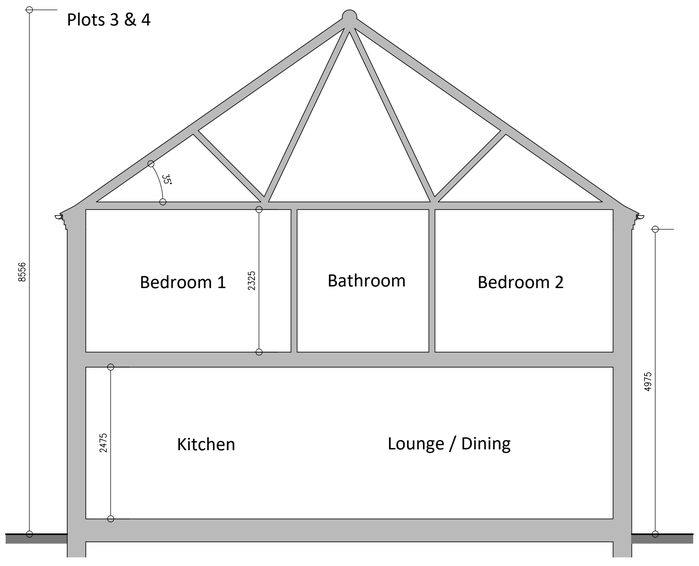




KEY

1.8m Close Boarded Fence
Wheeled Bin Positions
Permeable Hardstanding
Paving Slabs
Tree Protection
Bin Collection Point
Concrete Hardstanding
Grass Areas
Cycles Cycle Storage





SECTIONS 1:50



B - 10.10.22 - Amendments following planning validation comments.
A - 03.10.22 - Amendments following applicant comments.
REVISIONS

PETER HUMPHREY ASSOCIATES
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CLIENT
MR M DURANT

PROJECT
RESIDENTIAL DEVELOPMENT

SITE
LAND EAST OF 36
HIGH STREET
MARCH
CAMBS
PE15 9JR

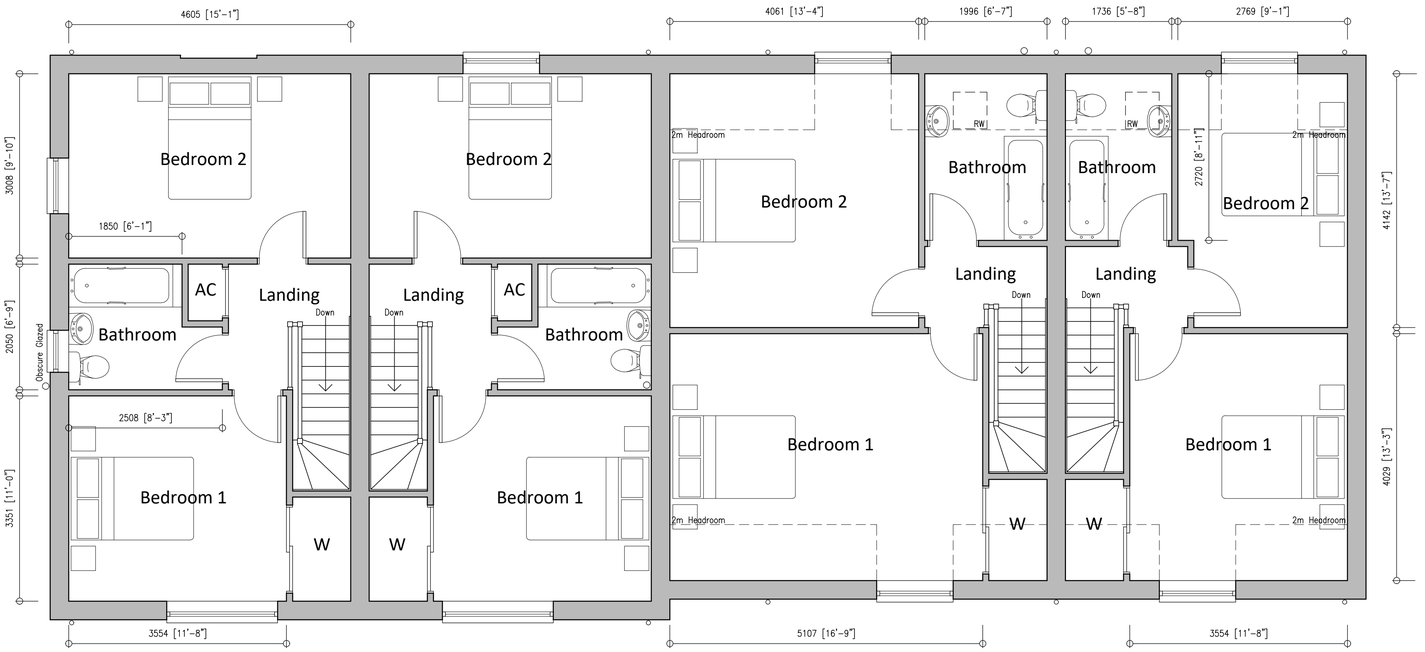
DRAWING
PLANNING DRAWING 1

JOB NO.	PAPER SIZE	DATE
6471/PL20B	A1	SEP 2022

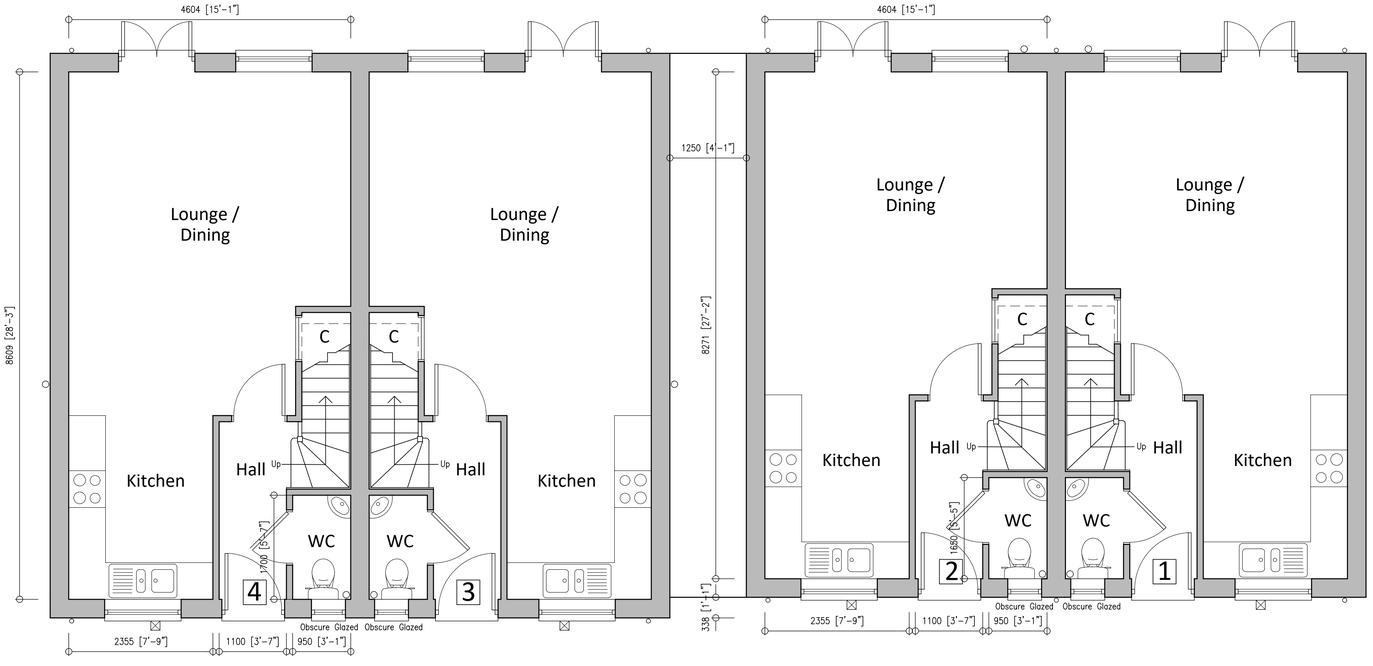
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FIRST FLOOR PLANS 1:50

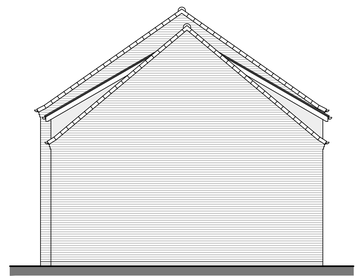


GROUND FLOOR PLANS 1:50

0m 1 2 3 4 5m



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION 1:100



EAST ELEVATION

0m 2 4 6 8 10m

B - 10.10.22 - Amendments following planning validation comments.
A - 03.10.22 - Amendments following applicant comments.
REVISIONS

JOB NO.	PAPER SIZE	DATE
6471/PL21B	A1	SEP 2022

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CLIENT
MR M DURANT

PROJECT
RESIDENTIAL DEVELOPMENT

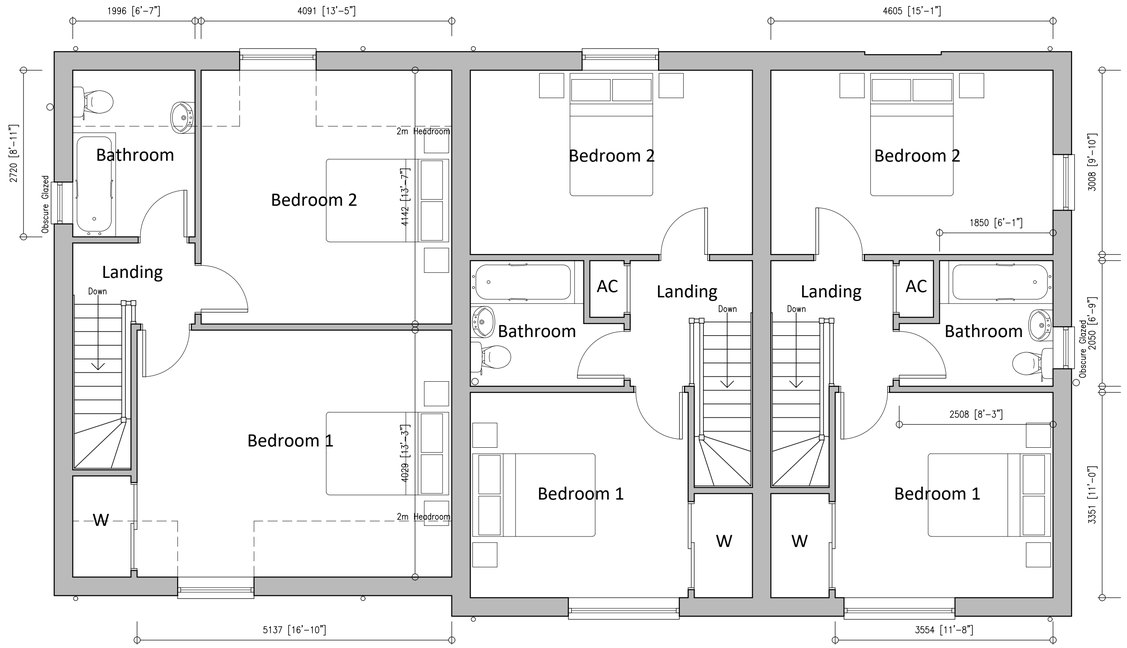
SITE
LAND EAST OF 36
HIGH STREET
MARCH
CAMBS
PE15 9JR

DRAWING
PLANNING DRAWING 2 (PLOTS 1 TO 4)

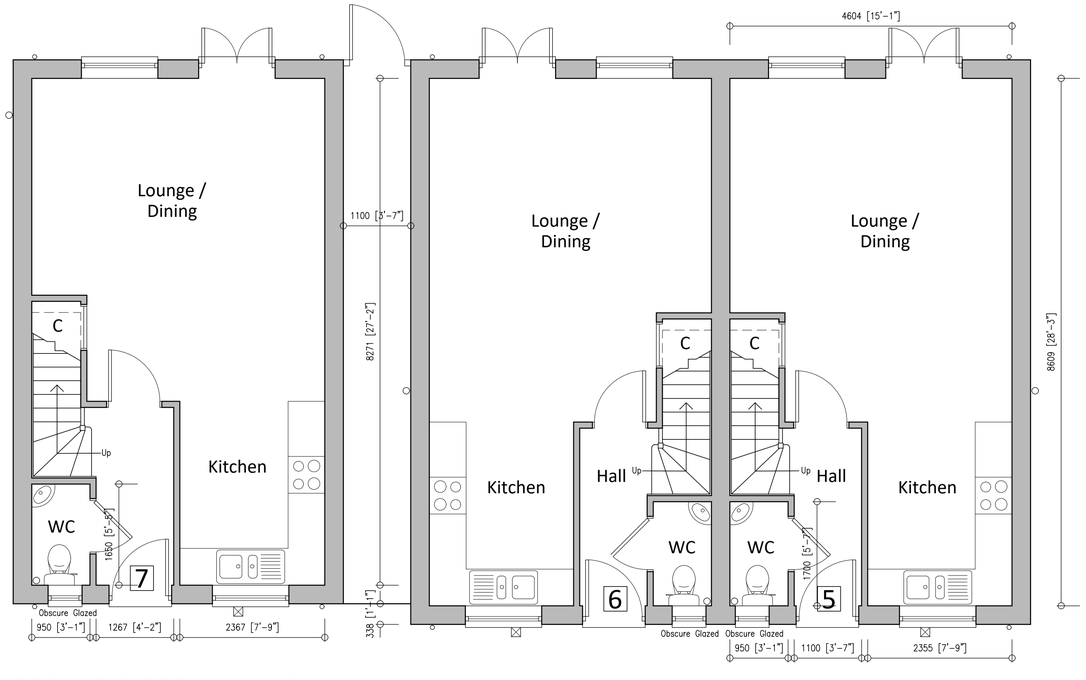
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FIRST FLOOR PLANS 1:50



GROUND FLOOR PLANS 1:50

0m 1 2 3 4 5m



NORTH ELEVATION

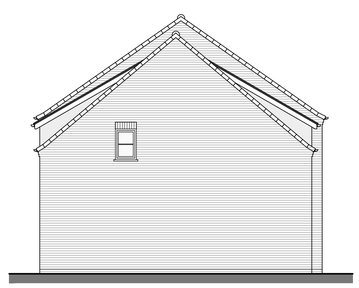


WEST ELEVATION



SOUTH ELEVATION 1:100

0m 2 4 6 8 10m



EAST ELEVATION

C - 19.10.22 - Amendments following planning validation comments.
B - 10.10.22 - Amendments following planning validation comments.
A - 03.10.22 - Amendments following applicant comments.
REVISIONS

JOB NO.	PAPER SIZE	DATE
6471/PL22C	A1	SEP 2022

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CLIENT
MR M DURANT

PROJECT
RESIDENTIAL DEVELOPMENT

SITE
LAND EAST OF 36
HIGH STREET
MARCH
CAMBS
PE15 9JR

DRAWING
PLANNING DRAWING 3 (PLOTS 5 TO 7)

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F/YR22/0935/O

Applicant: Mr & Mrs Grainger **Agent: Mr Chris Walford**
Peter Humphrey Associates Ltd

Land East Of Shallon, Cats Lane, Tydd St Giles, Cambridgeshire

Erect up to 3 x 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 three dwellings on a historical grassland paddock in Flood Zones 1 - 3, on the south side of Cats Lane, Tydd St Giles. The application commits matters of access, with remaining matters reserved for later approval.

1.2. Tydd St Giles is a Small Village as identified within Policy LP3, where residential development will be considered on its merits and will normally be limited in scale to residential infilling. The locational circumstances of the site mean that the site cannot be considered as residential infill. Thus, the proposal is considered contrary to Policy LP3.

1.3. In a recent planning appeal local to the application site, the Planning Inspector highlighted that this area of Cats Lane marks a transition point between Tydd St Giles and the open countryside. Thus, development encroaching into this land would to the detriment of the character and appearance of the area. By virtue of the proposal urbanising an area of open paddock land that clearly forms a natural demarcation between the built form of Tydd St Giles and the countryside beyond this existing rural character will be eroded, contrary to Policy LP12.

1.4. The submitted Flood Risk Assessment argues that no other land is at lower risk of flooding within Tydd St Giles and as such there are no sequentially preferential sites available. However, owing to the location of the development outside the built form of the settlement of Tydd St Giles, the area of search required for the Sequential Test is district wide. Thus, as set out in the SPD, the sequential test is considered to be failed, and hence the proposal is contrary to Policy LP14.

1.5. 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 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, LP14 and LP16(d); hence, the application is recommended for refusal.

2 SITE DESCRIPTION

2.1. The site is located predominately in Flood Zones 2 & 3, on the south side of Cats Lane on the northern fringe of Tydd St Giles.

2.2. The site comprises land, currently used as grazing paddock, set to the east of a dwelling known as Shallon. The site is bounded to the highway by 1.2m post and rail fence, with a line of pollarded willow trees behind, the remainder of the field is bounded by a mix of fencing and hedging.

2.3. To the south of the site the field backs onto residential dwellings situated on Kirkgate, with further residential dwellings and Grade II* St Giles Church beyond within the main built form of Tydd St Giles. Immediately east the site is bounded by a drainage ditch which links to Shire Drain that runs on the north side of Cats Lane from the site and forms the boundary between the Fenland and South Holland Districts. To the north and east is predominately open countryside with mature trees and sporadic residential development to the north and northeast along Eaudyke Bank.

3 PROPOSAL

3.1. The proposal is an outline planning application for the construction of up to three dwellings on the land, with matters committed in respect of access. The application was originally submitted for up to four dwellings.

3.2. A single 5m wide tarmac access point is proposed off Cats Lane, shared to serve up to three dwellings, branching to a 4m wide private roadway leading to separate parking/turning areas for each dwelling.

3.3. The submitted illustrative drawing submitted shows three detached dwellings with attached 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: F/YR22/0935/O | Erect up to 3 x dwellings (outline application with matters committed in respect of access) | Land East Of Shallon Cats Lane Tydd St Giles Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

No relevant recent history

5 CONSULTATIONS

5.1. **Tydd St Giles Parish Council**

The members of the Parish Council considered this application at their recent meeting. They felt that the proposal represents unsustainable development in the open countryside, outside the core built form of the village, contrary to policies LP12 and LP3. Cats Lane is a tree-lined lane with sporadic development and the introduction of a substantial row of executive houses would be out of keeping with surrounding properties contrary to policy LP16 making neither a positive contribution to the local distinctiveness and character of the area, nor enhancing its local setting or improving the character of the local built environment.

When refusing an appeal for a similar development in Cats Lane, the Planning Inspector described Cats Lane thus:

"The presence of mature landscaping and trees, together with the significant gaps between the dwellings creates an attractive sylvan and distinctive semi-rural character to the locality. In my view, this part of Cats Lane marks a transition between the tighter grain development within the village and the open countryside beyond."

Members support this view and also questioned the suitability of the proposed vehicular access on a sharp bend with restricted visibility opposite a deep watercourse.

Members resolved not to support this application.

5.2. **Cambridgeshire County Council Highways Authority**
Highways have no objections to this application.

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.

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

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

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

Reason: In the interests of highway safety.

5.3. **Environment Agency**
Thank you for consultation dated 22 August 2022 for the above application. 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 Ellingham Consulting LTD dated July 2022, REF ECL0763/PETER HUMPHREY ASSOCIATES and the following mitigation measures:

1. Finished Floor Levels will be set 300mm above the existing ground level with a minimum of 300mm of flood resistant/ resilient construction above the finished floor levels of the dwellings.

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.

5.4. **North Level Internal Drainage Board**
My Board has no objection in principle to the above application.

I note that surface water from the new development is planned to discharge to the riparian drain to the east of the site, which in turn now discharges directly into Shire drain. An application to discharge surface water will be required and, if consented, a development levy will be payable in accordance with the enclosed.

Finally, I would like to point out the owner's responsibility in relation to the riparian drain to the east of the site and enclose some information in that regard.

5.5. **Senior Archaeologist (CCC)**
Our records indicate that this site lies in an area of archaeological potential. Within the site redline, the Fenland Survey Project recorded Early-/Mid-Saxon remains in the form of a scatter of bone fragments and pottery sherds, some wheel-made but predominantly of hand-made wares including Ipswich Ware (Cambridgeshire Historic Environment Record reference 09014). Another area of similar remains is recorded a short distance to the north-east, immediately west of Eaudyke Bank (CHER ref 09918). Previous archaeological investigations carried out to the east of the proposed

development on land north of Kirkgate have identified medieval settlement remains (MCB19892) with further medieval remains present to the west, on land north of Hockland Road (MCB20103).

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, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

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

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

Informatives:
Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

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

5.7. **South Holland DC (Housing & Plan Services)**
South Holland District Council have no comments or objections to the above application.

5.8. **Natural England**

No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

5.9. **Arboricultural Officer (FDC)**

The applicant has submitted a proposal for the construction of 3 residential dwellings on the existing site, currently used as a paddock, with associated access, parking and garden space.

The main constraints on the site from the existing tree population is a line of multi-stemmed Willow to the north of the site along Cats Lane. The applicant has proposed that some of the trees can be lifted and transplanted further back in the field to achieve the necessary visibility splay required by Highway regulations. However, inspection of the trees suggested that some pruning of a number of the trees may achieve the required visibility without the need for transplanting them. This aspect requires further investigation to determine exactly what works will be required and how many trees are implicated in potential transplanting.

It is noted that the trees have been heavily topped in the past as they were splitting apart and a hazard to the road. A mulch has been applied at the base of the trees and this should help improve the growing conditions as it breaks down and releases nutrients into the soil. The trees are of variable condition and a number have decay in the main trunks and in the upper stems, in some cases advanced. Several also have included bark junctions associated with co-dominant stems, these are a weak union and can fail prematurely. Some of the trees appear to be of low vitality.

The trees will require regular management due to their condition involving periodic removal of all the crown back to the trunks.

The indicative application shows additional planting of willows to double up the line and improve the screening to and from the site.

In addition a mixed native hedge is shown planted behind the Willows and a Hawthorn hedge along the south boundary.
With additional planting to the gardens, the proposal makes a significant contribution to canopy cover and the hedges will provide nesting and foraging opportunities for wildlife as they establish.

The root protection areas of the Willows are likely to be encroached by the access road and therefore a no-dig installation will be required unless a test trench (excavated by air spade) can demonstrate that there are no roots present in the construction areas.

Protection of the trees can dealt with by Conditions and if any trees are required to be transplanted, the replacement of those that fail can be guaranteed by inclusion in the Conditions.

Willow are a fast growing species and the new planting is likely to quickly fill in and reinforce the existing belt of trees.

5.10. **PCC Wildlife Officer**

Recommendation:

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

Recommended condition(s)/Reason(s) for refusal:
Post-Commencement Condition(s) -

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

  - *All ecological enhancements, mitigation and compensation as recommended within the Ecology Report (Wild Frontier Ecology, July 2022), including all recommendations regarding ecologically sensitive lighting;*
  - *Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting;*
  - *Boundary treatments.*

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

  Any trees, shrubs or hedges forming part of the approved landscaping scheme (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.

- *The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Ecology Report (Wild Frontier Ecology, July 2022) which details the methods for maintaining the conservation status of ecological receptors found on the site, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.*

Informative -

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

- *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 line of willows at the front of the properties may die due to the proposed relocation treatment. The Landscaping documentation should include recommendations for remedial planting in the case this happens.

There are several Precautionary Method of Working recommendations within the Ecology Report. The conditions above have been provided as to ensure that these methods are completed as part of the development.

If it is deemed not feasible to include all of the mitigation and compensation recommendations within the landscaping documentation, it would be acceptable for the applicant to submit an Ecological Design Strategy which details how these recommendations will be implemented instead.

5.11. **Local Residents/Interested Parties**

Objectors

The LPA received 43 letters of objection in respect of the scheme, from 23 corresponding address points. Of these, 3 address points were found to be outside the ward, adjacent ward(s), or district, with a further 3 discounted as the addresses were incomplete and as such the corresponding 9 letters received from these addresses were discounted. As such, the total number of objections received was 34, from 17 address points within Tydd St. Giles itself.

The reasons for objection can be summarised as the following:

- The proposal will detrimentally impact the countryside character of the area as outside Tydd St Giles;
- Concerns over traffic and highways safety on Cats Lane;
- Issues in respect of flooding and drainage;
- Scale and density of the scheme not suitable for this location;
- Loss of historical character;
- Ecological and wildlife concerns;
- Development of this site would set a precedent; and
- General sustainability concerns.

Supporters

The LPA received 25 letters of support in respect of the scheme, from 18 corresponding address points. Of these, 5 address points were found to be outside the ward or adjacent ward(s) and as such the corresponding 9 letters received from these addresses were discounted. As such, the total number of support letters received was 17, from 13 address points within Tydd St. Giles or adjacent wards (with one of these falling outside the district boundary, but in a neighbouring village).

The reasons for support can be summarised as follows:

- The proposal will improve the village and improve attractiveness of the area;
- The district is in need of more homes and this location is appealing to settle within;
- There will be limited impacts in respect of traffic/highways owing to the limited number of dwellings;
- The overall impact of the proposal will be limited generally; and
- There will be no issues in respect of flooding/drainage

One letter of support cited no reasons.

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 11: Presumption in favour of sustainable development;
Para 12: Conflict with an up-to-date plan should not usually be granted
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 79: Housing should be located where it will enhance or maintain the vitality of rural communities.
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)**

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

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

7.5. **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
LP28 – Landscape
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
  - Ecology and biodiversity

9 BACKGROUND

Originally, this application proposed up to four dwellings on the site. Following local consultation, considerable public representation was received in respect of the scheme for four dwellings. In response to local comments regarding the scale and density, the applicant provided a revised indicative scheme depicting a reduction in the number of dwellings from the original four, to three larger but more spaced-out dwellings with additional landscaping.

Further re-consultation was undertaken with both statutory and local residents, resulting in a further 13 qualifying objections from earlier representatives maintaining their objection to the scheme, primarily noting that the reduction in the number of dwellings at the site did not address their earlier objection reasons. Contrastingly, a further 4 letters of support were received from earlier representatives, maintaining their reasons for support.

The below assessment considers the revised 3 dwelling proposal against the material planning considerations relevant to the outline scheme.

10 ASSESSMENT

Principle of Development

10.1. 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.

10.2. Policy LP3 classifies Tydd St Giles as a 'Small Village' where residential development will be considered on its merits and will normally be limited in scale to residential infilling. Policy LP12 of the Local Plan elaborates on this by stating that for villages development will only be supported if it is adjacent to the built form except for 'small' or 'other' villages which will normally be limited to infill. The site is positioned between a residential dwelling known as Shallon to the west, and open fields to the east with sporadic further residential development further east. As such, the proposed application site cannot be considered as residential infill. Thus, the proposal is considered contrary to Policy LP3 and LP12.

10.3. During consideration of a planning appeal for the erection of 2no. 2-storey 4-bed dwellings on Land North Of Hollingworth House Hockland Road Fronting Cats Lane (APP/D0515/W/16/3163076), the Inspector described the area as follows:

"The presence of mature landscaping and trees, together with the significant gaps between the dwellings creates an attractive sylvan and distinctive semi-rural character to the locality. In my view, this part of Cats Lane marks a transition between the tighter grain development within the village and the open countryside beyond."

10.4. It should be noted that the appeal site related to a site approximately 120m southwest of the current application site, and could be argued to be more closely situated to the existing built form of Tydd St Giles than the current site.

10.5. With regard to the consultation draft to of the emerging Local Plan, which carries limited weight as this time, given that consultation has only recently commenced, the site is outside of the defined settlement boundary of Tydd St Giles, and is therefore classed as open countryside where development will only be permitted in the circumstances set out within Paragraph 80 of the NPPF.

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

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

Highway Safety/Access

10.8. The application includes creation of a shared access off Cats Lane, illustratively leading to a separate parking/turning areas for each proposed dwelling. The driveways will lead to garages, with additional parking to the front of each dwelling. The vehicular accesses are intended as 5m wide and surfaced with tarmac for the first 5m. 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.

10.9. Concerns were raised in received representations in respect of highway safety and access. These were noted and the applicant provided evidence to justify the suitability of the access in respect of the proposed layout with appropriate visibility splays and supplementary speed/traffic surveys. Specific consultations were undertaken with the Highways Authority in this regard. These consultations 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

10.10. Details of appearance, layout and scale are to be submitted at Reserved Matters stage, however the submitted indicative site plan suggests that the dwellings will be similar in scale to Shallon to the east.

10.11. Given the aforementioned description of the area by the Planning Inspector, and the relative locations of the current application site in comparison with the appeal site, it can be concluded that the application site is more associated with the open countryside to the north and east of Tydd St Giles.

10.12. Policy LP16 (d) considers the impact of development on local distinctiveness and character. Moreover, in rural areas, a development proposal needs also to satisfy the criteria set out in Policy LP12. As this application is Outline only with matters committed in respect of access only, the main issue for consideration is whether the *principle* of development in this location would accord with the necessary criteria of Policy LP16(d) and LP12.

10.13. 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. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces etc. Finally the

proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.

10.14. The Planning Inspector highlighted that this area of Cats Lane marks a transition point between Tydd St Giles and the open countryside. The development proposed would see up to three detached dwellings positioned on undeveloped paddock land that currently forms a distinct and natural demarcation between the developed built form of Tydd St Giles and the countryside beyond. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the countryside, eroding the existing rural character along Cats Lane, contrary to the requirements of policy LP12 and Policy LP16(d).

Residential Amenity

10.15. There are no indicative floor plans or elevations offered with the application and as such it cannot be established 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 negligible issues relating to impacts on residential amenity to reconcile from the scheme.

10.16. 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

10.17. 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. Parts of the site fall in each of Flood Zone 1, 2 & 3, with the bulk of development proposed within zones 2 & 3.

10.18. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.

10.19. The application is accompanied by a Flood Risk Assessment that includes consideration of the Sequential and Exception Tests, however the submitted sequential test is deficient as it concentrates the area of search to developments within Tydd St Giles only.

10.20. Noting the adopted and indeed consistent stance of Officers 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. the proposed flood risk safety measures do not overcome locational issues.

10.21. As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

Ecology and biodiversity

10.22. Concern was raised from local residents with respect to the impact of the development of local ecology and biodiversity.

10.23. The application was supported by an ecology report which concluded that the proposal would result in a minor negative impact to the local ecology, but recommended mitigation measures to limit this impact. These were considered acceptable by the PCC Wildlife officer, subject to conditions. Furthermore consultation with Natural England concluded that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

10.24. Matters relating to the existing trees on the site were also considered during consultation with the FDC Arboricultural Officer. It was concluded that the proposed landscaping and tree management was acceptable, with mitigation to damage and construction methods to be secured by condition.

10.25. Thus, it is considered that subject to conditions, the proposal is acceptable with regard to its impact on local ecology and biodiversity in accordance with Policy LP19.

11 CONCLUSIONS

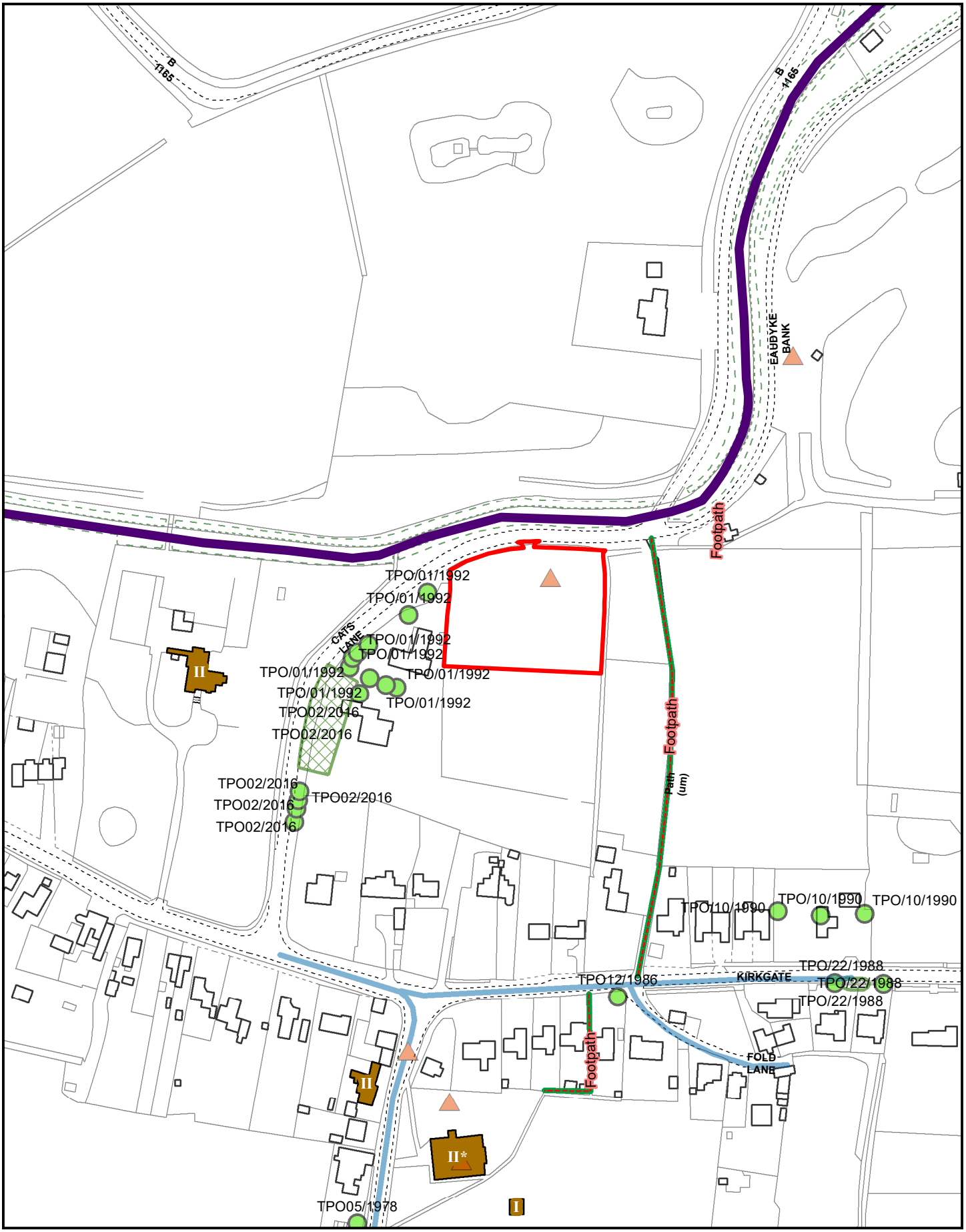
It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that is located outside the built framework of Tydd St Giles. Furthermore, development at this site would be and will encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d). In addition, the application included insufficient evidence in respect of the Sequential or Exception tests and is therefore contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF. As such, the recommendation must be one of refusal.

12 RECOMMENDATION

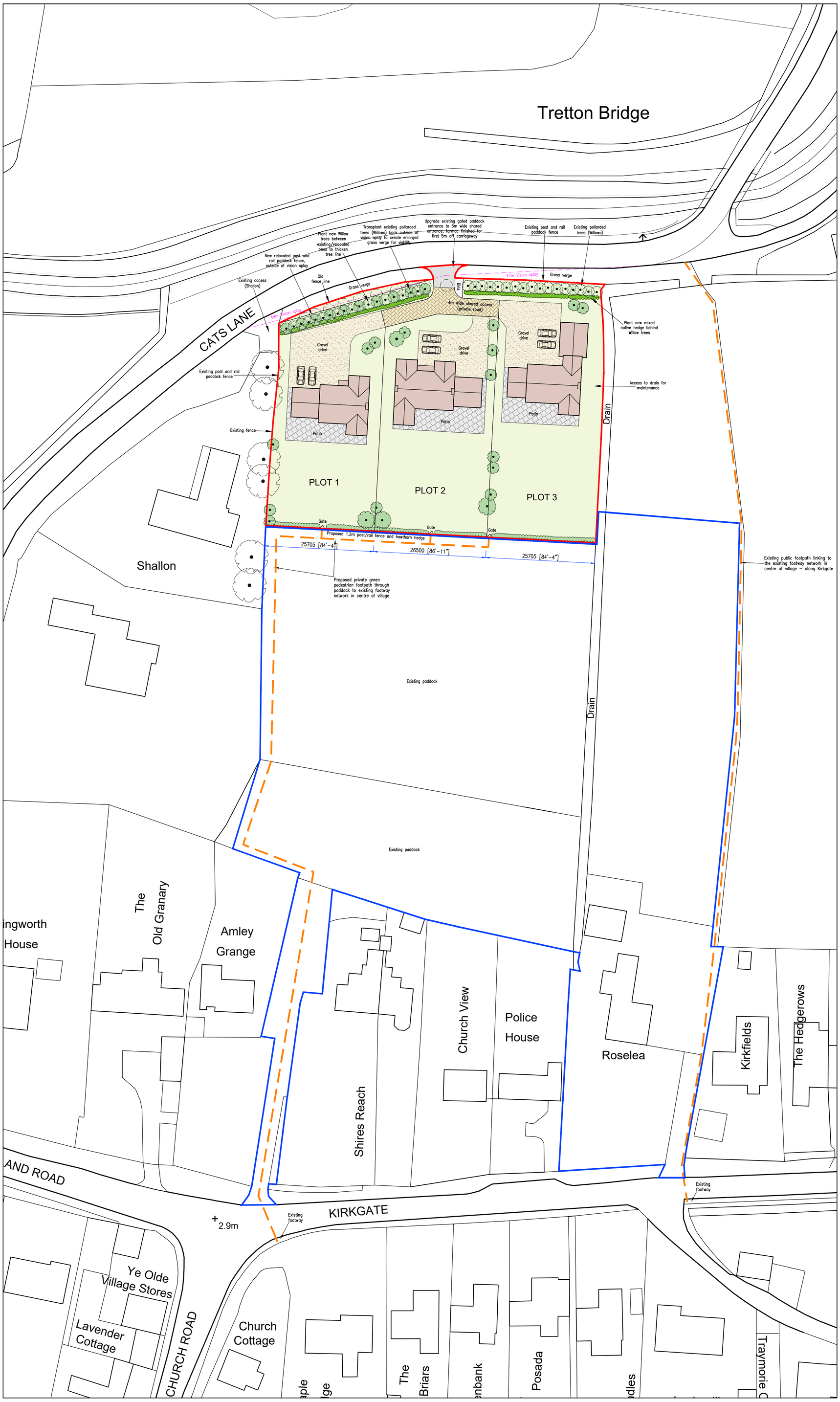
Refuse, for the following reasons;

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and defines Tydd St Giles as a 'small village' where development may be permitted on its merits but normally limited in scale to residential infilling. Policy LP12 of the Local Plan elaborates on this by stating that for villages development will only be supported if it is adjacent to the built form except for 'small' or 'other' villages which will normally

	be limited to infill. The site is positioned between a residential dwelling known as Shallon to the west, and open fields to the east with sporadic residential development further east. As such, the proposed application site cannot be considered as residential infill. Thus, the proposal is considered contrary to Policy LP3 and LP12.
2	Policy LP12 seeks to support development that in such a location does not encroach into or harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. By virtue of the proposed urbanisation of an area of open paddock land that clearly forms a natural demarcation between the built form of Tydd St Giles and the countryside beyond this existing rural character will be eroded**,** contradicting the current settlement pattern and arguably creating a precedent for further development into the open countryside. As such, the proposal would be contrary to the requirements of Policies LP3, LP12, LP16(d) and DM3 (2014).
3	Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management. The application does not include sufficient evidence in respect of the sequential or exception tests and therefore fails to provide demonstrable evidence that the scheme would be acceptable in respect of flood risk. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).



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Proposed Site Plan 1:500 (Indicative Layout Shown)

F - Existing public footpath added to plan.
E - Indicative plot layout amended.
D - Vision splays agreed with CCC Highways added.

REVISIONS

JOB NO.	PAPER SIZE	DATE
6563/02F	A1	OCT 2022

Notes:
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CLIENT
MR & MRS GRAINGER

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
LAND ADJ SHALLON
CATS LANE
TYDD ST GILES
CAMBS
PE13 5LZ

DRAWING
PROPOSED SITE PLAN

PETER HUMPHREY ASSOCIATES
ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.
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E-MAIL: info@peterhumphrey.co.uk
WEB: www.peterhumphrey.co.uk

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AGENDA ITEM NO. 12	
PLANNING COMMITTEE	
Date	**08 February 2023**
Title	TPO 04/2022

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 Shallon, Cats Lane, Tydd St Giles.

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 Planning Committee where objections to the Order are received.

Background
In August 2022, the LPA received a request from the owner of Shallon to address the protection of trees to their eastern boundary, in respect of a prospective planning application on the adjacent land F/YR22/0935/O for the erection of up to 3 dwellings (Agenda Item 11, 08 Feb 2023).

Following site visits and consideration of the proposal, FDCs Arboricultural Officer concluded that the trees (T1 Norway Maple and T2 Oak) were in good health and contributed to the overall amenity and biodiversity value in the area and thus warranted formal designation.

TPO objection
The LPA has received one letter of objection from a local resident, set out in more detail in the below assessment.

Conclusion
The trees, subject of this order, are in good condition, considered important to the character of the area and will contribute to the amenity and biodiversity value of the site. The confirmation of the TPO will gives the Local Planning Authority control over 'inappropriate' works, allowing the LPA to impose conditions requiring replacement trees if necessary.

3. RECOMMENDATION

It is recommended that members confirm proposed TPO 04/2022 in respect of 1no. Norway Maple and 1no. Oak at the application site.

Forward Plan Reference No. **(if applicable)**	N/A
Portfolio Holder(s)	N/A
Report Originator	Danielle Brooke, Senior Development Officer
Contact Officer(s)	David Rowen, Development Manager
Background Paper(s)	N/A

1. BACKGROUND

1.1. In August 2022, the LPA received a request from the owner of Shallon to address the protection of trees to their eastern boundary, in respect of a prospective planning application on the adjacent land F/YR22/0935/O for the erection of up to 3 dwellings, which is Agenda Item 11 on today's Committee Agenda (08 February 2023).

1.2. Following site visits and consideration of the proposal, FDCs Arboricultural Officer concluded that the trees (T1 Norway Maple; and T2 Oak) were in good health and contributed to the overall amenity and biodiversity value in the area and thus warranted formal designation.

1.3. There are other TPO trees within and in the vicinity of the site, including TPO 01/1992 that includes trees to the northern, western and southern boundaries of the property and TPO 02/2016 that includes an area of trees to the western boundary of the property to the south of Shallon fronting Cats Lane.

2. PROPOSAL

2.1. The Order TPO 04/2022 encompasses 1x Norway Maple, 1x Oak, and is detailed on the accompanying plan.

3. CONSULTATIONS

3.1. **FDC Arboricultural Officer**

Individual TPO including the following species:

1 – Oak (Quercus sp.)
1 – Norway Maple (Acer sp.)

Shallon is a residential property on the east side of Cats Lane (B1165) on the northern edge of Tydd St Giles.

Cats Lane has belts of trees on both sides and generally the large residential properties have wooded plots.

There is ongoing development in Tydd St Giles and a number of trees have been removed over time.

The tree owners have requested TPOs are placed to ensure their long-term retention and protection from any future developments that may take place.

The trees are of long-term potential and will contribute to the tree cover and amenity of the area.

3.2. **Local Residents/Interested Parties**

An objection to the TPO was lodged by the applicant of planning application F/YR22/0935/O, a local resident of Tydd St Giles themselves. Reasons for objection are outlined in more detail below.

- Questions the validity, ‘true reason’, and timing behind the application for the TPO, is this an agenda merely intended on preventing development on the adjacent site under 22/0935?;

- Electrical works at the site to the south of Shallon in February 2022 caused trenches to be dug along areas of existing TPOs (01/1992), with no apparent comment or comeback from the owners of Shallon; queries as to whether this work was authorised by the Arboricultural Officer;

- Further fencing works in August 2022 at Shallon have disrupted/damaged the specific trees under consideration of protection herein;

- Claims that trees have been removed from the Shallon site. (N.B. No planning history could be found for the apparent removal of TPO trees.)

4. CONCLUSION

4.1. The purpose of the TPO is for the protection of trees of high value at the site. The confirmation of the TPO will require applications to fell or undertake works to any of the trees covered by the TPO. Notwithstanding, the placement of a TPO does not necessarily prevent tree works or even removal, but gives the Local Planning Authority control over ‘inappropriate’ works, and ensures that replacement trees can be required.

4.2. Consideration has been given to the objection received however the trees are in good condition, considered important to the character of the area and will contribute to the amenity and biodiversity value of the site.



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F/YR22/0768/F and F/YR22/0769/LB

Applicant: Mr Azam
East West Holding Limited

Agent : Mr Richard Garnett
ARC Survey & Design Consultants Ltd

1 - 3 Bridge Street, Wisbech, Cambridgeshire,

F/YR22/0768/F - Change of use from retail and offices to 2 commercial units (use class E) and 33 flats (1-bedroom) with associated alterations and removal of glass roof

F/YR22/0769/LB - Internal and external alterations to a listed building to enable change of use from retail and offices to 2 commercial units (use class E) and 33 flats (1-bedroom) with associated alterations and removal of glass roof

Officer recommendation: Grant

Reason for Committee: Town Council recommendation contrary to Officer recommendation

1 EXECUTIVE SUMMARY

1.1 This application proposes the use of a vacant listed building situated within the Wisbech Conservation Area. It will deliver a mixed commercial and residential scheme providing 2 ground floor commercial units and 33 units of residential accommodation.

1.2 Whilst the comments of the Town Council and The Wisbech Society are noted and acknowledged and officers have some sympathy with the points made, so much so that they endeavoured to secure scheme revisions in this regard. It must be noted that there would be no policy basis to withhold consent in this regard noting the absence of significant harm arising by virtue of the quantum of units. Furthermore, when giving weight to the reuse of this prominent heritage asset and noting the absence of any other material considerations which would indicate that the scheme should be resisted matters of 'amount' must fall away.

1.3 The application is recommended for approval as set out in the body of the report below having due regard to the duty in law under S16 Planning (Listed Buildings and Conservation Areas) Act 1990 and also the requirements of the National Planning Policy Framework 2021 and Policy LP18 of the Fenland Local Plan 2014.

1.4 Matters of flood risk, highways, residential amenity, security and servicing have also been considered alongside heritage and character considerations, with the Conservation Officer having also inputted into the latest iteration of the scheme and their suggestions incorporated.

1.5 It is considered that the scheme on balance aligns with the relevant policy framework and may be favourably recommended with appropriate conditions.

2 SITE DESCRIPTION

2.1 The application site is located in Wisbech town centre. It comprises the former Post Office building on Bridge Street and the former telephone exchange building on Alexandra Road. The site comprises two separate but linked buildings. The former Post Office building which dates to the 19th century has a three-storey frontage to Bridge Street and side elevation facing Post Office Lane which lies to the east. The former telephone exchange building dates from the 1970s and comprises a four-storey building with frontage to Post Office Lane and Alexandra Road which lies to the south of Bridge Street.

2.2 The site lies within the Wisbech Conservation Area. The former post office building is Grade II Listed. To the east of the site along the frontage of York Row there are numerous listed buildings in mixed use and to the north is the Clarkson Memorial a Grade II* Listed building along with the Grade II Listed Wine Vaults. Alexandra Road lies to the south with pedestrian access through to the Somers Road car park. Further commercial/mixed use buildings lie to the east.

2.3 The whole site lies within the designated Primary Shopping Area (PSA) and the frontage to Bridge Street within the Primary Shopping Frontage (PSF)

2.4 The site lies in Flood Zone 1 but immediately adjacent to Flood Zone 3, with a small section of its south-western corner falling within Flood Zone 3.

3 PROPOSAL

3.1 This application seeks full planning permission for the change of use of the building from retail/ offices falling within use Class E, to a mixed commercial (Class E) /residential use. It is proposed to retain two commercial units on the ground floor fronting Bridge Street. The remainder of the building will be converted to 33 one bedroomed apartments; scheme was originally for 34 units but following input from Conservation Officer there was a slight reworking of the floor plan, particularly where it impacted on the main rooms on the first and second floors of the Post Office.

3.2 Also on the ground floor will be a communal bin store and cycle store. Residents will have access to the internal courtyard. Minor internal alterations are proposed to facilitate the conversion including new partition walls.

3.2 A parallel application for Listed Building Consent has been submitted for the physical works and is also considered as part of this report.

3.3 A structural survey report accompanies the submission along with a heritage statement and Schedule of Works relating to the listed part of the building.

3.4 During the evaluation of the scheme the case officer queried the internal spaces of the units and suggested that the internal layout be reconsidered to increase floor spaces in line with the national space standards; whilst minor revisions were secured increasing the size of some units and a reduction from 34 to 33 units the agent highlights that the resultant accommodation proposed is as follows:

'*Our smallest units are 21sq.m, 22sq.m, 25sq.m and 27sq.m and 24sq.m. Then we have 4 units between 31 and 37sq.m, and the remainder exceed 37sq.m.'*

Notwithstanding the above the accommodation shown on the drawings is as follows:

- *10 units out of the 33 being under 37 square metres*
- *23 at 37 square metres or over*

Within the assessment section of this report this aspect of the scheme is further considered.

3.5 Full plans and associated documents for these applications can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage

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

4 SITE PLANNING HISTORY

F/YR17/0006/F	Change of Use of Ground Floor Only from Post Office (A1) to Recruitment Office (A2) Wisbech Post Office, 1 Bridge Street, Wisbech	Granted 27.02.2017
F/YR15/0159/LB	Relocation of existing war memorial plaque from Wisbech Post Office to Royal Mail Sorting Office, Cromwell Court, 26 Enterprise Way, Wisbech Wisbech Post Office, 1 Bridge Street, Wisbech	Refused 24.04.2015
F/YR14/0955/LB	Relocation of existing war memorial plaque from Wisbech Post Office to Royal Mail Sorting Office, Cromwell Court, 26 Enterprise Way, Wisbech Wisbech Post Office, 1 Bridge Street, Wisbech	Refused 23.01.2015
F/YR14/0600/F	Change of use from B1 Office to D1 Training Centre Suite 6, Exchange Tower, Post Office Lane, Wisbech	Granted 10.09.2014
F/YR14/0254/LB	Internal and external alterations Wisbech Post Office, 1 Bridge Street, Wisbech	Granted 23.07.2014
F/YR09/0603/A **&** F/YR09/0604/LB	Display of 1 no non-illuminated external mounted service panel and 1 no non-illuminated hanging sign (retrospective)	Granted 18.11.2009
F/YR05/0886/F **&** F/YR05/0887/LB	Installation of 1 external condenser to wall on first-floor Wisbech Post Office, 1-3 Bridge Street, Wisbech	Granted 28.09.2005
F/YR04/4382/LB	Display of non-illuminated lettering and 2 hanging signs 2-3 Bridge Street, Wisbech	Granted 14.01.2005

F/YR04/3958/FDC **&** F/YR04/3959/LB	External alterations to front elevation 2-3 Bridge Street, Wisbech	Withdrawn 05.10.2004
F/YR03/1561/LB	Internal and external alterations to form new entrance on Post Office Lane	Granted 12.05.2004
F/YR01/1167/F	Erection of extensions to provide additional office accommodation comprising second-floor accommodation in part, second and third-floor accommodation in part and pedestrian walkway at second-floor level	Granted 28.01.2002
F/YR01/1168/LB	Erection of extensions to provide additional office accommodation comprising second-floor accommodation in part, second and third-floor accommodation in part and pedestrian walkway at second-floor level	Granted 28.01.2002

5 CONSULTATIONS

5.1 **Town Council**
(19.07.2022) *'Object, on the basis that the proposal would constitute overdevelopment of the site'*

5.2 **Cambridgeshire County Council Highways Authority**
(18.08.2022) 'Highways have no objections on the application. LPA should ensure the provision of cycle stands should meet the FDC standards.'

5.3 **LB Application: Historic England (21.07.2022)**
HE provides advice when our engagement can add most value. In this case we do not wish to offer advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice […]. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.'

5.4 **LB Application: FDC Conservation Officer (26.08.2022)**
'1. This application concerns internal and external alterations to a listed building to enable the change of use from retail and offices to 2 commercial units (use class E) and 34 x 1-bedroom flats with associated alterations and removal of a glass roof. The Post Office (located within No 1 Bridge Street) was purpose built, dates from 1887 and is grade II listed. The building retains its historic "POST OFFICE" metal lettering, which contributes to the architectural interest of the buildings, as well as the war memorial which is firmly set into the west wall of the ground floor room. It is assumed that it commemorates men which worked within Wisbech & District Postal Service and most likely worked from this building. To this extent it connects the men which have fallen to this particular historic post office building as it was their place of work. The memorial is considered to be part of the architectural and historic history of this listed building. There is therefore a presumption against seeing either of these elements removed from the property. The remainder of the site encompasses the former sorting office and later tourist/council information centre to the west, and the former telephone exchange building to the rear, facing onto Post Office Lane, and Alexandra Road, (forming No 3 Bridge Street) form part of the application. The site is

within Wisbech Conservation Area, and within the setting of neighbouring and adjacent listed buildings and structures. The majority of the building has been vacant for some time, with only the ground floor Post Office area being occupied until recently.

2. *Consideration is given to the impact of the proposal on the architectural and historic interests 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 S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

3. *Consideration is given to the impact of the proposal on the architectural and historic interests of a listed building 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.*

4. *Consideration is given to the impact of this proposal on the character and appearance of Wisbech Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.*

5. *Comments are made with due regard to Section 16 of the National Planning Policy Framework 2021, specifically paragraphs 8, 195, 197,199, 200, and 202.*

6. *A heritage statement has been submitted with the application. The information is sufficient to comply with paragraph 189 of the NPPF and policy LP18 of the 2014 local plan. In addition to this 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 is Policy LP23.*

7. *Due regard is given to relevant planning history. There is an extensive planning history of over 30 applications associated with the building. From this information the recent history of the building can be appreciated. It is evident that the Post Office itself once had a sorting office attached to it in adjoining buildings, but the sorting office closed circa 1994 and converted to offices in the following years (see apps F/95/0303/F and 98/0127/LB). At the time the sorting office closed the whole building was sold off by Royal Mail although Post Office Counters Ltd continued to operate their business from the property under lease until it relocated. More recent Listed Building Consent applications (F/YR14/0955/LB and F/YR15/0159/LB) have focused on the removal of a war memorial from this building, and these were refused. Most recently, an application (F/YR170006/F, for use as a recruitment office in the former post office space, was approved. This use has recently ceased and the whole building now lies vacant.*

8. *There is no objection to this application. However, the following comments are made:*

   i. The Post Office was built in 1887 in the 'French Mediaeval Domestic Style'. It is visually striking with its red brick walls and moulded and arched limestone dressings round doors and windows and parapet gables with finials, and slate roof. It retains all its original joinery and rainwater goods and these details and architectural design contribute greatly to its special interest and to the character and appearance of the conservation area. Internally, it retains original joinery to doors and windows, with the windows retaining interesting pully and spring opening system with pull cords and wooden toggles. The north first floor room retains an original safe with shelving and parquet flooring (which may well extend below the current carpet in the main room). The original ceiling with coving survives above the current suspended ceiling. Early heating systems (radiators and piping) indicate a possible contemporary heating system (further research would be needed), but certainly are part of the story of the building. Elsewhere in the same room two internal windows form a part glazed partition to the rear, with historic linoleum flooring. Throughout the rest of the building, banisters and balustrade survive to all staircases (iron in the basement, iron balusters with timber handrail to first floor and all timber to second floor), with a largely unaltered layout. Historic England archive mapping indicates that the front bay of the building is covered by the extent of listing – the remainder may be considered as curtilage due to its attachment (but further research would be needed with regards to use and relationship), but regardless, it is clear that the rear wing is of less significance. However, local report has it that a rear bay facing onto Alexandra Road, may have an original turntable set into the ground for the post-vans. ***It is within this context that this proposal is considered.***

9. *The proposal seeks to convert the building to 34 single-bed units. Whilst the number of apartments on this scale may not be the most conducive to attracting settled residents and contributing to the economic regeneration of Wisbech (larger 2-3 bed family apartments would be preferable for this), it is not considered that single bed units will impact on the character and appearance of the conservation area, per se, especially given that the exterior of the building, including all windows and joinery will remain unaltered.*

10. *However, concerns are raised with regards to the usual downward trajectory of maintenance and condition of buildings with this level of subdivision. Rainwater goods and joinery are often neglected, and a building then quickly deteriorates resulting in considerable harm to the special interest of historic buildings and conservation area. Whilst this is not something that can be conditioned against, it should be borne in mind when making a recommendation on this application.*

11. *Comments are limited to the impact on the designated part of the building that has the most significance, namely the original Post Office section of the building to first, second and third floors. There has been some informal discussion with the agent resulting in some alteration to the scheme, and it is felt that the scheme now represents an acceptable compromise.*

12. *There is no proposed change to or use for the basement. The ground floor, the current post office space will have the modern counter removed (care should be taken in case of historic ceilings above or floor finishes below – all historic fabric will be protected by the listing and should be repaired on a like-for-like basis) and will remain a commercial/retail space. The door to the rear, leading to a lobby is to be infilled (this is reversible), thereby separating the commercial space from the residential units behind and above. Access to the residential units will be from Post Office Lane. The lobby area contains a safe and this is to remain in situ. There is to be no alteration the lobby area, doors or stairs leading down to the basement or up to the first floor. (Revised drawing P100C 27th July 2022).*

13. *To the first floor, the existing wc on the landing is to become a store for flat 20, with the door retained. Double doors off the landing lead into a small cupboard area. These are to be removed and blocked up, with the back of the cupboard wall being removed, and the space reunited with the glazed partition area in the main room. The door to the north-east room (currently forming a kitchenette) will provide new independent access to a 2-bedroom flat. A new partition wall within this space will create a single bedroom, and entrance hall and a reinstated doorway will provide access to the main room. The main room is awkwardly subdivided to create a second bedroom, bathroom (current door to main room blocked up), living room and dining area, with the kitchen area to be created out of the rear glazed partition (lino to be protected with overboarding), and while a single-bed apartment would reduce the need for partitions, and improve the layout (e.g, the single bedroom could be the bathroom), these partitions are all reversible, and therefore felt to be acceptable on the basis that a viable use will outweigh the less than substantial harm. The existing safe will form a cupboard to the bedroom. The shelves are to remain. Nb. The existing floor plan omits the staircase leading from first to second floor. (Revised drawing P200A 27th July 2022).*

14. *The second floor follows a similar pattern with an existing wc on the stairs landing to be a cupboard, and the main room to form kitchen-living room, bedroom and bathroom with new internal partitions. To the rear, a corridor currently leads to the rest of the building, but this is to be blocked off with a solid wall and form a cupboard, thereby creating a discrete pair of apartments to first and second floor that can't be accessed from the rest of the building (Drawing P300A 27th July 2022).*

15. *The remainder of the building does not contain or retain anything of historic significance (bar historic windows), and therefore the level of subdivision is not felt to impact on the special interest of the building, as all is reversible.*

16. *Overall, however, all works should take care when installing partition walls with regards to impact on historic ceilings and floors. Insulation and any boarding to external walls to be suitable for use with historic fabric and other works to be in accordance with the submitted schedule of works.*

17. *The impact on the building overall is felt to be neutral and on the listed part/areas of significance, the works are reversible and outweighed by the public benefit of this building being found a viable use in principle, bearing in mind the concerns regarding condition as raised above.*

1. CONDITIONS (S.17 of the law for LBs).

i. The location and type of any external services, vents, svps, etc, shall be submitted to and approved in writing by the local authority to ensure that their installation/location shall not negatively impact the special interest of the listed building.

Recommendation: Do not object subject to condition'.

5.5 **The Wisbech Society (27.07.2022)**

With reference to the above Planning Application, the Wisbech Society OBJECTS to the proposals, for the following reasons.

1. There is no reference to the protections afforded to the two War Memorials within the property. There has been in the recent past two applications to remove the memorials, both of which were REFUSED by Planners.

2. There is no reference to the vehicle turntable that is located within the property. This is an historic and unusual feature, installed to allow post office vehicles to access a restricted space, be loaded/unloaded, and enable the vehicle to be rotated so as to safely exit the building. The turntable is currently concealed beneath a false floor for its protection.

3. Although there is mention of plans to conceal some historic wallplaster, ceilings and cornice, there is no clear intention to ensure that the new stud walls and suspended ceilings use fittings that protect the historic fabric from damage or future deterioration. It is important that all historic fabric is protected.

4. Concerns have been raised regarding the number of very small units planned - some are not much larger that ~20m2, which doesn't allow for sufficient living space that could be described as a starter home. The warren of corridors may also become a fire hazard and prevent quick egress in an emergency.

5. The number of units proposed will have a detrimental affect on amenity in the town centre Conservation Area and will affect the setting of nearby Listed Buildings; and could cause issues with waste disposal, noise and parking (parking in the immediate area is designed for local business and visitors to local shops - not residential use and there is no guarantee that parking will remain free). There is also concern that the water and sewerage system will be unable to cope with this many new units.

5.6 **Environment Agency**

'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 provided additional information below.

Flood Risk

Part of the site is located within flood zone 3 as defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding.

We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) undertaken by Ellingham Consulting LTD, Ref: ECL0790/ARC SURVEY &

DESIGN CONSULTANTS dated June 2022 and the mitigation measures detailed in section 5.2 of the FRA :

- *Finished Floor Level of the ground floor residential units to be no lower than 300mm above the existing ground level with 0.3m of flood resilient construction above the FFL.*
- *No living accommodation on basement level are fully implemented and retained for the life of the development*

Informatives
The emergency flood plan will need careful consideration. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/ users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 163 of the NPPF and the guiding principles of the PPG. 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 [link quoted] and CIRIA Code of Practice for property flood resilience [again link quoted].

Other advice:

Sequential Test / and Exception Tests
The requirement to apply the Sequential Test is set out in Paragraph 162 of the National Planning Policy Framework. The Exception Test is set out in paragraph 164. These tests are the Councils responsibility and should be completed before the application is determined.'

5.7 **CCC (Lead Local Flood Authority)**
(27.07.2022) *'The application is for a change of use only. Whilst this proposal will not result in an increase in impermeable area; in accordance with Chapter 6 of the Flood & Water Supplementary Planning Document we still strongly encourage the use of sustainable drainage techniques (SuDS) to take account of the effects of climate change. SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.'*

5.8 **Anglian Water Services Ltd**
(25.07.2022) *'Assets Affected - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.*

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

Wastewater Treatment - The foul drainage from this development is in the catchment of West Walton Water Recycling Centre that will have available capacity for these flows

Used Water Network - This response has been based on the following submitted documents: Application form, Site Location Plan, Drainage Strategy, Flood risk Assessment Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information, the applicant has not identified a point of connection into the public system, or a discharge regime (pump or gravity), if pumped a rate is required so that we can accurate assess our network. We therefore request a condition requiring an on-site drainage strategy [requests informatives].

Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to it not being clear whether a surface water connection will be utilised, if it is we would require a point of connection and discharge rate. We would therefore recommend that the applicant consults with Anglian Water and the Environment Agency.

We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to draw substantially on the public sewerage network capacity and capacity at the receiving Water Recycling Centre.

If developers can avoid new surface water flows entering the public sewerage, the impact of developments on wastewater infrastructure and the risk and impact of sewer flooding can be managed effectively, in accordance with paragraph 163 of the NPPF, minimise the risk of flooding. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process. As our powers under the Water Industry Act are limited it is important to ensure appropriate control over the surface water drainage approach is dealt with via a planning condition, ensuring that evidence is provided that the hierarchy has been followed and any adverse impacts and mitigation required can be planned for effectively

Trade Effluent - The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted. "An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991."

Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network - We have no objection subject to the following condition:

Condition
Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason
To prevent environmental and amenity problems arising from flooding

Surface Water Disposal
No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy

For the attention of the Applicant

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website http://www.anglianwater.co.uk/developers/pre-development.aspx

Once submitted, we will work with you in developing a feasible mitigation solution. If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

- *Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:*
  - *Development size*
  - *Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)*
  - *Connecting manhole discharge location (No connections can be made into a public rising main)*
  - *Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)*
  - *Feasible mitigation strategy in agreement with Anglian Water (if required)*

Surface water:

- *Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:*
- *Development hectare size*
- *Proposed discharge rate (Our minimum discharge rate is 2l/s. The applicant can verify the site's existing 1 in 1-year greenfield run off rate on the following HR Wallingford website -http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation. For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1-year calculated rate)*
- *Connecting manhole discharge location*
- *Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)'*

5.9 **FDC Head of Environmental Services**
Initially requested further details on the bin store to show that it is of suitable size and specification (quoted in response). Queried arrangements for the two commercial units. Following the submission of updated details provided comments as follows (13.01.2023)

'Plans for the bin store indicate the 10 x 1100 bins could be accommodated with sufficient space around to allow collections to take place. These arrangements would be acceptable providing requirements previously mentioned on the attached were carried out i.e. keypad entry, dropped kerb, door hooks etc.'

5.10 **FDC Environment & Health Services (FDC)**
(20.07.2022) *'I refer to the above application for consideration and make the following observations.The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination.*

Whilst I note the intended workings times provided on the Construction Management Plan (CMP), in the interests of amenity protection this service requests the following condition is imposed as is typical for a development of this nature. The condition reduces proposed possible working times on a weekend from those stated within the CMP.

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: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

I would also recommend that work is undertaken to ascertain whether any asbestos containing materials are present. If confirmed, then the following can be conditioned

ASBESTOS REMOVAL - Parts of the existing building with known asbestos containing materials such should be removed only by a licensed asbestos removal contractor and taken to a waste disposal facility, which is licensed to

receive such waste. A method statement and work plan should also be submitted to Fenland District Council and approved before any work in connection with this aspect of the development is commenced.'

5.11 **Cambridgeshire Constabulary - Designing Out Crime Officers**
'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 completed a search of the Constabulary crime systems for the Medworth Ward covering the last 2 years. I would consider this to be an area of medium vulnerability to crime at present. There have been 2244 crimes recorded in total during this period, those most relevant to new developments are listed as follows: -

16 x dwelling burglary
71 x vehicle crimes (34 theft from and 37 theft of)
85 x cycle thefts
204 x criminal damage offences
264 x public order offences
46 x drug offences (36 possession and 10 trafficking)
There have also been 14 anti-social behaviour incidents recorded.

There is no specific section in the Design and Access/Planning statement relating to security or crime prevention measures.

NPPF Para. 130f states: - Planning policies and decisions should ensure that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

While this is a Grade2 listed building within a conservation area, it is important that security and crime prevention are considered at the early stages of design in relation to the security of the buildings, access control ensuring that only authorised staff and residents are allowed access, cycle and bin store security, mail delivery, lighting, and CCTV where it is being proposed. This office would be happy to discuss security and measures to reduce crime and the fear of crime with the applicants. I have no further comment at this stage'.

5.12 **Section 106 Services (PCC)**
(29.11.2022) *'I have reviewed the planning statement submitted for F/YR22/0768/F.*

In relation to the claim for the application of Vacant Building Credit, where the GIA of the floorspace that is to be brought back into use is equal to or greater than the GIA of the existing building, the Affordable Housing requirement is zero, providing that the building has not been abandoned, made vacant for the sole purpose of development or is subject to an extant or recently expired planning permission for the same or substantially the same development, none of which apply to this application, and I therefore accept that Vacant Building Credit is applicable to the proposed development.

Also, mindful of the Local Plan Viability Assessment, it is accepted that nil S106 contributions should be requested, and that no viability evidence is needed from the applicant in respect of these matters.'

5.13 **Cambridgeshire County Council (Growth & Economy) (08.07.2022)** *'I can confirm that the County Council will not seek developer contributions towards libraries or education infrastructure from this development.'*

5.14 **Housing Strategy (PCC)**

(22.07.2022) Made comments outlining the policy requirements for affordable housing resulting from this proposal. Supplementary to these comments advised:

'I understand that a viability assessment has been submitted as part of this planning application. I further understand that it is currently being considered by the appropriate officer. If the viability assessment demonstrates that it is not viable to provide on or an offsite contribution of affordable housing as part of this scheme in this instance, I have no further comments to make. However, in the event that it is concluded that the provision of affordable housing is viable, our Housing needs Policy provisions in my original comments from 9th May 2022 still apply.'

5.15 **NHS (Cambridgeshire and Peterborough Integrated Care System (CAPICS))**
(09.09.2022) '*Thank you for consulting Cambridgeshire and Peterborough Integrated Care System (CAPICS) on the above planning application. I refer to the above planning application and advise that, further to a review of the applicants' submission, the following comments are with regard to the primary healthcare provision on behalf of CAPICS.*

The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application site Wisbech Practices: Trinity Practice, North Brink and Clarkson. These practices have a combined registered patient list size of 43,284 and this development of 34 dwellings would see an increase patient pressure of 34 new residents which would require additional GP/Nurse / (Admin support) workforce to support increase in appointments : GP = 0.02 / Nurse = 0.01 and Admin = 0.03 with a resulting increase on estate demand of 2.30 sqm net internal area.*

**Model evidence from Cambridge Analytics data*

A developer contribution will be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £8,414.21. Payment should be made before the development commences. CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

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

review the development's sustainability if such impacts are not satisfactorily mitigated.

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

5.16 **Local Residents/Interested Parties**
None

6 STATUTORY DUTY

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

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

6.3 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7 POLICY FRAMEWORK

7.1 **National Planning Policy Framework (NPPF)**
Para. 8 – make provision for a sufficient range and number of homes, fostering well-designed places, protecting and enhancing the natural, built and historic environment and making the effective use of land
Para. 86 (f) – recognising the role of appropriate housing in town centres contributing to their vitality
Chapter 9 – Promoting sustainable transport
Para. 120 (d) - Promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)
Para. 126 – Achieving well-designed places. Good design is a key aspect of sustainable development: Creates better places in which to live and work and helps make development acceptable to communities
Para.130 – Design – Should function well, be visually attractive as a result of good architecture and attractive landscaping and be sympathetic to local character and history and establish or maintain a strong sense of place
Chapter 14. Meeting the challenge of climate change, flooding and coastal change

Para. 164 - The application of the exception test
Para. 188 - The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively
Chapter 16 -The Historic Environment – The desirability of new development making a positive contribution to local character
Para. 197 - In determining planning applications LPAs should take account of :
(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
(c) the desirability of new development making a positive contribution to local character and distinctiveness.
Para. 202 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.2 **National Planning Practice Guidance (NPPG)**
Determining a Planning Application

Paras. 3 to 5 – Applying conditions, 6 tests

Para. 26 - National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

Para. 27 - Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local P plan. A ‘credit’ should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.

Para. 28 - The vacant building credit applies where the building has not been abandoned.

The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:

- the condition of the property
- the period of non-use
- whether there is an intervening use; and
- any evidence regarding the owner's intention

Each case is a matter for the collecting authority to judge.

The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In doing so, it may be appropriate for authorities to consider:

- whether the building has been made vacant for the sole purposes of re-development
- whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development

Paragraph 033 - The Sequential Test does not need to be applied for applications for Change of Use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)

7.3 **National Design Guide 2019**

Context C1 - Relationship with local and wider context; C2 - Value heritage, local history and culture
Identity I1 - Respond to existing local character and identity; I2 Well-designed, high quality and attractive
Built form B1 - Compact form of development; B2 Appropriate building types and forms
Movement M3 - well-considered parking, servicing and utilities infrastructure for all users
Homes and Buildings H1 - Healthy, comfortable and safe internal and external environment, H3 - Attention to detail; storage, waste, servicing and utilities
Resources R3 - maximise resilience
Lifespan L3 - A sense of ownership

7.4 **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP5 – Meeting Housing Need (Part C – Meeting wider housing need)
LP6 – Employment, Tourism, Community Facilities and Retail
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP18 – The Historic Environment

7.5 **Cambridgeshire Flood and Water SPD**

7.6 **Emerging Local Plan**

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

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

8 KEY ISSUES

- **Principle of Development**
- **Character and heritage**
- **Context and use (LP6 considerations)**
- **Residential amenity**
- **Parking and highways**
- **Flood risk**
- **S106**
- **Other matters**

9 ASSESSMENT

Principle of Development

9.1 These premises are located within Wisbech town centre, one of the primary market towns within Fenland and is therefore identified as an area which should be the focus for new housing, employment growth, retail growth and wider service provision.

9.2 The scheme seeks to retain commercial units on the ground floor, fronting Bridge Street, whilst also helping to meet housing need and support the local economy.

9.3 In addition, it will bring a Listed Building back into active use, with any heritage impacts to be assessed in accordance with the NPPF and Policy LP18 of the FLP.

9.4 Matters of flood risk, access and servicing must also be considered in accordance with Policies LP14, LP15 and LP16 of the FLP.

9.5 Subject to the scheme according with the relevant policy framework the principle of development is considered to be acceptable in the instance.

Character and heritage

9.6 The Conservation Officer notes that 'Historic England archive mapping indicates that the front bay of the building is covered by the extent of listing – the remainder may be considered as curtilage due to its attachment (but further research would be needed with regards to use and relationship), but regardless, it is clear that the rear wing is of less significance. However, local report has it that a rear bay facing onto Alexandra Road, may have an original turntable set into the ground for the post-vans'.

9.7 Specialist input from the Conservation Officer has directed certain changes to the scheme layout and concluded that the development is acceptable as now presented. There are no external alternations to the premises which would impact on the character of the area and whilst reservations are noted regarding bin collection bin storage provision is made within the building and bins will be collected and returned to this area; hence it is not considered that this element of the scheme represents any issues.

9.8 With regard to the Post Office lettering and war memorial, set into the west wall of the ground floor room, these are considered to be part of the architectural and historic interest of the building and are afforded protection as such. Earlier scheme approvals have specifically referenced the war memorial as to remain and there is nothing to suggest that a similar response would not be appropriate in this instance, further noting that this will be located within the commercial space and as such remaining on view.

9.9 In respect of the turntable which has been highlighted by the Wisbech Society and noted by the Conservation Officer as a feature of the rear section of the building the agent advises that this element has not been uncovered, nonetheless they indicate that they have to raise the floor by 300mm in this part of the building (to address flood risk) accordingly they note that *'it will be simple to install a suspended floor over the top of the turntable leaving it undisturbed'.* It is considered that a safeguarding condition should be imposed on the Listed Building Consent that if discovered the turntable shall be mapped and photographed with these details to be submitted to the LPA as a record of this item and the feature retained in situ.

9.9 As required by both national and local plan policy a Heritage Statement accompanies the submission and this is accepted as sufficient to comply with these policy requirements.

9.7 Whilst the Conservation Officer notes that '*the number of apartments on this scale may not be the most conducive to attracting settled residents and contributing to the economic regeneration of Wisbech (larger 2-3 bed family apartments would be preferable for this), it is not considered that single bed units will impact on the character and appearance of the conservation area, per se, especially given that the exterior of the building, including all windows and joinery will remain unaltered'*. Similarly, she notes that buildings with this level of subdivision sometimes suffer a deterioration in external rainwater goods and joinery however it would be hoped that suitable management arrangements would be put in place to counter such occurrences.

9.8 The Conservation Officer has limited her comments to the designated part of the building that has the most significance, namely the original Post Office section of the building to first, second and third floors. As indicated in the proposal section above revisions to the scheme were made following discussion

with the agent and the Conservation Officer concludes that the scheme now represents an acceptable compromise.

9.9 All historic features of the building such as the safe (to be utlised as a bedroom cupboard in one of the units), war memorial, historic ceilings and floor finishes are protected by the listing and are to be retained and repaired on a like-for-like basis. Where subdivision is proposed the works are largely reversible and acceptable on the basis that a viable use will outweigh the less than substantial harm, with the level of subdivision not felt to impact on the special interest of the building. Furthermore, the schedule of works will direct the conversion appropriately.

9.10 In conclusion the recommendation of the Conservation Officer is agreed in that 'the impact on the building overall is felt to be neutral and on the listed part/areas of significance, the works are reversible and outweighed by the public benefit of this building being found a viable use in principle, bearing in mind the concerns regarding condition as raised above'. The recommended condition relating to the need to agree the location and type of any external services, vents, soil and vent pipes, etc will be imposed to ensure that their installation/location does not negatively impact the special interest of the listed building.

9.11 Subject to the above it is considered that the scheme complies with Policy LP18 and the NPPF and may be supported.

Context and use (LP6 considerations)

9.12 Policy LP6 Employment, Tourism, Community Facilities and Retail highlights that retail development will be encouraged to maintain and enhance the vitality and viability of centres. Wisbech is identified as being one of the primary market towns in the settlement hierarchy and in turn the highest-level retail setting, along with March.

9.13 1 – 3 Bridge Street is also included within the primary shopping area with the frontage of the site to Bridge Street forming part of the primary shopping frontage where Policy LP6 indicates that development for a non-retail use (A2, A3, A4, A5 uses) at ground floor level will be supported provided that the proposal, including any committed planning permissions, would retain the predominant retail element within the frontage and not result in an adverse impact on the vitality and viability of the centre as a whole. That said Policy LP6 is somewhat overtaken by changes to the Use Classes Order which translates the current use into the wider E use which permits a range of commercial uses and in essence negates the retail retention element of Policy LP6. It is further noted that the last use of the frontage section of the premises was as a recruitment agency and as such an A2 use.

9.14 The scheme does however make provision for the retention of two commercial units on the ground floor of the former Post Office building fronting Bridge Street and this aspect is welcomed as this will make a positive contribution to the vitality and viability of the town. The future intended residents of the scheme will also contribute to the town centre as it will increase the footfall and spend in terms of goods and services. Finally, it will bring the building back into active use. Noting that the upper floors were vacated by FDC circa 2009 and the lower floor (section occupied by FDC) vacated autumn 2019; the remaining part of the ground floor having become vacant in June 2020.

Residential amenity

9.15 Taking forward the comments of the Town Council and The Wisbech Society the case officer raised the issue of overdevelopment with a view to securing a lesser number of units within the premises. However, although minor revisions were made the number of units remained consistent with the original proposals

9.16 Whilst ideally the level of units would be reduced it must be acknowledged that achieving a viable, if less than ideal, scheme will secure the long-term future of the listed building going forward and significant weight must be given to this factor.

9.17 The units will offer a reasonable level of residential amenity for the occupants and whilst some of the units are relatively small, they are well located to the town centre and will contribute to the housing mix of the town.

9.18 There is no requirement for provision of amenity space to support the development as per Policy LP16(h) and the site location is such that there are opportunities for outdoor recreation within walking distance.

9.19 In terms of the relationship of the property to adjoining premises no amenity issues or impacts are identified and as such the scheme achieves compliance with Policies LP2 & LP16 of the FLP (2014).

Parking and highways

9.20 The proposal includes provision for cycle parking but none for cars due to its town centre location. There is cycle storage available at basement level with a channel provided adjacent to the stairs to facilitate ease of cycle movement to the upper level. It should be noted that the FLP (2014) does not contain cycle parking standards, however it is noted that 13 stands are shown within the basement area.

9.21 This a town centre site and as such is considered to be a sustainable location; albeit the scheme comes forward with a nil parking provision.

9.22 Appendix A of the Fenland Local Plan allows for a reduced car parking provision and in special circumstances a nil parking provision where sites are centrally located within Market towns and benefit from good public transport links.

9.23 The ‘special circumstances’ in this case are deemed to be the re-use of a vacant building situated in a sustainable location within one of the Primary Market Towns of the District.

9.24 The delivery of 33 residential units in this location must be given significant weight and the proposal aligns with the aims of Chapter 11 of the NPPF which promotes the effective use of land, and particularly Para 120 (d) which outlines the need to ‘*promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)’.*

9.25 It is considered there is appropriate justification for delivering this scheme with a nil parking provision and as such there are no matters to reconcile with regard to car parking provision or accessibility; the scheme is therefore considered compliant with Policies LP15 and LP16 of the FLP (2014).

Flood risk

9.26 The site is largely within a flood zone 1 location with only a small section of the building being located within flood zone 3; nonetheless as a major scheme the application has been referred to the relevant stakeholders, i.e. Environment Agency, LLFA and Anglian Water

9.27 The EA have confirmed that they have no objection to the scheme subject to adherence to the submitted FRA and have recommended a safeguarding condition to this effect.

9.28 It is also noted that Anglian Water (AW) have not objected to the scheme however they have recommended conditions requiring the submission of a scheme for on-site foul water drainage and surface water management.

9.29 In respect of foul water drainage AW have requesting that this detail is provided prior to construction above damp-proof course. Whilst this condition is considered necessary and relevant the timing must be revised to 'prior to occupation' noting that there is a connection already in place and given that this is a conversion scheme not a new construction.

9.30 The recommended condition relating to surface water management is not considered to meet the condition tests outlined in the NPPF given that it relates to the conversion of an existing building; accordingly, this condition will not be taken forward to any decision as issued. In this regard the comments made by the LLFA relating to a retrofitting of SUDs are noted however given that the physical characteristics of the building are unchanged it would not appear reasonable to secure such works.

9.31 As a change of use submission there is no requirement for the scheme to satisfy the sequential test however the exceptions test must be met. It is acknowledged that the submitted FRA satisfies the 2nd part of the test as this Assessment demonstrates that it *'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'*. In respect of the 1st part of the exception test, i.e. '*the development will provide wider sustainability benefits to the community that outweigh flood risk'* is noted that this is a redevelopment of a sustainable site within the urban area which will also see a vacant heritage asset being brought back into use. Officers are content, noting the limited area of the building which falls within Flood Zone 3, the mitigation proposed and the extent of housing units to be delivered that Part 1 of the exceptions test may be deemed as passed.

9.32 It is noted that the EA have commented in respect of a suitable flood evacuation plan although they have not recommended that a condition be imposed in this regard, nor will they comment on any subsequent evacuation plan submitted. Within the submitted FRA there are no recommendations relating to the provision of a bespoke flood evacuation plan, albeit it is recommended that occupants sign up to the Floodline Warnings Service. Mindful of the extent of

floorspace falling within the Flood Zone 3 area it is not considered necessary to secure an evacuation plan as part of any decision issued.

9.34 Subject to the imposition of suitable safeguarding condition(s) to secure compliance with the FRA and details of the intended scheme relating to foul water it is contended that the scheme is acceptable in flood risk terms and addresses Policy LP14 and the flood risk policies of the NPPF (20121).

S106

9.35 As a major scheme delivering over 10 units this scheme would attract a requirement for appropriate infrastructure contributions including affordable housing; notwithstanding this it is noted that the submitted planning statement highlights the Local Plan and CIL Viability Assessment commissioned by FDC as part of its Local Plan review and the Vacant Building Credit (VBC) which was introduced by the Government through planning practice guidance published on 28 November 2014; the former accepts that viability within the north of the district is challenging, even on green field sites, with the latter incentivising brownfield development on sites containing vacant buildings.

9.36 In essence the VBC deals with cases where a vacant building is brought back into a lawful use, or is demolished to be replaced by a new building, and allows for the developer to be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

9.37 Noting that this development does not propose any increase of existing floorspace the existing floorspace of the vacant building should be credited against the floorspace of new development and a 100% 'credit' should apply resulting in no requirement for affordable housing. The application of VBC is subject to the application of a number of qualifying criteria and the S106 Officer has confirmed that these are met and that Vacant Building Credit is applicable to the proposed development. The S106 Officer has further confirmed, '*mindful of the Local Plan Viability Assessment, it is accepted that nil S106 contributions should be requested, and that no viability evidence is needed from the applicant in respect of these matters.'*

9.38 Given the above the scheme may proceed unencumbered by any S106 obligations.

Other matters

Refuse collection

9.39 The agent has clarified that '*the commercial units have no current bin store arrangements for the entire building, and the commercial space is being reduced from the whole building to just two ground floor units'*. Noting that 'the commercial fit out has not been planned yet then [they] would leave that to the incoming tenant to organise along with the toilets, kitchen, staff room etc'.

9.40 The submission has been revised to detail the bin store and the general details of this in terms of capacity have been agreed by the Operations Manager –

Refuse. In terms of the more detailed specification of access to the bin store area this may be conditioned

Crime and design

9.40 The Crime and Design team have recommended that security and crime prevention are given considered in relation to the security of the buildings, access control, cycle and bin store security, mail delivery, lighting, and CCTV. As these elements are likely to be refined at detailed project planning stage it appears appropriate to condition these elements to ensure that the scheme ultimately aligns with Policy LP17 of the FLP (2014).

Asbestos removal

9.41 The condition relating to asbestos removal as recommended by the Environmental Health team is noted; however mindful of the 6 condition tests and NPPG (Paras: 3 to 5) such a condition is not considered warranted noting that Para 05 clearly states: '*Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate'.*

10 CONCLUSIONS

10.1 This application proposes the use of a vacant listed building situated within the Wisbech Conservation Area. It will deliver a mixed commercial and residential scheme providing 2 ground floor commercial units and 33 units of residential accommodation.

10.2 Whilst the comments of the Town Council and The Wisbech Society are noted and acknowledged and officers have some sympathy with the points made, so much so that they endeavoured to secure scheme revisions in this regard. It must be noted that there would be no policy basis to withhold consent in this regard noting the absence of significant harm arising by virtue of the quantum of units. Furthermore, when giving weight to the reuse of this prominent heritage asset and noting the absence of any other material considerations which would indicate that the scheme should be resisted matters of 'amount' must fall away.

10.3 The application is recommended for approval as set out in the body of the report below having due regard to the duty in law under S16 Planning (Listed Buildings and Conservation Areas) Act 1990 and also the requirements of the National Planning Policy Framework 2021 and Policy LP18 of the Fenland Local Plan 2014.

10.4 Matters of flood risk, highways, residential amenity, security and servicing have also been considered alongside heritage and character considerations, with the Conservation Officer having also inputted into the latest iteration of the scheme and their suggestions incorporated.

10.5 It is considered that the scheme on balance aligns with the relevant policy framework and may be favourably recommended with appropriate conditions.

11 RECOMMENDATION: Grant

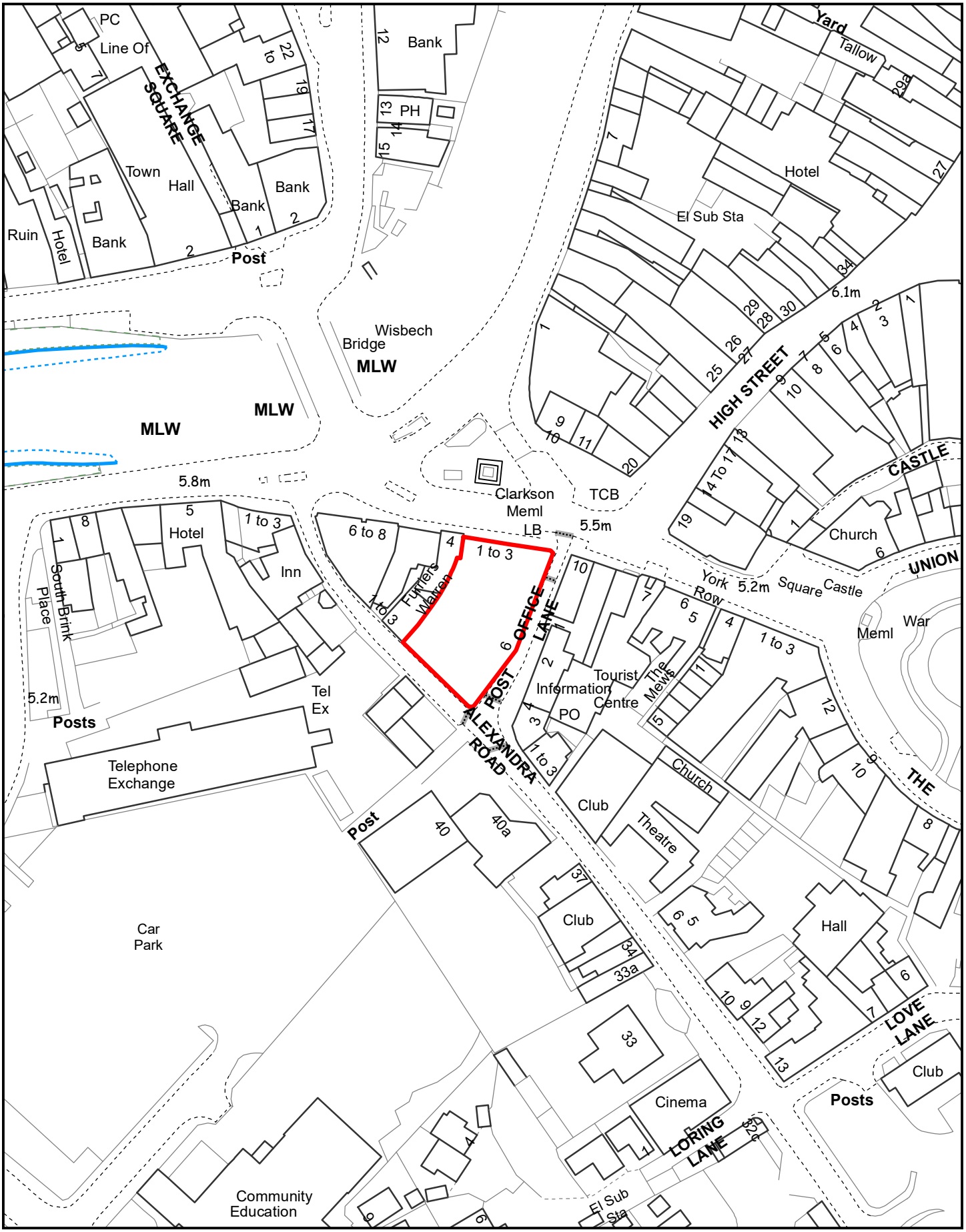
Conditions – F/YR22/0768/F

1	The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2	The development hereby approved shall be delivered in accordance with the submitted Flood Risk Assessment (FRA) undertaken by Ellingham Consulting LTD, Ref: ECL0790/ARC SURVEY & DESIGN CONSULTANTS dated June 2022 and the mitigation measures detailed in section 5.2 of the FRA shall be strictly adhered to: - Finished Floor Level of the ground floor residential units to be no lower than 300mm above the existing ground level with 0.3m of flood resilient construction above the FFL. - No living accommodation on basement level are fully implemented and retained for the life of the development Reason - To provide reasonable protection against flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.
3	The Construction Management Plan (reference P701) hereby approved shall be adhered to throughout the construction period' except where varied by condition 4 of this planning permission. Reason - In the interests of the amenity of adjoining occupiers in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.
4	No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority. Reason - In the interests of the amenity of adjoining occupiers in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.
5	Prior to occupation of any part of the development hereby approved, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason - To prevent environmental and amenity problems arising from flooding in accordance with Policies LP14 and LP16 of the FLP (2014)
6	Prior to the first occupation of any part of the development hereby approved full details of any proposed external lighting/CCTV and all access control measures, including those relating to the bin store and cycle store, shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall then be installed prior to first occupation of any of the

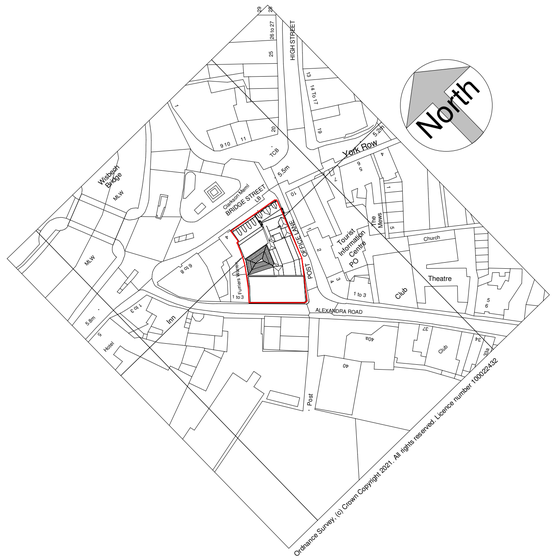
	residential units hereby approved and retained thereafter in perpetuity. Reason - In order to ensure adequate safety and security on site in accordance with Policies LP16 and LP17 of the Fenland Local Plan, adopted May 2014 and the NPPF (2021).
7	Approved plans

Conditions – F/YR22/0769/LB

1	The works/demolition permitted shall be begun not later than 3 years from the date of this consent. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2	Should the turntable feature, believed to be situated in the rear bay facing onto Alexandra Road, be discovered during the conversion works a written record shall be produced along with photographs and a suitably scaled drawing showing its location within the building; these details shall be submitted to the LPA to form a record of this historic feature within 2-months of its discovery. The turntable shall then be preserved in situ without disturbance in perpetuity thereafter. Reason - In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.
3	The location and type of any external services, vents, SVPs, etc, shall be submitted to and approved in writing by the local authority to ensure that their installation/location shall not negatively impact the special interest of the listed building. All works shall subsequently be undertaken strictly in accordance with the approved details. Reason - In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.
4	Approved plans



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Location Plan
1 : 1250



Existing Block Plan
1 : 500



Existing Site Plan
1 : 200

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No.	Description	Date

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Site Plan Existing

Project number	21 030
Date	10.03.22
Drawn by	RG
Paper size	A1
	E001
Scale	As indicated

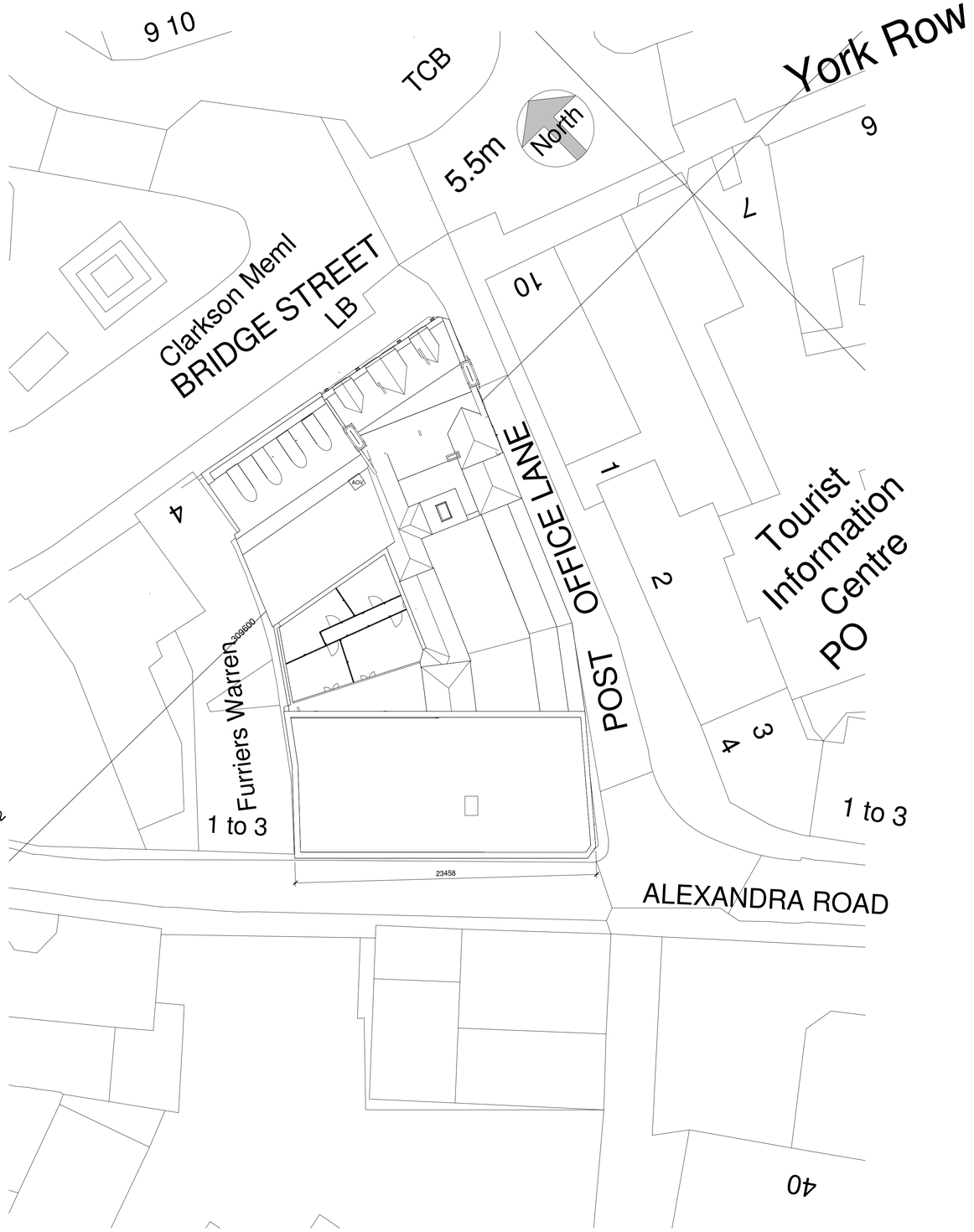
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1 to 1250 0 10 20 30 40 50 60

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Proposed Block Plan
1 : 500

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Proposed Site Plan
1 : 200

1 to 200
1 to 500
1 to 1250

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e: info@arcsurvey.co.uk
e: arcpb.co.uk

No.	Description	Date

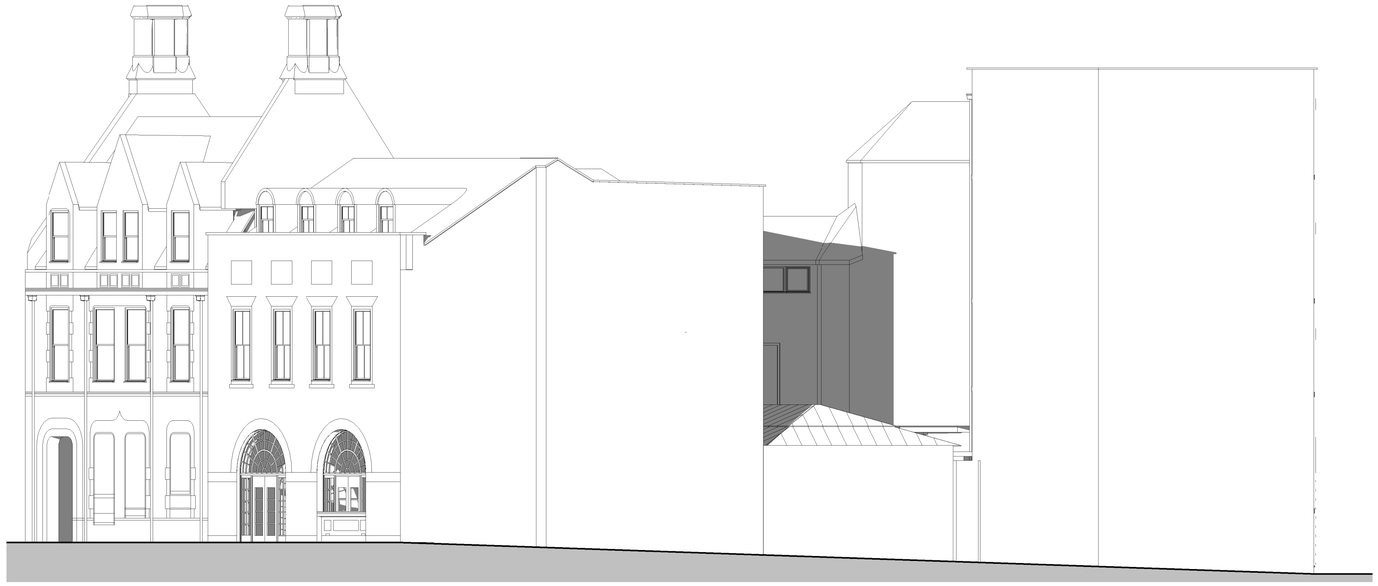
Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Proposed Site Plans

Project number	21 030
Date	10.03.22
Drawn by	Author
Paper size	A1
	P001
Scale	As indicated

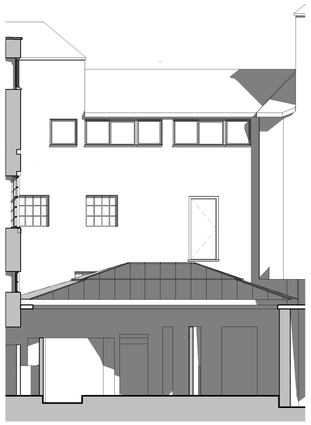
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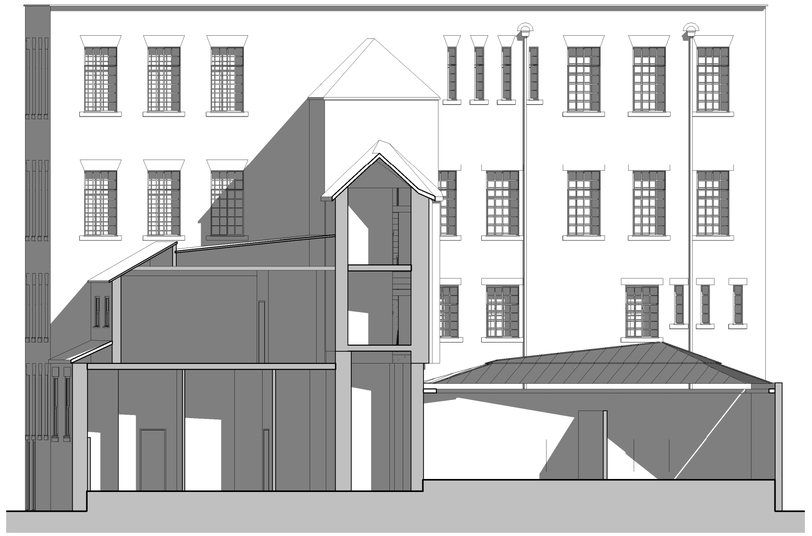
West Existing
1 : 100



Courtyard 1 (S)
1 : 100



Courtyard 2 (W)
1 : 100



Courtyard 3 (N)
1 : 100

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1 to 50
1 to 100
1 to 200

No.	Description	Date

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Existing Elevations

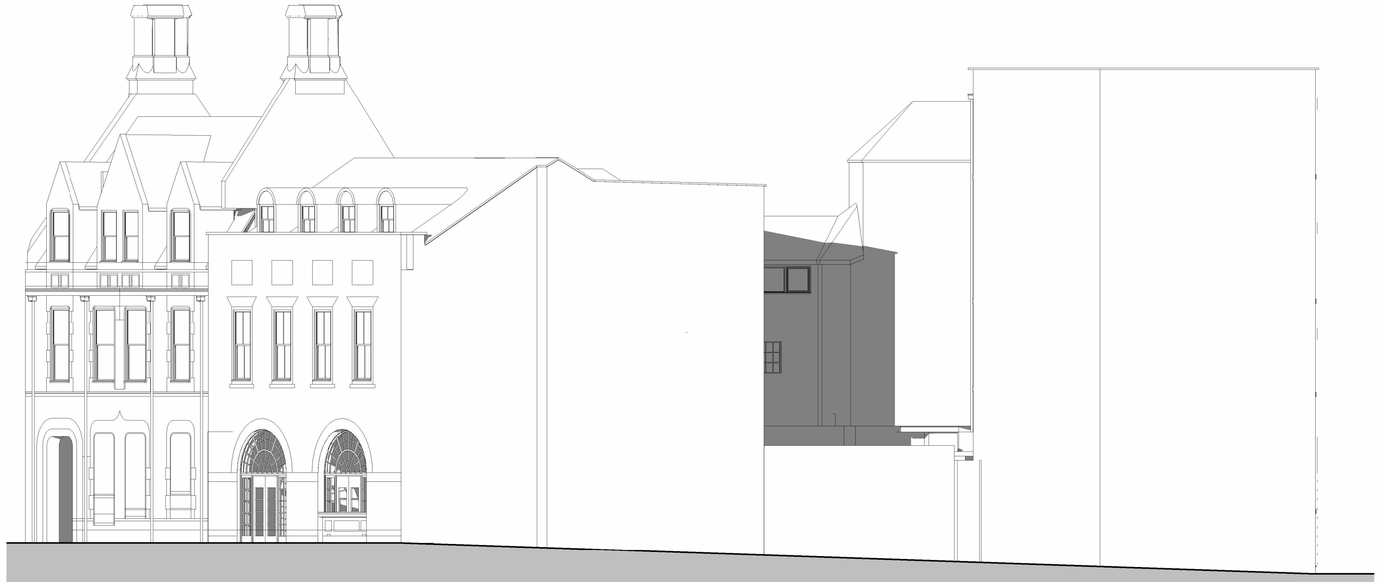
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Date	10.03.22
Drawn by	Author
Paper size	A1

E005

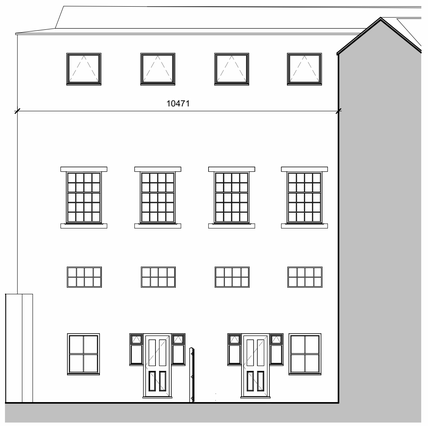
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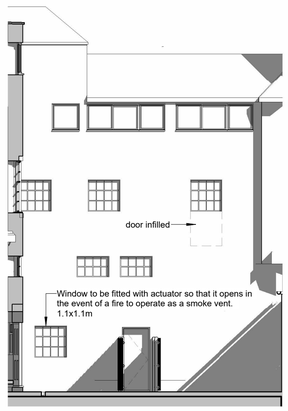
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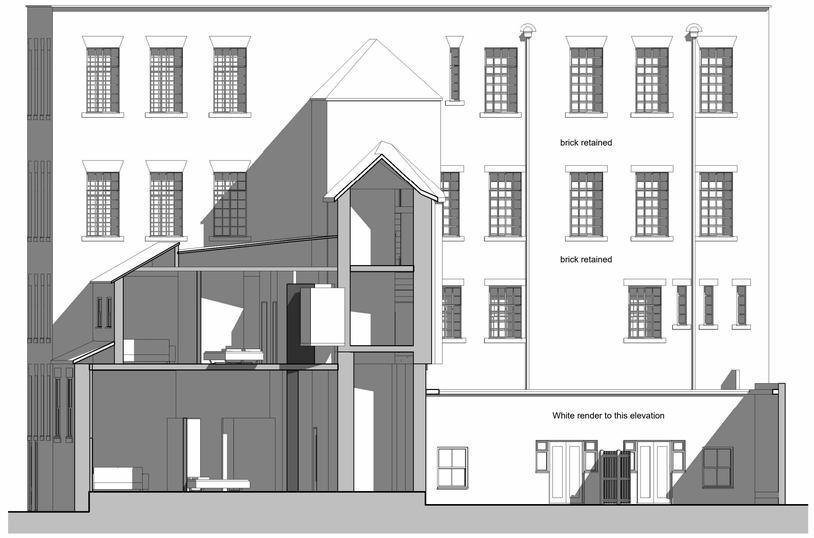
West Proposed
1 : 100



Courtyard 1 (S) Proposed
1 : 100



Courtyard 2 (W) Proposed
1 : 100



Courtyard 3 (N) Copy 1
1 : 100

No.	Description	Date

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Proposed Elevations and sections

Project number	21 030
Date	10.03.22
Drawn by	Author
Paper size	A1

P402

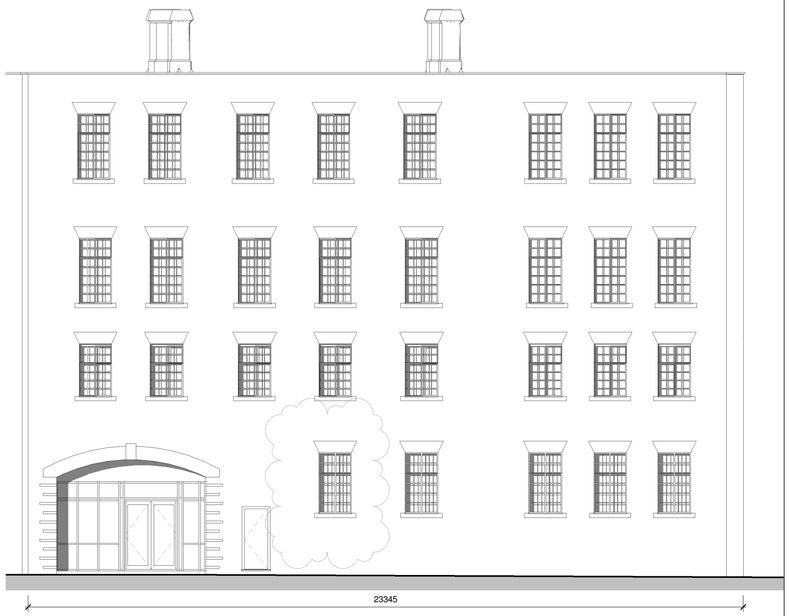
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1 to 200 (0 2 4 6 8 10)
1 to 500 (0 5 10 15 20 25)
1 to 1250 (0 10 20 30 40 50 60)

01/06/2022 19:56:43



East Existing
1 : 100



South West Existing
1 : 100



North Existing
1 : 100



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1 to 50
1 to 100
1 to 200

No.	Description	Date
A	Revision 1	17.06.22

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Existing Elevations

Project number	21 030
Date	10.03.22
Drawn by	Author
Paper size	A1

E004

Scale 1 : 100

17/06/2022 14:15:53

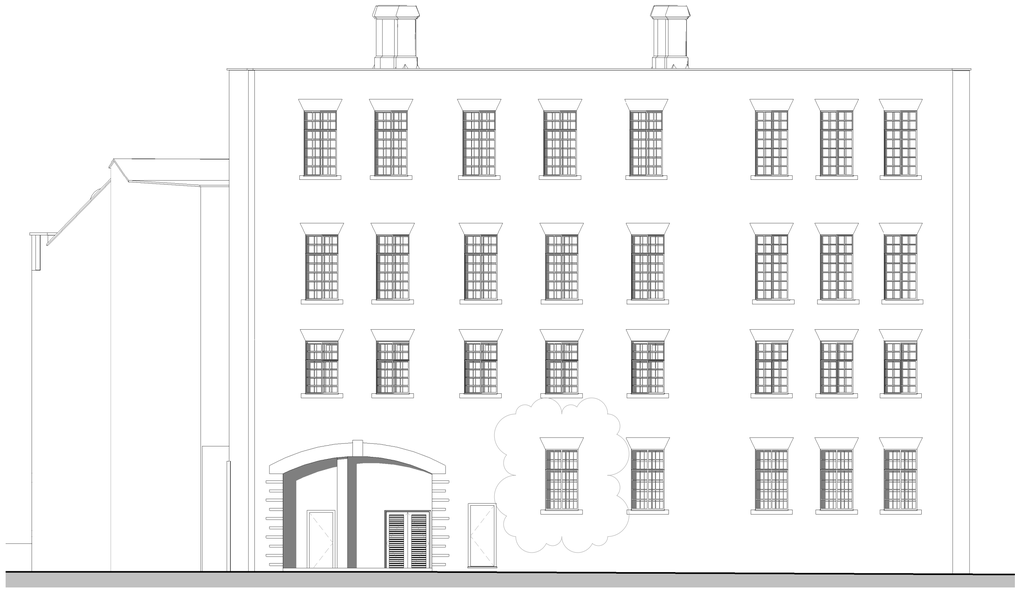
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East Proposed
1 : 100



North Proposed
1 : 100



South West Proposed
1 : 100

No.	Description	Date
A	Revision 1	17.06.22

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Proposed Elevations

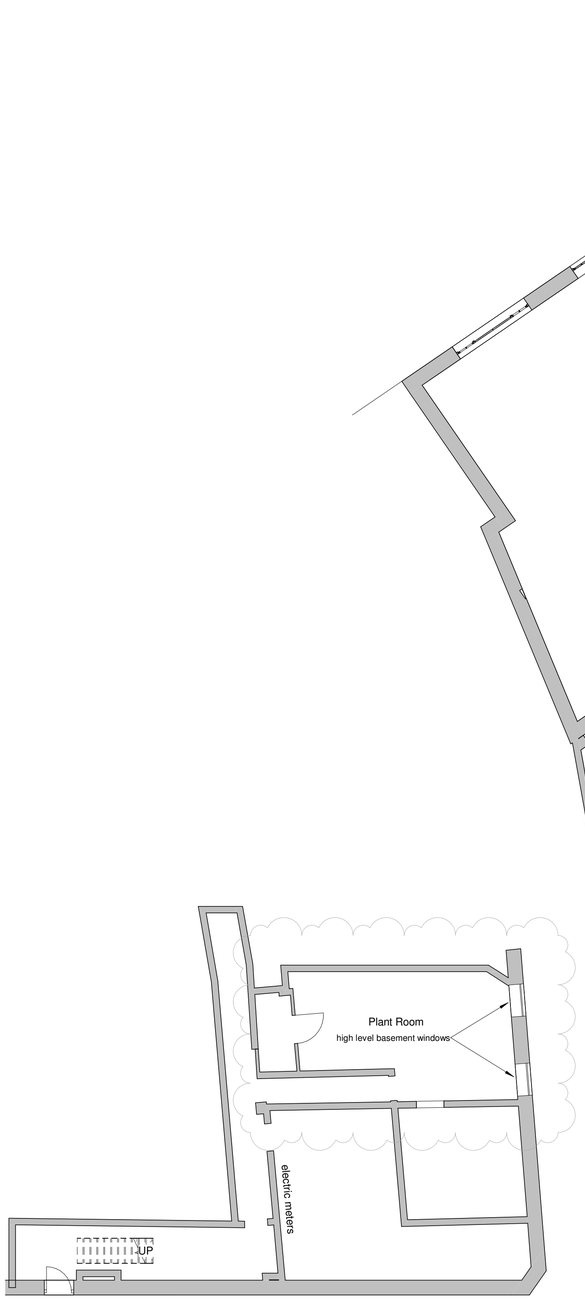
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Date	10.03.22
Drawn by	Author
Paper size	A1

P401

Scale 1 : 100

1 to 200 0 2 4 6 8 10
1 to 500 0 5 10 15 20 25
1 to 1250 0 10 20 30 40 50 60

17/06/2022 14:19:09



-1 Existing Basement
1 : 100



0 Existing Ground Floor
1 : 100



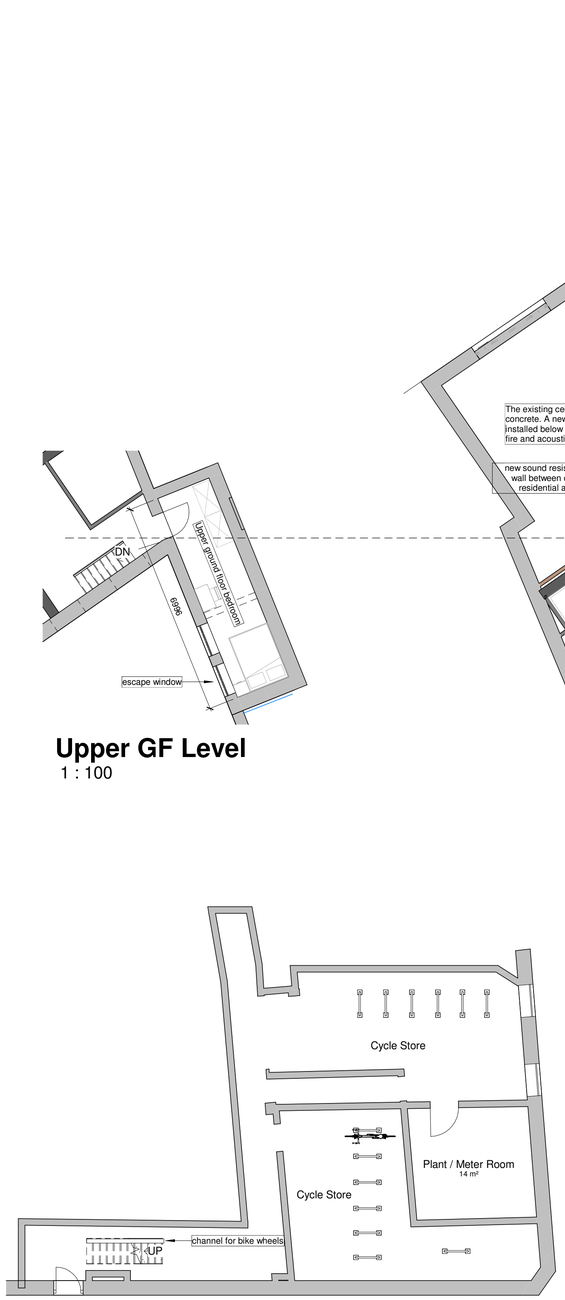
1 Existing First Floor
1 : 100

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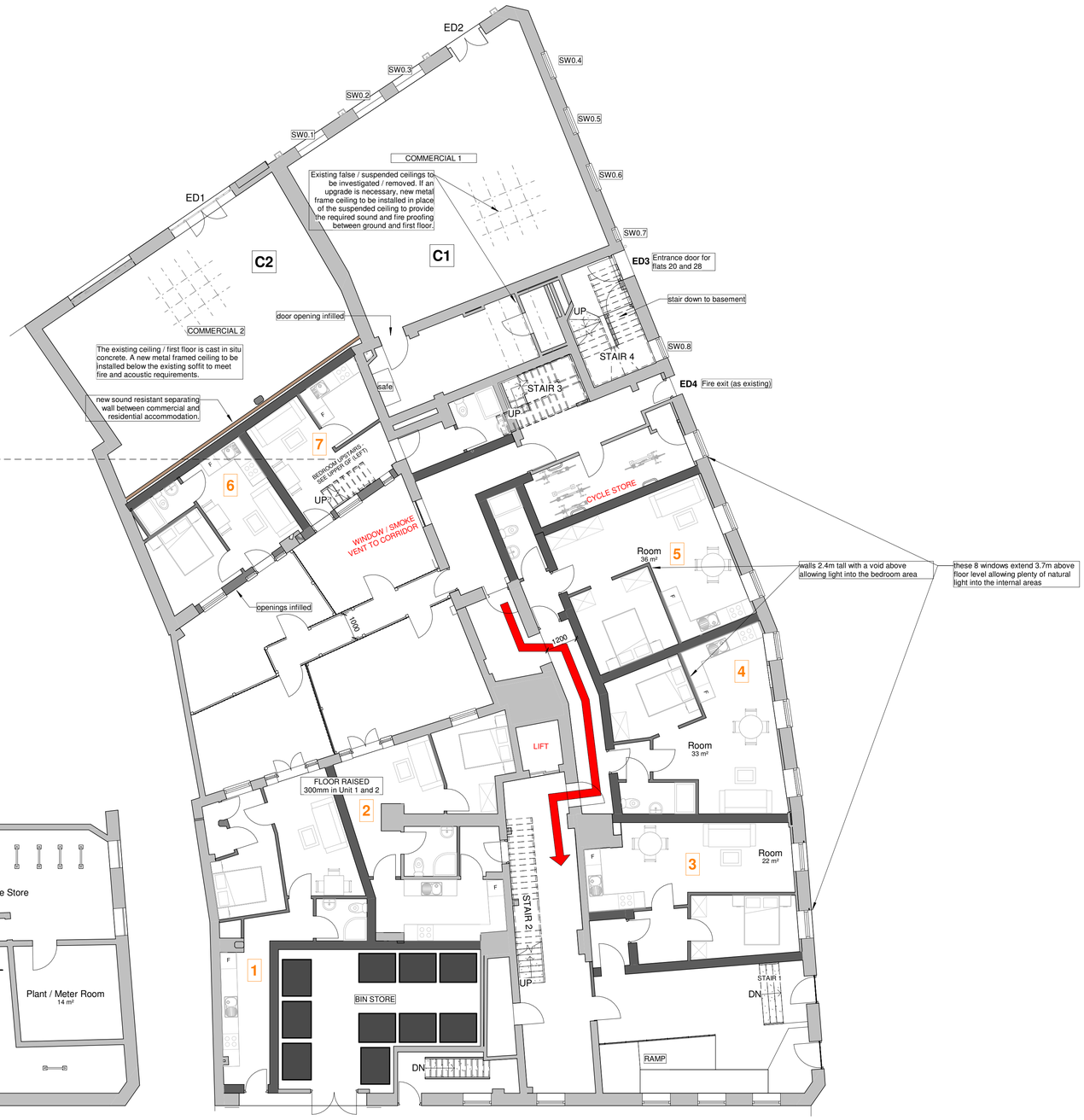
1 to 50
1 to 100
1 to 200

No.	Description	Date
A	Revision 1	17.06.22

Upper GF Level
1 : 100



-1 Proposed Basement
1 : 100



7 flats



Section 35
1 : 100

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All work to be undertaken in accordance with any planning approvals, building regulations approvals and party wall awards, if applicable. Any work undertaken before approval is granted or before conditions are discharged is at your own risk.

All materials to be used in accordance with the manufacturer's instructions and the appropriate British Standards.

Workmanship shall comply with the appropriate British Standard. Work that does not comply shall be removed and completed again at the contractor's cost.

1 to 50 (0, 0.5, 1.0, 1.5, 2.0, 2.5)
1 to 100 (0, 1, 2, 3, 4, 5)
1 to 200 (0, 2, 4, 6, 8, 10)

No.	Description	Date
A	Revision 1	17.06.22
B	Revision 2	27.06.22
C	Planning update	27.07.22
D	Bin store amendments	15.11.22
E	Planning update	19.12.22

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

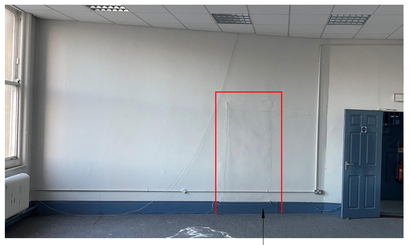
Conversion to dwellings

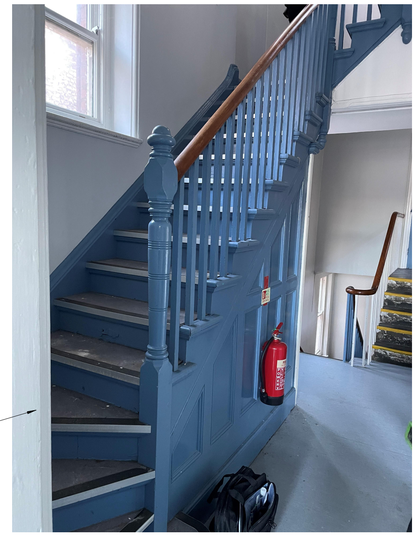
Proposed Ground Floor

Project number	21 030
Date	10.03.22
Drawn by	RG
Paper size	A1
	P100
Scale	1 : 100

19/12/2022 11:51:20











glazing retained. Safety film applied



1 Proposed First Floor
1 : 100

13 flats

1 to 50 0 0.5 1.0 1.5 2.0 2.5
1 to 100 0 1 2 3 4 5
1 to 200 0 2 4 6 8 10

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Conservation notes:

Internal doors: Existing historic doors to be retained and painted with intumescent paint to achieve FD30 status. Smoke seals to be routed into the door edge and overhead door closers fitted.

Sash windows: Identified with SW prefix. Windows in common areas to be painted and fitted with internal secondary glazing.

Windows within flats to be restored to working order. Internal secondary glazing to be fitted. Sash cords to be retained where still in serviceable condition for the windows to be operated.

No.	Description	Date
A	Planning update	27.07.22
B	Planning update	19.12.22

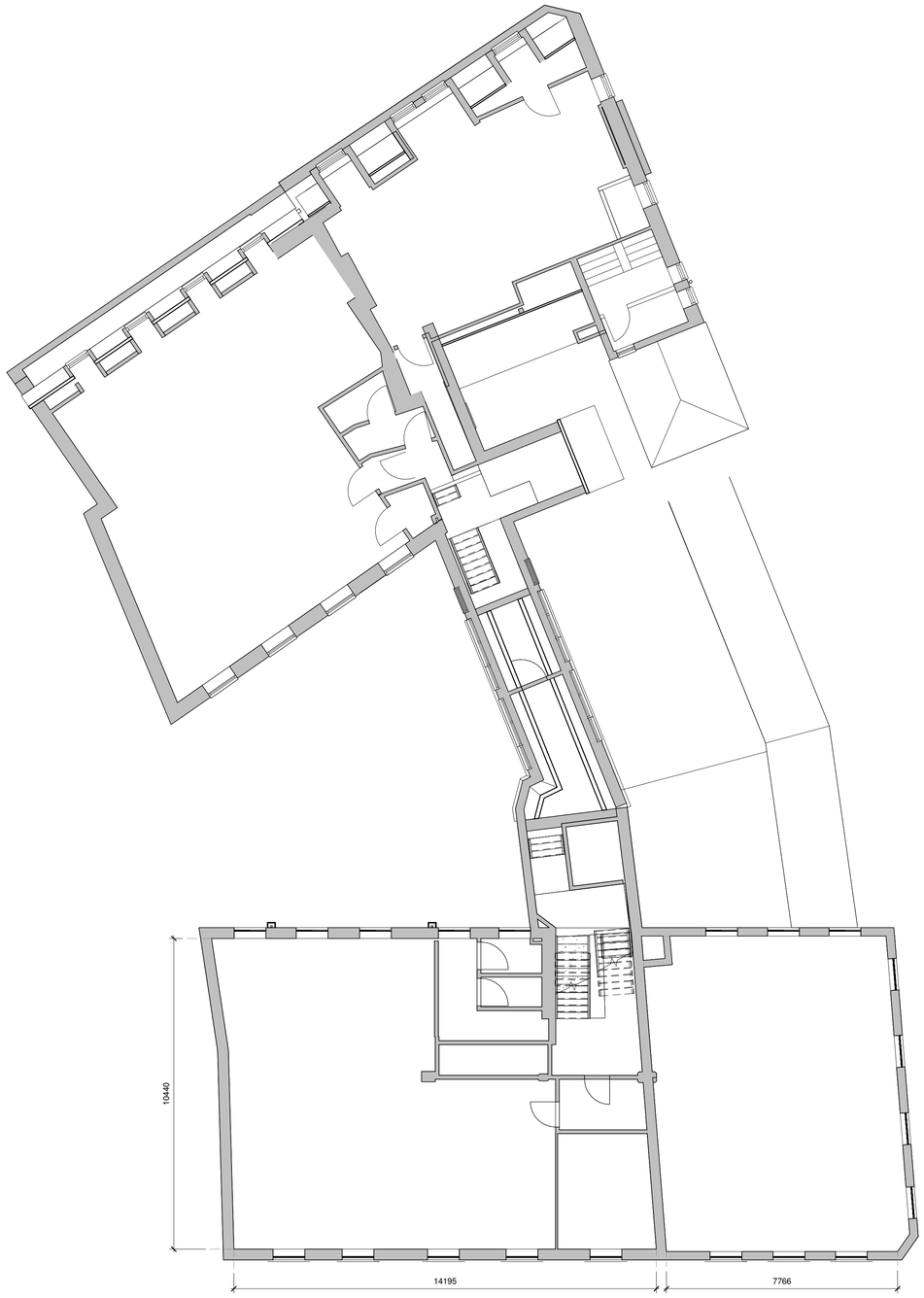
Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

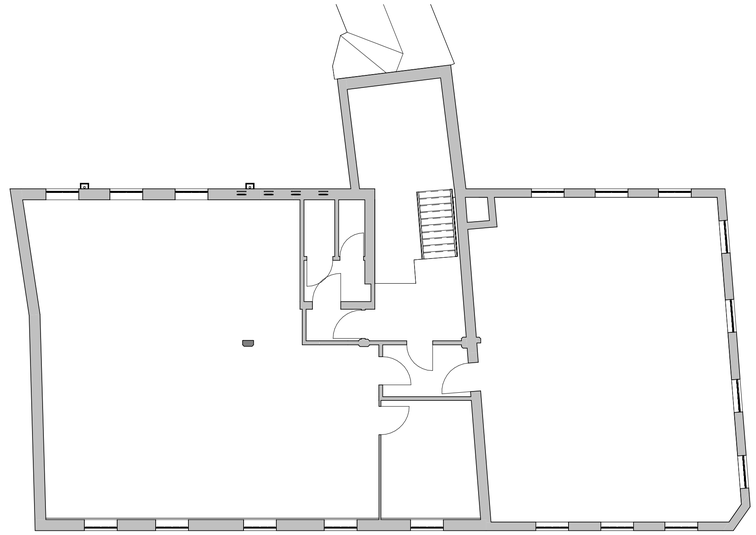
Proposed First Floor

Project number	21 030
Date	10.03.22
Drawn by	RG
Paper size	A1
	P200
Scale	1 : 100

19/12/2022 11:52:10



2 Existing Second Floor
1 : 100



3 Existing Third Floor
1 : 100

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1 to 50
0 0.5 1.0 1.5 2.0 2.5

1 to 100
0 1 2 3 4 5

1 to 200
0 2 4 6 8 10

No.	Description	Date

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Floor Plans Existing

Project number	21 030
Date	10.03.22
Drawn by	RG
Paper size	A1

E003

Scale	1 : 100

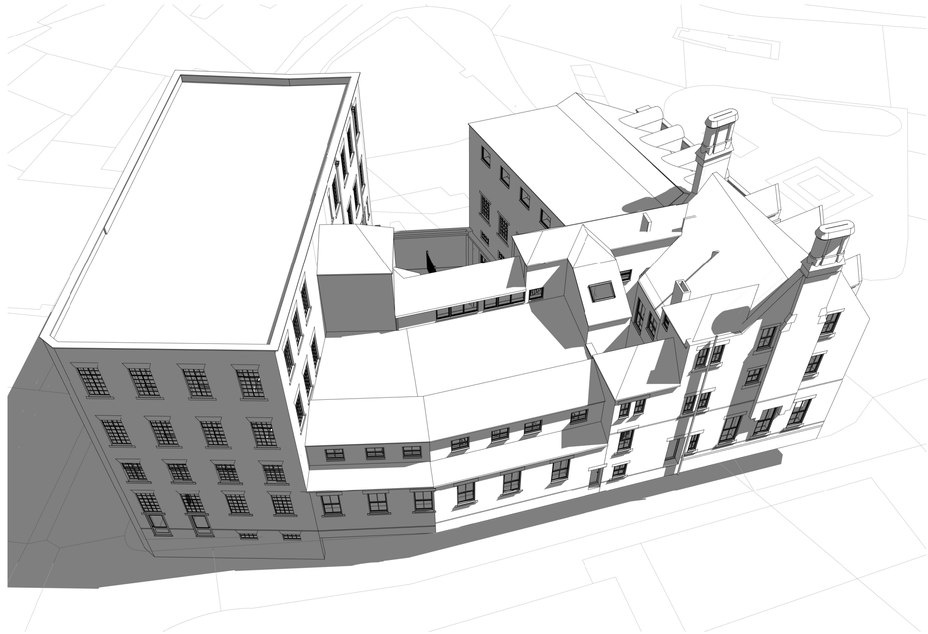
01/06/2022 19:36:09



8 flats

2 Proposed Second Floor

1 : 100



3D View 1



5 flats

3 Proposed Third Floor

1 : 100

1 to 200
1 to 500
1 to 1250

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No.	Description	Date
A	Planning update	27.07.22
B	Planning update	19.12.22

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Proposed Second and Third Floor

Project number	21 030
Date	10.03.22
Drawn by	RG
Paper size	A1
	P300
Scale	1 : 100

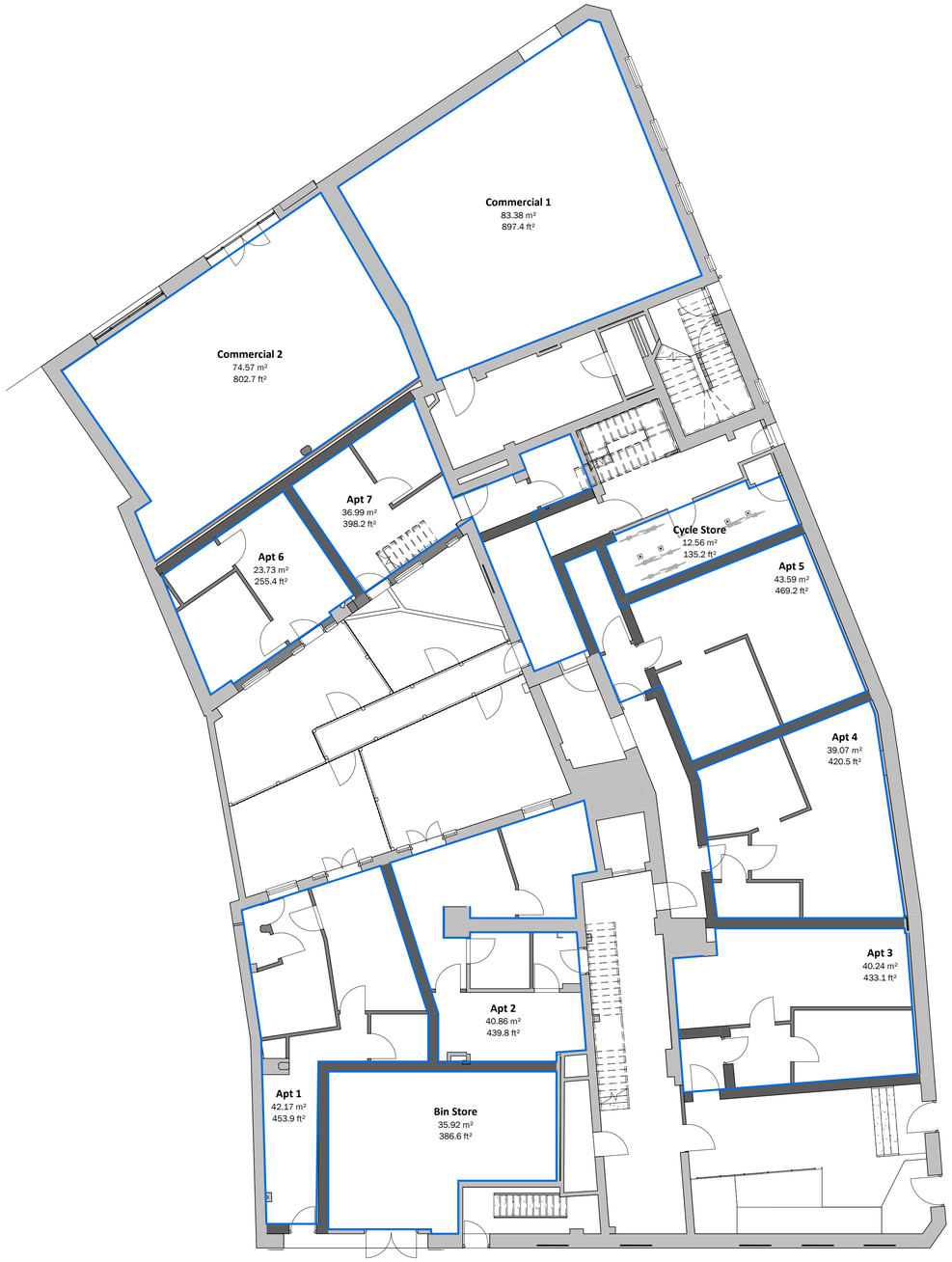
19/12/2022 11:53:12

Floor Areas

Third floor: Existing / Proposed 236m²
Second Floor: Existing / Proposed 466m²
First Floor: Existing / Proposed 618m²
Ground Floor: Existing 803m² Proposed 705m²
Basement: Existing / Proposed 109m²
TOTAL: Existing 2232m² Proposed 2134m²

Proposed class E:158m²
Proposed C3: 1976m² inc common areas
Demolished: 98m²

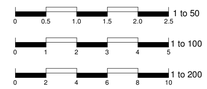
Area Schedule		
Name	Area	Level
Apt 1	42 m²	Ground Floor Rear Entrance
Apt 2	41 m²	Ground Floor Rear Entrance
Apt 3	40 m²	Ground Floor Rear Entrance
Apt 4	39 m²	Ground Floor Rear Entrance
Apt 5	44 m²	Ground Floor Rear Entrance
Apt 6	24 m²	Ground Floor Rear Entrance
Apt 7	37 m²	Ground Floor Rear Entrance
Apt 8	38 m²	First Floor Area Plan
Apt 9	37 m²	First Floor Area Plan
Apt 10	32 m²	First Floor Area Plan
Apt 11	37 m²	First Floor Area Plan
Apt 12	37 m²	First Floor Area Plan
Apt 13	37 m²	First Floor Area Plan
Apt 14	31 m²	First Floor Area Plan
Apt 15	33 m²	First Floor Area Plan
Apt 16	22 m²	First Floor Area Plan
Apt 17	27 m²	First Floor Area Plan
Apt 18	25 m²	First Floor Area Plan
Apt 19	21 m²	First Floor Area Plan
Apt 20	75 m²	First Floor Area Plan
Apt 21	39 m²	Second Floor Area Plan
Apt 22	38 m²	Second Floor Area Plan
Apt 23	33 m²	Second Floor Area Plan
Apt 24	38 m²	Second Floor Area Plan
Apt 25	38 m²	Second Floor Area Plan
Apt 26	53 m²	Second Floor Area Plan (U)
Apt 27	41 m²	Second Floor Area Plan (U)
Apt 28	49 m²	Second Floor Area Plan (U)
Apt 29	40 m²	Third Floor Area Plan
Apt 30	38 m²	Third Floor Area Plan
Apt 31	33 m²	Third Floor Area Plan
Apt 32	38 m²	Third Floor Area Plan
Apt 33	38 m²	Third Floor Area Plan
Bin Store	36 m²	Ground Floor Rear Entrance
Commercial 1	83 m²	Ground Floor Rear Entrance
Commercial 2	75 m²	Ground Floor Rear Entrance
Cycle Store	13 m²	Ground Floor Rear Entrance



Ground Floor Area Plan
1 : 100



First Floor Area Plan
1 : 100



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No.	Description	Date
A	Planning update	27.07.22
B	Planning update	19.12.22

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Area Plans GF FF

Project number	21 030
Date	10.03.22
Drawn by	RG
Paper size	A1

P501

Scale 1 : 100

19/12/2022 11:54:02

Floor Areas

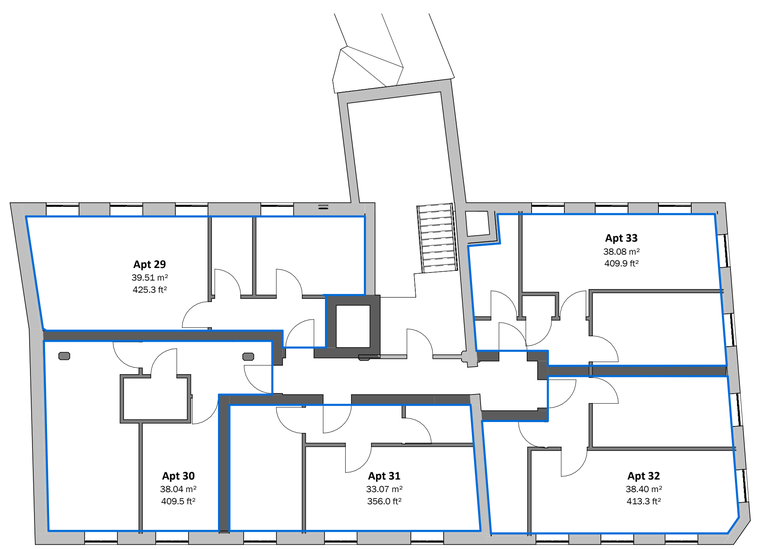
Third floor: Existing / Proposed 236m²
Second Floor: Existing / Proposed 466m²
First Floor: Existing / Proposed 618m²
Ground Floor: Existing 803m² Proposed 705m²
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TOTAL: Existing 2232m² Proposed 2134m²

Proposed class E:158m²
Proposed C3: 1976m² inc common areas
Demolished: 98m²

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Apt 4	39 m²	Ground Floor Rear Entrance
Apt 5	44 m²	Ground Floor Rear Entrance
Apt 6	24 m²	Ground Floor Rear Entrance
Apt 7	37 m²	Ground Floor Rear Entrance
Apt 8	38 m²	First Floor Area Plan
Apt 9	37 m²	First Floor Area Plan
Apt 10	32 m²	First Floor Area Plan
Apt 11	37 m²	First Floor Area Plan
Apt 12	37 m²	First Floor Area Plan
Apt 13	37 m²	First Floor Area Plan
Apt 14	31 m²	First Floor Area Plan
Apt 15	33 m²	First Floor Area Plan
Apt 16	22 m²	First Floor Area Plan
Apt 17	27 m²	First Floor Area Plan
Apt 18	25 m²	First Floor Area Plan
Apt 19	21 m²	First Floor Area Plan
Apt 20	75 m²	First Floor Area Plan
Apt 21	39 m²	Second Floor Area Plan
Apt 22	38 m²	Second Floor Area Plan
Apt 23	33 m²	Second Floor Area Plan
Apt 24	38 m²	Second Floor Area Plan
Apt 25	38 m²	Second Floor Area Plan
Apt 26	53 m²	Second Floor Area Plan (U)
Apt 27	41 m²	Second Floor Area Plan (U)
Apt 28	49 m²	Second Floor Area Plan (U)
Apt 29	40 m²	Third Floor Area Plan
Apt 30	38 m²	Third Floor Area Plan
Apt 31	33 m²	Third Floor Area Plan
Apt 32	38 m²	Third Floor Area Plan
Apt 33	38 m²	Third Floor Area Plan
Bin Store	36 m²	Ground Floor Rear Entrance
Commercial 1	83 m²	Ground Floor Rear Entrance
Commercial 2	75 m²	Ground Floor Rear Entrance
Cycle Store	13 m²	Ground Floor Rear Entrance



Second Floor Area Plan
1 : 100



Third Floor Area Plan
1 : 100

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No.	Description	Date
A	Planning update	19.12.22

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Area Plans SF TF

Project number	21 030
Date	10.03.22
Drawn by	RG
Paper size	A1
	P502
Scale	1 : 100

1 to 50 (0 0.5 1.0 1.5 2.0 2.5)
1 to 100 (0 1 2 3 4 5)
1 to 200 (0 2 4 6 8 10)

19/12/2022 11:54:28



Ground Floor Demolition Plan
1 : 100

7 flats



First Floor Demolition Plan
1 : 100

13 flats

STRUCTURAL ENGINEER TO BE CONSULTED BEFORE ANY DEMOLITION TO CONFIRM WALLS CAN BE REMOVED

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No.	Description	Date
A	Planning update	19.12.22

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Demolition Plans 1

Project number	21 030
Date	10.03.22
Drawn by	RG
Paper size	A1

P601

Scale	1 : 100

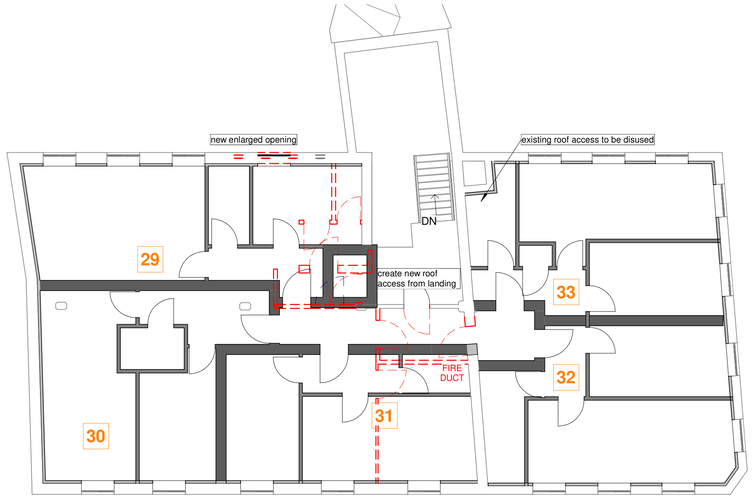
1 to 50
1 to 100
1 to 200

19/12/2022 11:55:01



Second Floor Demolition Plan
1 : 100

8 flats



Third Floor Demolition Plan
1 : 100

5 flats

STRUCTURAL ENGINEER TO BE CONSULTED BEFORE ANY DEMOLITION TO CONFIRM WALLS CAN BE REMOVED

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No.	Description	Date
A	Planning update	19.12.22

Wisbech Post Office, 1-3 Bridge Street, Wisbech, PE13 1EW

Conversion to dwellings

Demolition Plans 2

Project number	21 030
Date	10.03.22
Drawn by	RG
Paper size	A1

P602

Scale 1 : 100

1 to 50
1 to 100
1 to 200

19/12/2022 11:55:27

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F/YR22/0705/F

Applicant: Mr Dan Clarke

Agent : Mr Chris Walford
Peter Humphrey Associates Ltd

Land South Of, 85 - 89 Upwell Road, March, Cambridgeshire

Erect 6 x dwellings (2no 2-storey, 5-bed and 4no 2-storey, 4-bed) with garages with associated access and surface water attenuation pond

Officer recommendation: Refuse

Reason for Committee: Town Council comments contrary to officer recommendation

1 EXECUTIVE SUMMARY

1.1 With regard to the principle of the development, the application is not in accordance with policies LP3 and LP12 of the Fenland Local Plan as it is situated in open countryside and does not relate well to the built-up edge of March. However, the decision taken by Committee to grant outline permission for up to six dwellings at the site under application F/YR20/1138/O and that this permission is still extant, is a material consideration which outweighs the policy objections to the proposal in terms of the principle of the development.

1.2 The scale, mass and design of the dwellings does not respect either the landscape character of the surrounding countryside nor the character of the built form in the immediate locality of Upwell Road. The dwellings will be viewed from the street and from the nearest footpaths as well as from the rear of the nearby existing dwellings and will appear domineering and incongruous in this setting ie a transition from urban edge to open countryside. The proposal is therefore contrary to policy LP16 (d) of the Local Plan and policies DM2 and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD which require developments to make a positive contribution to local distinctiveness and character of an area. The proposal also fails to adhere to paragraphs 130 and 134 of the NPPF which require developments to be sympathetic to the local character including surrounding built environment and landscape setting and require development to be refused especially where, as is the case here, it fails to reflect local design policies and government guidance on design.

1.3 The size of the proposed dwellings will generate a level of coming and going of vehicles and activity in close proximity to the neighbouring dwellings 87 and 89 Upwell Road (that flank the access and border the site at the rear), to a degree that will adversely impact on these neighbours' amenity. In addition, the height and massing of the side elevations of plots 1 and 6 will appear overbearing and jarring to these neighbours when they are enjoying their private rear amenity space. As such the proposal does not comply with policy

LP16 (e) of the Local Plan which seeks to protect neighbour amenity. A scale and design of development which better reflects the existing character of the built environment of Upwell Road, could reduce this adverse impact.

1.4 The LLFA has objected to the application for the reason that the drainage strategy does not provide sufficient information to properly assess and determine the impacts of the proposal. The LLFA also has concerns about the lack of evidence of third-party consent to discharge surface water into the adjacent ditch and with regard to the layout leading to several riparian ownerships and potential maintenance issues of the drainage ditches around the perimeter of the site. As such the proposal fails to comply with policy LP14 of the local plan.

1.5 In other respects, the proposal is acceptable or would be acceptable with the imposition of conditions.

2 SITE DESCRIPTION

2.1 The site is an irregular shaped parcel of land which is set to the rear of 85 – 89 Upwell Road, March. The land is fairly flat and is accessed by what is presently a field access between numbers 87 and 89. At the time of the officer site visit the site was covered in various types of long grass and was bordered by mature hedgerows with some trees, including a large mature specimen believed to be an ash tree which has since been felled. The boundaries abutting the rear of the existing dwellings on Upwell Road are bordered by various types of solid fencing belonging to these properties. The site relates more to the countryside than the built-up area. With regard to the character of the ribbon development along Upwell Road, there are a mix of dwelling types but the overriding character is that of bungalows and this is the case in the vicinity of this site.

2.2 The application site includes a roughly square shaped projection of land coming off the southern boundary of the site in which a proposed surface water attenuation pond is located (see background section below). The site lies in flood zone 1 which is the area at least risk of flooding. The pond is also described in the application as a wildlife pond.

3 PROPOSAL

3.1 This is a full application for the erection of 6 detached two storey dwellings, all with attached garages except for plot 1 which has a double detached garage. The application includes the access via the existing field access off Upwell Road between numbers 87 and 89 Upwell Road. The application was originally submitted as a reserved matters application but was changed to a full application due to the surface water attenuation pond lying outside the site area granted outline planning permission. The access is 5 metres wide with no pavements and has a narrow grass verge along the edge adjacent to number 89. It is described as a shared driveway and there is a shared turning area to the front of the garage to plot 1. The access continues in a straight southerly direction down the centre of the site all the way to the southernmost main site boundary (not including the outshot land containing the surface attenuation pond). The proposed six detached dwellings are

arranged as three either side of the access and face into the site i.e. they are set at 90 degrees to Upwell Road.

3.2 The dwellings are of a similar design although not all the same, as follows;

Plot 1 – Two storeys high with dual pitch roof with double gable to front elevation and attached double garage containing bedroom in roof of garage. Five bedrooms in total. Overall dimensions including attached garage = approximately 18.4 metres wide x 10.4 metres deep x 9.0 to ridge.

Plot 2 – Two storeys high with dual pitch roof and single gable to front with attached double garage containing dressing room and ensuite in roof. Four bedrooms in total. Overall dimensions = approximately 17.7 metres wide x 10.3 metres deep (including front gable projection) x 9.0 metres to ridge

Plots 3 and 5 are of the same design – two storeys high with dual pitch roof and single gable to front elevation and attached single garage with dressing room and ensuite in the roof. Four bedrooms in total. Overall dimensions = approximately 15.2 metres wide x 10.4 metres deep (excluding single storey slight rear projection to utility room) x 9.0 metres to ridge.

Plot 4 – Two storeys high with dual pitched roof and double gables to front elevation and attached double garage with dressing room and ensuite in the roof. Four bedrooms in total. Overall dimensions = approximately 18.4 metres wide x 10.4 metres deep x 9.0 metres to ridge

Plot 6 – Two storeys high with dual pitched roof and one gable to front elevation. Four bedrooms in total. Overall dimensions approximately 12 metres wide x 10.3 metres deep x 9.0 metres to ridge. This plot has a detached double garage with dual pitched roof which measures approximately 6.2 metres wide x 6.1 metres deep x 5.45 metres to ridge.

3.3 As mentioned above the proposal includes an area of land to the rear of the proposed dwellings which includes a surface water attenuation pond as part of the surface water drainage for the site. It is also described as a wildlife pond. Drainage and ecology will be assessed in the main body of the report below.

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

F/YR22/0705/F | Erect 6 x dwellings (2no 2-storey, 5-bed and 4no 2-storey, 4-bed) with garages with associated access and surface water attenuation pond | Land South Of 85 - 89 Upwell Road March Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

F/YR17/0563/O – Outline application for four dwellings with all matters reserved refused and then dismissed on appeal on 23/10/2018. The main reason for the refusal and subsequent dismissal of the appeal was the adverse impact on the character and appearance of the area and the failure to make a positive contribution to the local distinctiveness and character of the area or reinforce local identity as required by policy LP16 (d) amongst other considerations.

F/YR20/1138/O – Outline application for 6 dwellings approved by Committee contrary to officer recommendation on 14/07/2021

5 CONSULTATIONS

5.1 March Town Council

Recommendation; approval

5.2 CCC Highways

The changes since the original consultation are not going to adversely impact the highway so there is still no objection. However, as we would not adopt these roads, you may wish to speak to FDC's waste team regarding refuse collection from private roads. If bin stores are needed, then these should be at locations which do not obstruct the access. Also, worth noting that while an access to the remaining blue land is retained through the site, the access onto Upwell Road isn't necessarily suitable for intensification if additional development were to come forward in the future.

5.3 FDC Environment Services

We would be able to access and turn on site and along with the indemnity this covers our requirements.

5.4 FDC Environmental Health

No objections

5.5 FDC Wildlife Officer

Comments made on original consultation;

The ecology report…. contains the necessary information to inform the LPA's decision and remove any necessary requirement for other conditions. The development should be completed in line with all recommendations within the Ecology report, including the placement of all ecological applications

Comments made on re-consultation when a full application and to Ecological CEMP submitted 15 September 2022;

No further comment….. as the revised plans don't change those recommendations as I can see the pond planting has been included in the ecological documentation.

5.6 **Natural England**

No comments

5.7 **Lead Local Flood Authority**

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

1. Insufficient Information

The LLFA acknowledges that this application is for a minor development, however the construction of any impermeable surface can have an impact on the risk of flooding to the site, and the surrounding area. Paragraph 167 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 a full application the following should be included within the surface water strategy:

i. Existing and proposed impermeable area (including an allowance for urban creep)
ii. A description of site topography and ground conditions (using site investigation where possible)
iii. Existing site drainage arrangements
iv. Existing runoff rates and volumes (if discharging off-site)
v. Required volume of attenuation (m3 per m2 of impermeable area)
vi. Confirmation of SuDS features proposed within the development, and associated details for the design of all features
vii. Infiltration test results in accordance with BRE365 (or second viable option for surface water disposal if testing hasn't yet been undertaken)
viii. Hydraulic calculations that support the proposed drainage strategy

Until the above information has been provided, the LLFA is unable to appropriately review this application.

2. Third Party Consent

The drainage layout submitted indicates that surface water will be managed through the use of a basin, and outfall to existing water course, located outside of the red line boundary of the site. The LLFA therefore requires demonstration that the applicant has received consent from the third party land owners for the basin and outfall to be located within their land. Until this is demonstrated the LLFA is unable to support this application.

3. Riparian Ownership

The existing site has a number of watercourses around the boundary. The proposed layout means three private gardens would abut the watercourses. This would lead to the watercourses being divided and maintained under riparian law by a number of land owners, as opposed to the single riparian owner in the current greenfield state. The LLFA is opposed to this approach, as the onus of maintenance is divided across future the land owners, meaning a lack of maintenance by one future resident may lead to flood issues to the wider site and surrounding land and property.

The site layout should account for the existing drainage infrastructure, ensuring clear access for maintenance of the ditches by a management body. This should include a suitable easement for any maintenance equipment that may be required for future maintenance works on the ditch. Until the site has addressed the riparian ownership issue, such as ensuring a maintenance strip is present along the entirety of the existing watercourses, we are unable to support this application.

5.8 **Local Residents/Interested Parties**

Objectors

Objections have been received from 5 residents (4 in Upwell Road and 1 in Cavalry Park) which are summarised as follows;

- This proposal shows an increase in the proportion of land to be developed from that shown in the outline application resulting in smaller gardens so upscales the development to maximise the developer's gain. There are fewer trees, green spaces and more bedrooms hence more cars and traffic
- The dwellings are substantial and out of keeping with the neighbourhood which are primarily 2/3 bedroom bungalows or chalet bungalows which are unobtrusive. The height of the dwellings will dominate the surrounding landscape and street scene. It was a reasonable inference from the previous plans that the dwellings would be more modest dwellings, say a maximum of 18 bedrooms whereas this proposal has a total of 26 bedrooms which has implications for more traffic along the access road. (officer comment: there are 25 bedrooms in total).
- More traffic along what is essentially a lane will affect the two adjacent properties

- It is also disturbing to see a bad act of faith from the developers who are already clearing the site of trees and shrubs without reference to the ecological requirements submitted as part of the planning process. They have already felled a substantial ash tree which was known to be an established rookery. There can be no mitigation for this act of vandalism.
- The application form has been filled in incorrectly re drainage ditches, protected species, nature reserve/wood to south of the site, street tree not shown
- A site-specific FRA should have been carried out
- Allowance will need to be made for the riparian ditch on the eastern boundary and the drain on the western boundary which would not be possible if the fences as shown are erected and will cause flooding elsewhere
- It will cause loss of light and shadowing to surrounding properties and their gardens which are south facing
- Other developments (Upwell Park, Mills Gardens and Strawberry Way) and single storey or chalet bungalows (consistency of decision making is a fundamental principle of planning law)
- The site is ideally suitable for bungalows and the previous Design and Access Statement said that single storey was a possibility
- The application form states the site cannot be seen from the street which his incorrect and misleading
- When the original application was submitted, the applicant sought support from the neighbours on the premise that this would be bungalows, but this is no longer the case
- When I applied for permission on my own property (No. 89 Upwell Road) I was advised my roof pitch must be lowered to gain approval which we agreed to which seems contradictory considering there is now an application for two storey houses immediately behind my property which his not at all in keeping with the street scene.
- The two storey dwellings will give a stark brick wall as an outlook to existing properties and there will be overlooking and shading especially in the winter
- The loss of the street tree to achieve the access radius along with loss of other trees will reduce the current air quality in Upwell Road
- Why is the mature tree on site being removed when the original application said it should be retained?

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 47 – Determine applications in accordance with the development plan unless material considerations indicate otherwise
- Section 12 – Achieving well designed places

- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

National Design Guide 2021
Context
Identity
Built Form
Movement
Nature
Public Spaces
Uses
Homes and Buildings
Resources
Lifespan

Fenland Local Plan 2014
LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP12 – Rural Areas Development Policy
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

Delivering and Protecting High Quality Environments in Fenland SPD adopted July 2014

Cambridgeshire Flood and Water SPD 2016

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
LP18 – Development in the Countryside

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

March Neighbourhood Plan 2017
H2 – Windfall Development

8 KEY ISSUES

- **Principle of development**
- **Layout and Design/Appearance**
- **Amenity**
- **Access, turning and parking provision**
- **Flood risk/drainage**
- **Landscaping and ecology/biodiversity**
- **Other Issues**

9 BACKGROUND

9.1 As set out in the site history, permission for four dwellings was refused on this site under application F/YR17/0563/O. The applicant appealed this decision and the appeal was dismissed on 25th October 2018, the appeal Inspector stating the following;

"I conclude that the development would have an adverse effect on the character and appearance of the area. It would fail to make a positive contribution to the local distinctiveness and character of the area, or reinforce local identity as required by LP Policy LP16(d) amongst other considerations."

Notably, at this time, the Council could not demonstrate a five year supply of housing and so the tilted balance towards approving housing was engaged and the Inspector still dismissed the appeal on character and appearance grounds.

9.2 Subsequently, despite the significant weight of the appeal decision, Members approved an outline application for up to 6 dwellings under F/YR20/1138/O on 14 July 2021.

9.3 With regard to the wider area, planning permission was refused by Committee on a site to the east, contrary to officer recommendation, for up to 8 dwellings under application F/YR21/0811/O on the grounds that the close proximity of the access road to the neighbouring property would result in unacceptable adverse impacts on the residential amenity of the occupiers of 105 Upwell Road. The application had been recommended for approval because of the permission that had been granted under F/YR20/1138/O by Members in 2021 (the current application site).

9.4 The land to the west of the site which adjoins Upwell Road and the western built up edge of March has application F/YR22/0062/O currently pending consideration for up to 110 dwellings.

9.5 The current application was “converted” from an application for reserved matters to a full application because the land required to site the proposed surface water attenuation pond was located outside the site area. Consequently, the red line application site has been extended to include this area. The applicant also owns land to the south of the site which is shown edged in blue on the location plan.

10 ASSESSMENT

Principle of Development

10.1 As this is a full application and not a submission of reserved matters the principle of the development falls to be considered. Policy LP3 including the spatial strategy, identifies March as a primary market town where the majority of the district’s new housing and other growth should take place. The site is located close to March and so in terms of a sustainable location, the site is acceptable.

10.2 However, the site is located outside the main built-up form of March and thereby relates more to the open countryside. The appeal inspector in dismissing the proposal for four dwellings in 2018, determined that the site did not constitute an infill site and represented encroachment into a “distinctive area of open and rural land which is contiguous with more extensive areas of countryside abutting March’s distinct edge”, and which “would fail to make a positive contribution to the local distinctiveness and character of the area, or reinforce local identity as required by LP Policy LP16 (d) amongst other considerations. As such, the development would fail to comply with LP Policy LP16 (d)”.

10.3 The decision by Members to approve application F/YR20/1138/O contrary to the appeal decision is a material consideration in this current case. This outline permission is extant until July 2024. It could be progressed but would likely require the number of dwellings to be reduced in order to accommodate the surface water attenuation pond and the applicant was, and is, at liberty to pursue this option. This represents a fallback option, albeit for a likely smaller scheme and the decision represents a significant material consideration to weigh against the current scheme being contrary to the development plan. It is considered that as the outline permission remains extant and the decision postdates the appeal decision, that this is a material consideration which outweighs the development plan which otherwise would point to a recommendation of refusal of the proposal in principle. The application, in terms of principle is therefore considered to be acceptable for this reason.

Layout and Design/Appearance

10.4 Policy LP 16 of the Local Plan states that proposals for all new development will only be permitted if it can be demonstrated that the proposal meets all of the criteria which includes;

(d) makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or

scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.

10.5 Paragraph 130 of the NPPF states that decisions should ensure that developments:

(a) Will function well and add the overall quality of the area, not just for the short term but over the lifetime of the development
(b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
(c) Are sympathetic to local character and history, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Paragraph 131 of the NPPF highlights the important contribution that trees make to the character and quality of urban environments and that as well as newly planted trees, existing trees should be retained wherever possible.

Paragraph 134 states;

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents etc..

Conversely, significant weight should be given to:

(a) Development which reflects local design policies and government guidance on design etc
(b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10.6 The Delivering and Protecting High Quality Environments in Fenland SPD (herein the SPD) was adopted largely to supplement policy LP16 of the Local Plan. Paragraph 1.5 of the SPD states that "the majority of the district is rural in character. The unique open, flat character of the fens means that new developments in the countryside and on the edge of settlements can have a significant impact on the landscape form, even when viewed from a considerable distance". Policies DM2 and DM3 are also relevant as these refer to natural features and landscaping schemes (hard surfacing as well as soft landscaping) and making a positive contribution to local distinctiveness and character of the area as covered by LP16 criteria c, d, e and i.

10.7 As noted in the aforementioned appeal decision, the Inspector referred to the site as a distinctive area of open and rural land which is contiguous with more extensive areas of countryside abutting March's distinct edge. The Inspector also referred to the sheltered housing at Upwell Park as an anomaly (to the pattern of development) and agreed with the Council that it is detached from the appeal site and cannot be considered the predominant character of the built environment in the vicinity of the site. She concluded that this section of Upwell Road is predominantly ribbon development extending into the countryside.

10.8 In terms of the built form within the vicinity of the site, the ribbon development along Upwell Road is predominantly made up of bungalows or chalet bungalows with occasional housing of a fairly modest nature interspersed amongst the bungalows. No's 85 to 89 which comprise the dwellings to the front (north) of the site are bungalows.

10.9 The site will be viewed from Upwell Road through the access and the proposed development will be seen in the context of the nearest neighbouring bungalows which flank the proposed access and front Upwell Road. The site can also be viewed from the footpath that runs in a north south direction and which marks the edge of the built settlement of March (Cavalry Drive) and the field which separates the site from the development site. There are also footpaths to the south of the site running in an east – west direction (Stow Fen Drove track) which would afford long distance views of the site. These paths are approximately 288 metres to the rear of the site with no intervening development.

10.10 As set out above, the proposed dwellings are large two storey houses which are 9 metres high to the apex of the roofs. The envelope of the dwellings is also substantial compared to the scale of the nearest dwellings. There are no dwellings in the near vicinity of the site which are of this scale and mass, and it is not considered that any consideration has been given in the design of these dwellings to the local character of the area, the setting and the built environment as required by policy LP16 (d) or paragraph 130 of the NPPF as set out above.

10.11 Paragraph 134 of the NPPF states that development should be refused especially where it fails to reflect local design policies or supplementary guidance. FDC has such supplementary guidance which expands on the requirements of policy LP16 of the Local Plan. In terms of natural features, none of the existing or previously existing landscaping is being retained as part of the development and is being removed in order that this scale of development of housing can be fitted onto the site. The mature ash tree that was at the site has been felled. There is no evidence that the existing character of the landscape, local built environment, settlement pattern, proportions and scale of the existing nearby built form have at all influenced the form or layout of the proposed development. This is not only contrary to policy LP16 but also policies DM2 and DM3 of the SPD as well as being contrary to the design advice contained in the NPPF. The development comprises 'executive style' houses which are seen elsewhere in the district and are part of a type of design prevailing on edge of village/settlement locations elsewhere, but which have no place in the current context of Upwell Road. It is considered that the proposal will look out of place and out of scale with the existing prevailing character of low rise housing and will be visible from public places as well as from the rear of the neighbouring properties. They will appear incongruous if approved. The dwellings will diminish what is currently a relatively less defined transition between the built development in Upwell Road and the open countryside beyond. The change will become prominent and stark ie from bungalows at the frontage to large houses to the rear to open countryside. Whilst officers have not supported this site coming forward for development, clearly a more sympathetic scale and design of dwelling is achievable at the site that will better suit the local context. For this reason, the development is being recommended for refusal.

10.12 Account has been taken of the pending application on the larger site to the west for 110 dwellings under application F/YR22/0062/O. Should this outline application be approved, there would be scope at reserved matters stage to take account of the character of Upwell Road and the area immediately to the rear of the existing dwellings on Upwell Road. Details concerning layout and appearance are not being considered as part of that outline application.

10.13 The landscaping proposed as part of the development is minimal and does not appear to make up for the loss of the ash tree or site clearance necessary to fit the proposed dwellings onto the site. If Members were minded to approve this application contrary to recommendation, it is suggested that additional substantial landscaping is provided within the land edged blue and in the ownership of the applicant and that this could be conditioned. This, however, would not overcome the significant jarring impact that the dwellings will have in the context of the built form on Upwell Road.

Amenity

10.14 The appeal inspector in dismissing the appeal in 2018 stated that the development of this site, "would introduce frontage activity to the rear of dwellings fronting Upwell Road where occupiers of existing dwellings might have a reasonable expectation of quieter amenity space". In granting the outline permission in July 2021 at the site, Members do not appear, from the minutes of that meeting to have considered this to be an issue. Whilst the application was in outline, with all matters including access reserved for future consideration, the location and nature of the access drive was clearly defined by the limitations of the site.

10.15 Conversely, the application to the east of the site (F/YR21/0811/O) was considered by Members to result in an adverse impact on the amenity of the occupier of 105 Upwell Road from use of the access road. This was an outline application for up to 8 dwellings, with all matters reserved, with an access road between two existing properties in quite similar circumstances to the current application. In that case the proposed access road would have been less than one metre from the nearest part of 107 Upwell Road and approximately 1.7m from the nearest part of 105 Upwell Road. With regards to the current detailed application, the access road would be approximately 2.85 metres from the nearest part of 87 Upwell Road and approximately 2.70 metres from the nearest part of 89 Upwell Road. While there has, therefore, perhaps been a degree of inconsistency in this regard, in the current instance the access is a little further from the dwellings which flank it than the nearby refused scheme.

10.16 As already stated, the current outline permission regarding the site is a fallback position and a material consideration. However, the traffic generated by 6 large dwellings containing a total of 25 bedrooms, as proposed, could be considerable compared to that generated by more modest dwellings that better suit the location. It is considered that this level of activity would be noticeable to the occupiers of 87 and 89 Upwell Road who, as the previous appeal Inspector pointed out, might have a reasonable expectation of quieter amenity space.

10.17 The side elevation of plot 6 is 25.5 metres (approx.) from the rear elevation of No. 89 Upwell Road and 9.9 metres approx. from this property's rear garden boundary. The side elevation of plot 1 (the garage) is 20.9 metres (approx.) from the rear elevation of No. 87 Upwell Road and 1.1 metres approx. from this property's rear garden boundary. The full two storey side gable of plot 1 is 26.7 metres (approx.) from the rear elevation of No. 87 and 7 metres (approx.) from the rear garden boundary. The side elevation of plot 1 facing the rear of No. 87 is blank except for a small bathroom window at ground floor which would be obscure glazed. The side elevation of plot 1 facing the rear of No. 89 is blank.

10.18 It is not considered, given the distance between the existing rear elevations of Nos. 87 and 89 and the side elevations of plots 1 and 6 that there will be loss of light to existing habitable rooms nor overlooking from windows to windows. There will likely be some degree of overlooking from the rear elevations of these new plots into the rear gardens of Nos. 85 and 99 Upwell Road but this will be at an oblique angle. Plots 1 and 6 would lie due south of the gardens to No. 87 and 89 and there will be some shadowing of gardens during the middle part of the day all year round but especially during sunny days in the winter months when shadows are longer. This will be worse for the occupiers of 87 due to the nearness of plot 1 and less so for 89 due to the gap to the side of plot 6. With regard to the visual impact of plots 1 and 6 it is considered that the depth of the dwellings and the height at 9.0 metres there will be some degree of overbearing to the neighbouring residents when they are enjoying their rear amenity space and again this will be more so for the occupiers of No. 87. This could have been avoided if more care had been taken to ensure the design and scale/massing of the dwellings took design cues from the existing built environment.

10.19 Policy LP16 (e) states that new development will only be permitted where it can be demonstrated that the proposal does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light. Overbearing is a recognised material consideration when assessing neighbour amenity. Whilst it is accepted that the outline planning permission is a material consideration, the scale of the dwellings proposed will result in comings and goings (particularly traffic) and also some visual impact of the gables ends of plots 1 and 6 to the immediate south of 87 and 89 Upwell Road such that the combination of these impacts will result in reduced amenity for the occupiers of these properties which is unacceptable and contrary to policy LP16 (e). This could have been avoided with a more sympathetic scale and design of development.

Access, turning and parking provision

10.20 Policy LP15 of the Local Plan states that amongst other things, development should provide safe and convenient access for all. Appendix A to the Local Plan sets out the parking requirements for new developments. Dwellings of four or more bedrooms require at least 3 parking spaces. A garage can be counted as a parking space provided that the size of the garage exceeds 7.0 x 3.0 metres measured internally. The proposed garages for all plots meet this requirement and can count as one parking space.

10.21 The location of the access and its limitations was known at the time the previous outline application was approved at Committee. It cannot be altered

or made wider and has therefore been accepted in principle. The local highway authority has raised no objections, but the access is not of a standard that it would be adopted highway. The shared turning head is needed and will likely be sufficient to meet the needs of the majority of larger vehicles visiting the site, including the refuse collection vehicle. The FDC Refuse team have confirmed they would enter the site with the necessary indemnity in place.

10.22 Each plot has sufficient space in which to store cycles. Each property is capable of providing the three required parking spaces. Therefore, in terms of access and parking the proposed development is acceptable.

Flood Risk and Drainage

10.23 Whether the application had remained a submission of reserved matters or a full application as now under consideration, it would need to be accompanied by a surface water drainage strategy. This was a condition of the outline planning permission granted. The application had been submitted without it but upon request information was submitted which shows that the site is proposed to be drained to a surface water attenution pond/basin to the rear of the proposed dwellings and in turn drain to an existing ditch which runs along the west boundary of the site.

10.24 Policy LP14 of the Local Plan requires that all applications for relevant development must include a drainage strategy to demonstrate that:

(a) Suitable consideration has been given to surface water drainage
(b) Appropriate arrangements for attenuating surface water run-off can be accommodated within the site; and
(c) Issues of ownership and maintenance are addressed.

10.25 In addition, the Cambridgeshire Flood and Water SPD and the NPPF contain further advice regarding the need for development to ensure appropriate sustainable drainage to minimise flood risk.

10.26 The use of SuDs will be required to ensure that run off from the site post development is to green field run of rates for all previously undeveloped sites and should include sufficient area within the site to accommodate SuDs for the short term management of surface water drainage and where appropriate link to green/blue infrastructure to exploit opportunities for biodiversity.

10.27 A surface water drainage strategy plan has been submitted which shows that surface water will be piped from the site to a surface water attenuation pond to the south of the dwellings and from there the surface water will be piped to the ditch running north south along the west boundary of the site.

10.28 The LLFA has objected to the proposal on the grounds of a lack of sufficient information to enable them to determine the impacts of the proposal. The LLFA also requires evidence of third-party consent to drain to the ditch and has raised issues concerning riparian ownership of the existing ditches around the site and the division of maintenance between the property owners and the potential for lack of future maintenance and issues for flood risk this may bring. The LLFA requests that the site layout takes account of the existing infrastructure to ensure clear access is available to the maintenance

of the ditches by a management body and a suitable easement strip is provided along the entirety of the existing watercourses.

10.29 These issues could potentially be resolved, and some of the matters raised may not ultimately be reasonable to address, however a redesign of the site layout may be required, and more detailed drainage work undertaken. Given the other concerns with the application highlighted previously in the report, it is therefore considered that the application should also be refused for failing to adequately address the issues of flooding and as such the proposal, as submitted, is contrary to LP14 of the Local Plan.

Landscaping and Ecology/Biodiversity

10.30 Policy LP16 (c) requires new development proposals to retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies. Criteria (i) requires proposals to provide well designed hard and soft landscaping incorporating sustainable drainage systems as appropriate.

10.31 Policy LP19 states that the Council will (working with other stakeholders), conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland. Through the process of development delivery the Council will, amongst other things, refuse permission that causes demonstrable harm to protected species and habitats and ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments.

10.32 The application is accompanied by a Construction and Ecological Management Plan (CEMP) that was required by condition attached to the outline planning permission. It must be borne in mind that this current application is a full and not linked to the outline permission although as stated, the outline permission is a material consideration in the determination of this application.

10.33 The CEMP notes dense bramble and blackthorn present on the east and west boundaries with an ash tree and smaller ivy are present on the northern end of the site. The central section is tussocky grassland. The site was considered in the previous ecological survey to have low botanical interest, however the field survey identified evidence of potential protected species both on site and within adjacent off site habitats. The dense scrub and ash tree provided potential for foraging bats. Ivy covered hawthorn trees at the north end of the site might provide opportunistic roosting opportunities therefore appropriate methodologies are recommended when removing the hawthorn trees from the site.

10.34 Notably the ash tree was found to have six active rook nests during surveys of April and May 2022 which were not identified during the Preliminary Ecological Survey of 2020. Clearance of trees and scrub during the bird nesting season has potential to therefore kill, injure or disturb nesting birds. Removal of the ash tree and other trees and dense scrub is recommended to be carried out under a method statement to mitigate the impacts. Working method statements are set out in part 4 of the submitted CEMP. These include methods regarding the archaeological works in relation to any species present on site.

10.35 The CEMP proposes planting of small native trees species, native hedgerow and nectar producing species. It also provides details of how to shape and construct the attenuation pond and requirements for bird and bat boxes, hedgehog access between fences and external lighting post development. The CEMP also details a specification for the profile, shape and planting of the surface water attenuation pond.

10.36 It is unfortunate and concerning that the ash tree mentioned above, was felled and there is no way of understanding if this was undertaken with any ecological supervision. However, as the tree was not protected by a preservation order, consent was not required from the LPA to remove the tree.

10.37 The Wildlife Officer has commented that he does not have any conditions to attach other than to ensure that all of the recommendations within the Ecology CEMP are enacted (Officer comment: not now possible with regards to the ash tree) and notes that the pond planting has now been included within the ecological documentation.

10.38 It is therefore considered that subject to conditions requiring the proposed landscaping and ecological recommendations to be carried out, that the application is acceptable and, on the whole, complies with policies LP16 and LP19 of the Local Plan.

Other Issues

10.39 Most of the issues raised by objectors have been covered in the above report. The indicative drawing submitted as part of the outline application is not required to be adhered to. The outline application is simply for 6 dwellings involving an upgrade to the access and this is a material consideration in the determination of this full application. Nevertheless, regardless of whether assessing reserved matters or a full application (as is the case here), matters of scale, location and design and impact on the character and appearance of the area and on neighbour amenity fall to be considered at this stage. None of these details were considered as part of the outline application. All detailed matters were reserved. Therefore, whilst the principle of development for up to six dwellings was approved by Committee, the local planning authority is required to assess the detailed matters at either reserved matters or in this case under a full application. As set out above, the proposal is not found to be acceptable in terms of its layout, scale and design and the impact upon neighbouring amenity.

11 CONCLUSIONS

11.1 With regard to the principle of the development, the application is not in accordance with policies LP3 and LP12 of the Fenland Local Plan as it is situated in open countryside and does not relate well to the built-up edge of March. However, the decision taken by Committee to grant outline permission for up to six dwellings at the site under application F/YR20/1138/O and that this permission is still extant, it a material consideration which outweighs the policy objections to the proposal in terms of the principle of the development.

11.2 The scale, mass and design of the dwellings does not respect either the landscape character of the surrounding countryside nor the character of the built form in the immediate locality of Upwell Road. The dwellings will be viewed from the street and from the nearest footpaths as well as from the rear of the nearby existing dwellings and will appear domineering and incongruous in this setting ie a transition from urban edge to open countryside. The proposal is therefore contrary to policy LP16 (d) of the Local Plan and policies DM2 and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD which require developments to make a positive contribution to local distinctiveness and character of an area. The proposal also fails to adhere to paragraphs 130 and 134 of the NPPF which require developments to be sympathetic to the local character including surrounding built environment and landscape setting and require development to be refused especially where, as is the case here, it fails to reflect local design policies and government guidance on design.

11.3 The size of the proposed dwellings will generate a level of coming and going of vehicles and activity in close proximity to the neighbouring dwellings 87 and 89 Upwell Road (that flank the access and border the site at the rear), to a degree that will adversely impact on these neighbours' amenity. In addition, the height and massing of the side elevations of plots 1 and 6 will appear overbearing and jarring to these neighbours when they are enjoying their private rear amenity space. As such the proposal does not comply with policy LP16 (e) of the Local Plan which seeks to protect neighbour amenity. A scale and design of development which better reflects the existing character of the built environment of Upwell Road, could reduce this adverse impact.

11.4 The LLFA has objected to the application for the reason that the drainage strategy does not provide sufficient information to properly assess and determine the impacts of the proposal. The LLFA also has concerns about the lack of evidence of third-party consent to discharge surface water into the adjacent ditch and with regard to the layout leading to several riparian ownerships and potential maintenance issues of the drainage ditches around the perimeter of the site. As such the proposal fails to comply with policy LP14 of the local plan, the Cambridgeshire Flood and Water SPD and the NPPF.

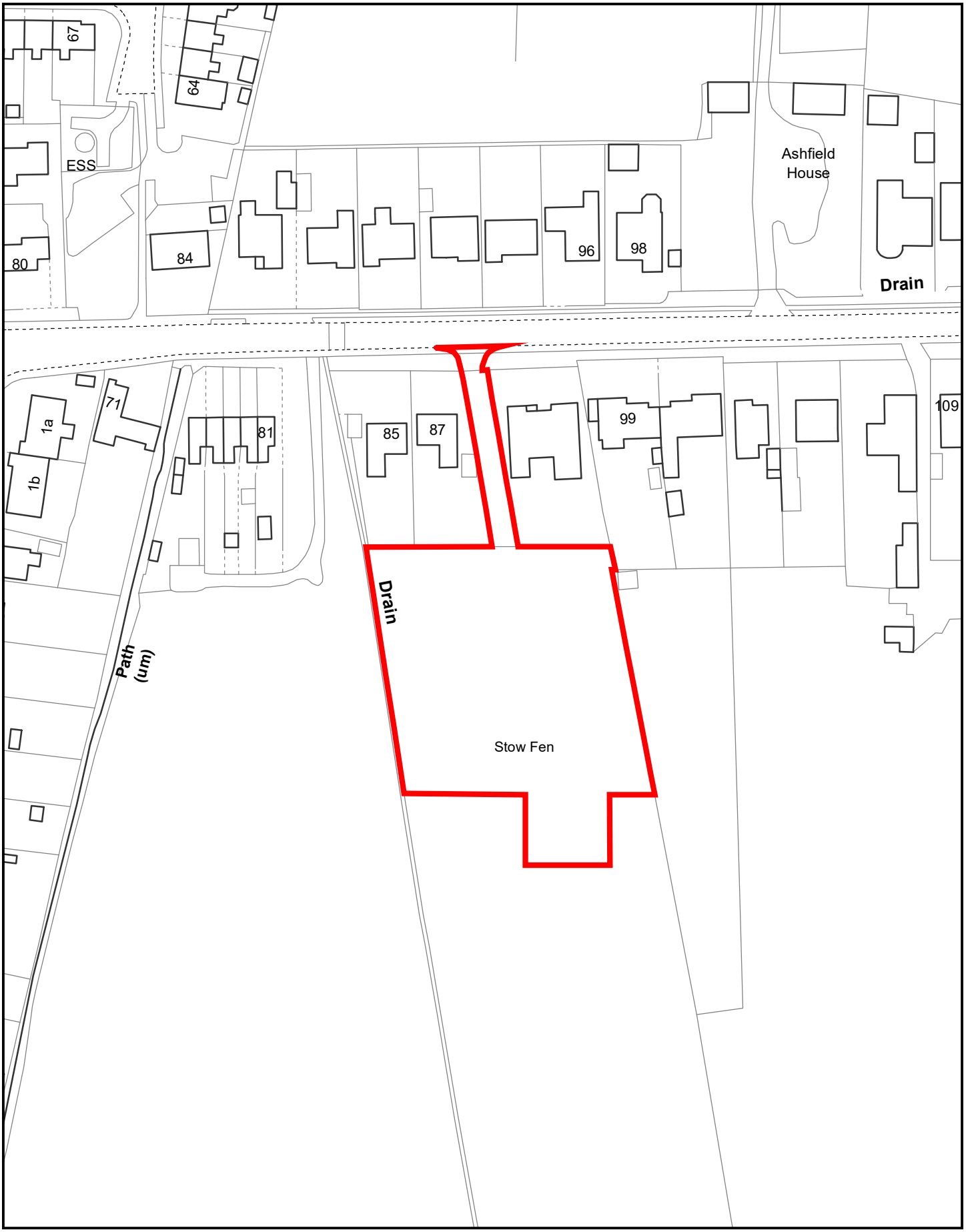
11.5 In other respects, the proposal is acceptable or would be acceptable with the imposition of conditions.

12 RECOMMENDATION

Refuse; for the following reasons:

1.	The proposed development by reason of its layout, scale, massing and design fails to take account of the local natural character of the open countryside and the built character of Upwell Road and as such it will be an incongruous form of development which will diminish the less defined transition between the urban area and countryside. The proposal fails to make a positive contribution to local distinctiveness and as such is contrary to policy LP16 (d) of the Fenland Local Plan, policies DM2 and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD and paragraphs 130 and 134 of the NPPF.

2.	The proposed development by reason of the size and scale of the dwellings will result in a level of comings and goings and activity to a degree that will adversely impact the current quite private amenity space enjoyed by the occupiers of 87 and 89 Upwell Road. The height and massing of plots 1 and 6 of the proposed development will also result in some visual dominance to neighbours, especially when enjoying their garden space. In combination, these matters are considered to result in a proposed development which is contrary to policy LP 16 (e) of the Fenland Local Plan which requires new development to not adversely impact the amenity of neighbouring residents.
3	The submitted drainage information is inadequate to enable the proper assessment of the impacts of the proposal on flood risk arising from the development. As such the proposal has not demonstrated that the development adequately deals with surface water drainage in a sustainable manner and will not lead to an increased risk of flooding contrary to policy LP14 of the Fenland Local Plan, the Cambridgeshire Flood and Water SPD and the National Planning Policy Framework.



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F/YR22/0705/F

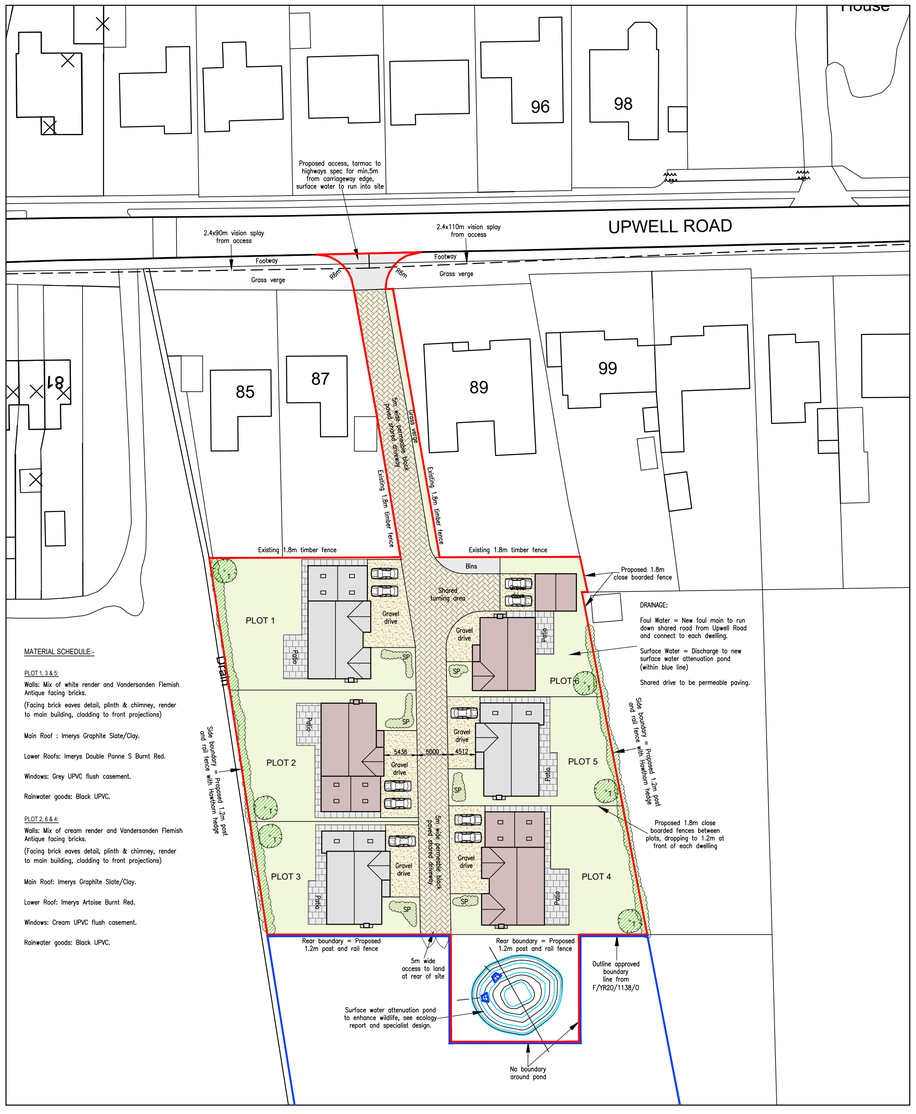
Scale = 1:1,250

N

Fenland
CAMBRIDGESHIRE
Fenland District Council



Existing Site Plan 1:500



MATERIAL SCHEDULE:-

PLOT 1, 3 & 5:

Walls: Mix of white render and Vandersanden Flemish Antique facing bricks.

(Facing brick eaves detail, plinth & chimney, render to main building, cladding to front projections)

Main Roof : Imerys Graphite Slate/Clay.

Lower Roofs: Imerys Double Panne S Burnt Red.

Windows: Grey UPVC flush casement.

Rainwater goods: Black UPVC.

PLOT 2, 6 & 4:

Walls: Mix of cream render and Vandersanden Flemish Antique facing bricks.

(Facing brick eaves detail, plinth & chimney, render to main building, cladding to front projections)

Main Roof: Imerys Graphite Slate/Clay.

Lower Roof: Imerys Artoise Burnt Red.

Windows: Cream UPVC flush casement.

Rainwater goods: Black UPVC.

Proposed Site Plan 1:500

DRAINAGE:

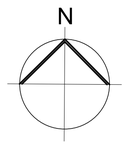
Foul Water = New foul main to run down shared road from Upwell Road and connect to each dwelling.

Surface Water = Discharge to new surface water attenuation pond (within blue line)

Shared drive to be permeable paving.



Location Plan 1:250





Proposed Street Scene (Plots 1-3) 1:200



Proposed Street Scene (Plots 6-4) 1:200

LANDSCAPING NOTES:-

Trees:

T= Small native trees.

Tree planting from the following list will allow wildlife movement through the site for bats, bird and invertebrates

Sorbus Aria Whitebeam
Gleditsia Triacanthos Skyline
Aesculus Carnea Briotii
Acer Campestre
Alnus Glutinosa
Betula Pendula
Amelanchier 'Robin Hill'

All trees (as marked on plan) should be 08-10cm girth Standard' trees either rootballed or container grown and should be single staked with 75mm minimum diameter stake free from bark with one end pointed. Tree Pits to be 600x600xdepth of rootball or container (or 150mm wider than the round rootball whichever is greater) do not plant deeper than the soil mark on the stem. Break up pit base to avoid compaction. Drive 1 stake upright/vertical into bottom of excavated planting pit before planting. Saturate root ball of container grown and rootballed plants before planting. Backfill with excavated material incorporating compost at 1m³ per 3m³ of soil excavated. Use Super Soft Tree Ties to fix tree to stake no spacer required. Water thoroughly immediately after planting and at intervals as necessary until trees are established. Apply 75mm bark mulch to planting surface. Fit spiral tree guard to tree base.

Shrubs:

SP= Ornamental and nectar-producing planting.

All planting (as marked on plan) should be 5ltr pots. Cultivate and grade bed/strip to create 300mm of fine tilth incorporate mushroom compost at 50mm and rake to level. Dig planting holes and plant in accordance with best practice, Water in and mulch with 75mm bark chippings (as elsewhere). Water and weed as maintenance schedule. Plant at 500mm centres in groups of 5-7 plants of the same species.

10% Cornus alba Elegantissima'
10% Cornus sanguinea Midwinter Fire'
10% Ceonothus thyrsiflorus Skylark'
10% Choisya ternata
10% Euonymus fortune Emerald n' Gold'
10% Laurus nobilis
10% Osmanthus x birkwoodii
10% Photinia fraseri
10% Prunus laurocerasus Otto Lukyen'
10% Viburnum davidii

NOTE:
Undertake soft landscape works generally in open weather conditions, typically mild, dull and moist. Do not undertake planting seeding or turfing when the temperature is below 4°C and falling, when the ground is covered in snow, in frozen or waterlogged ground or in drought conditions.

Planting should be undertoken between November and March when the plants are dormant and planted at centres shown above. Plants should be set at the same root depth as they were at the nursery and should be well firmed in and guards fitted. Remove any damaged shoots during planting. A 75mm layer of bark mulch (Landscape Bark Madingley Mulch or equivalent) should be applied over the planting bed to reduce weed competition.

If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it is removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the same place unless the Local Authority gives written consent to any variation.

A -

REVISIONS

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CLIENT

MR D CLARKE

PROJECT

PROPOSED 6No. DWELLINGS

SITE

LAND SOUTH OF 85-89
UPWELL ROAD
MARCH
CAMBS
PE15 0DA

DRAWING

PLANNING DRAWING 1

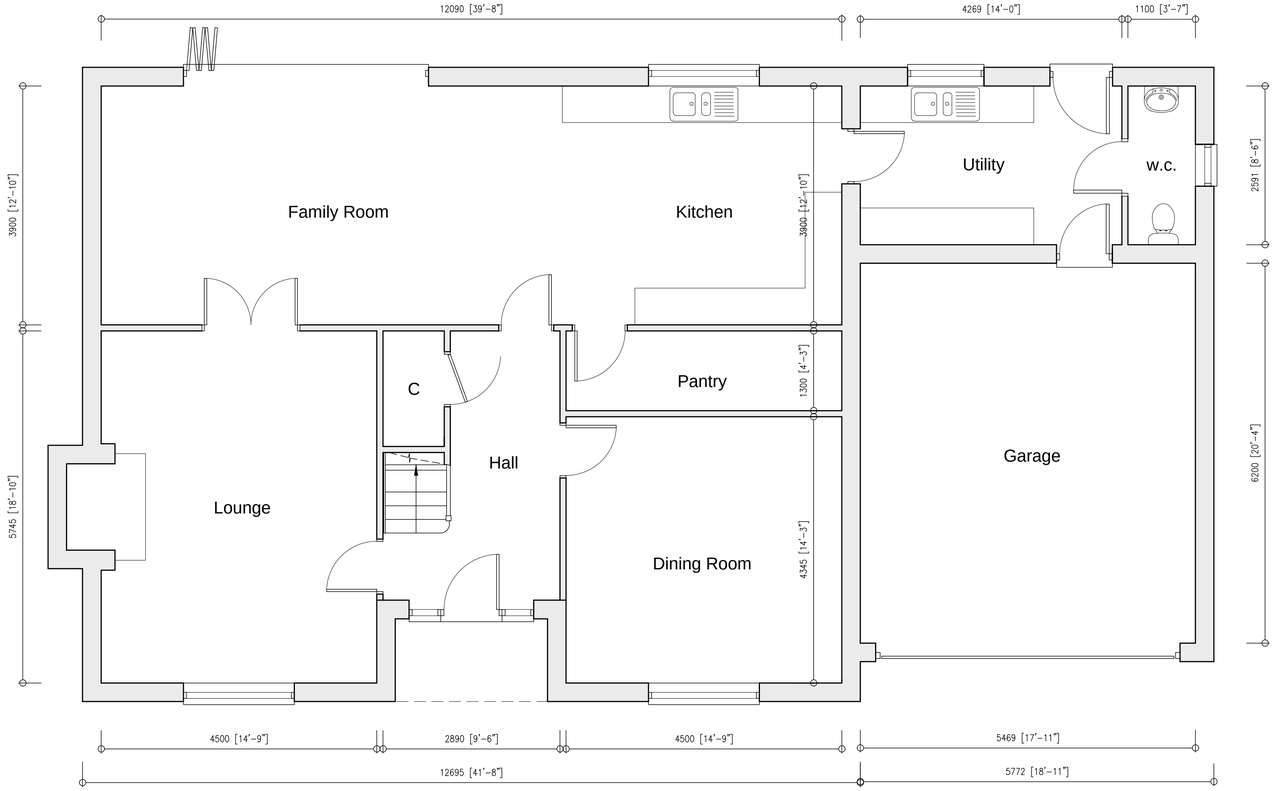
JOB NO.	PAPER SIZE	DATE
6395/01H	A1	SEPT 2021

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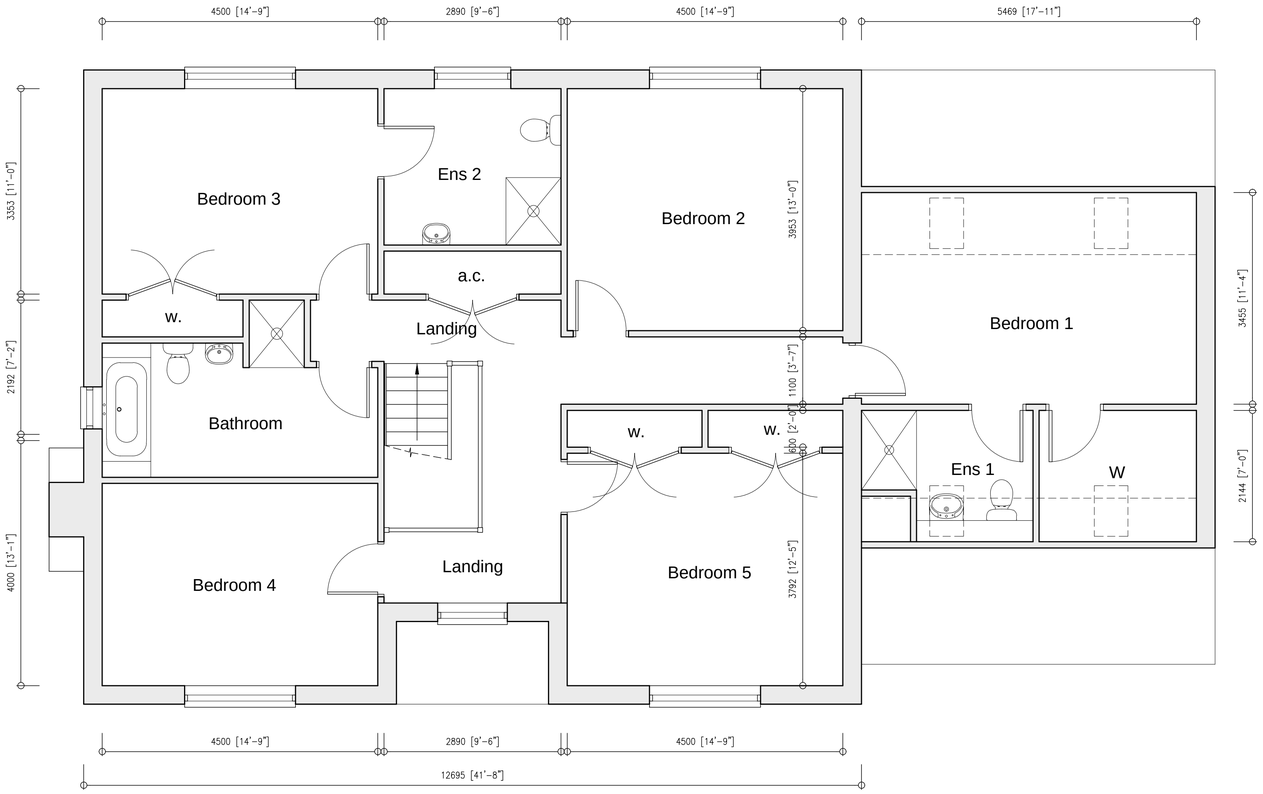
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PLOT 1



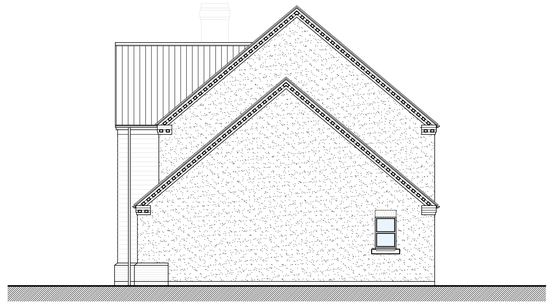
Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50



Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



Proposed Rear Elevation 1:100



Proposed Side Elevation 1:100

A -

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DRAWING

PLANNING DRAWING 2 - PLOT 1

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PLOT 2

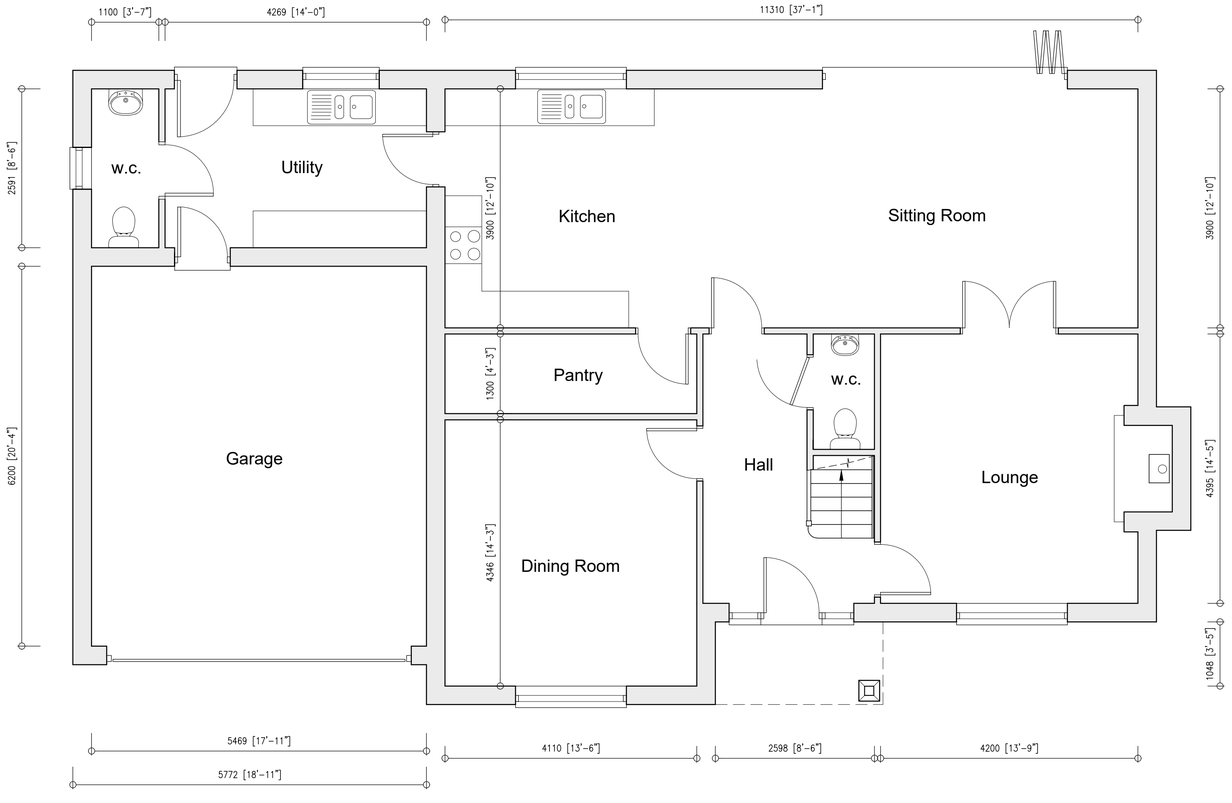


Proposed Front Elevation 1:100

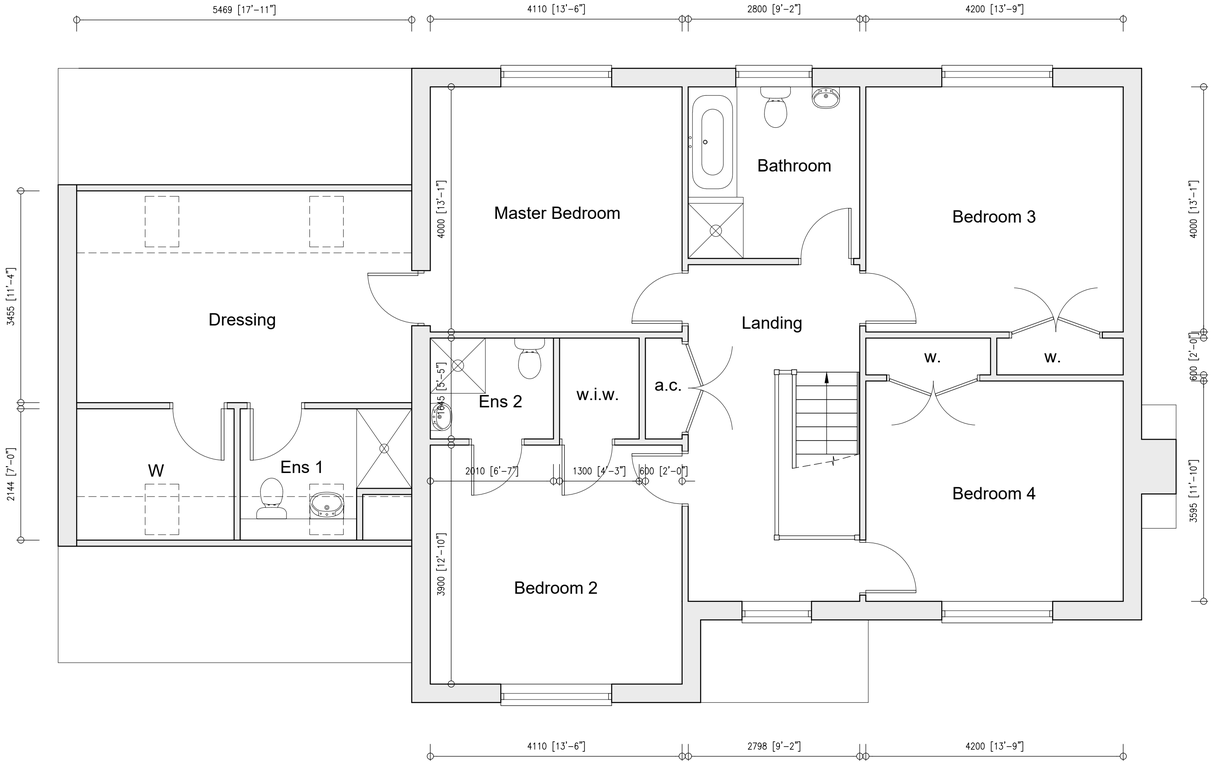
Proposed Side Elevation 1:100

Proposed Rear Elevation 1:100

Proposed Side Elevation 1:100



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

A -

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DRAWING

PLANNING DRAWING 3 - PLOT 2

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PLOT 3 & 5

PLOT 5 = as shown

PLOT 3 = handed

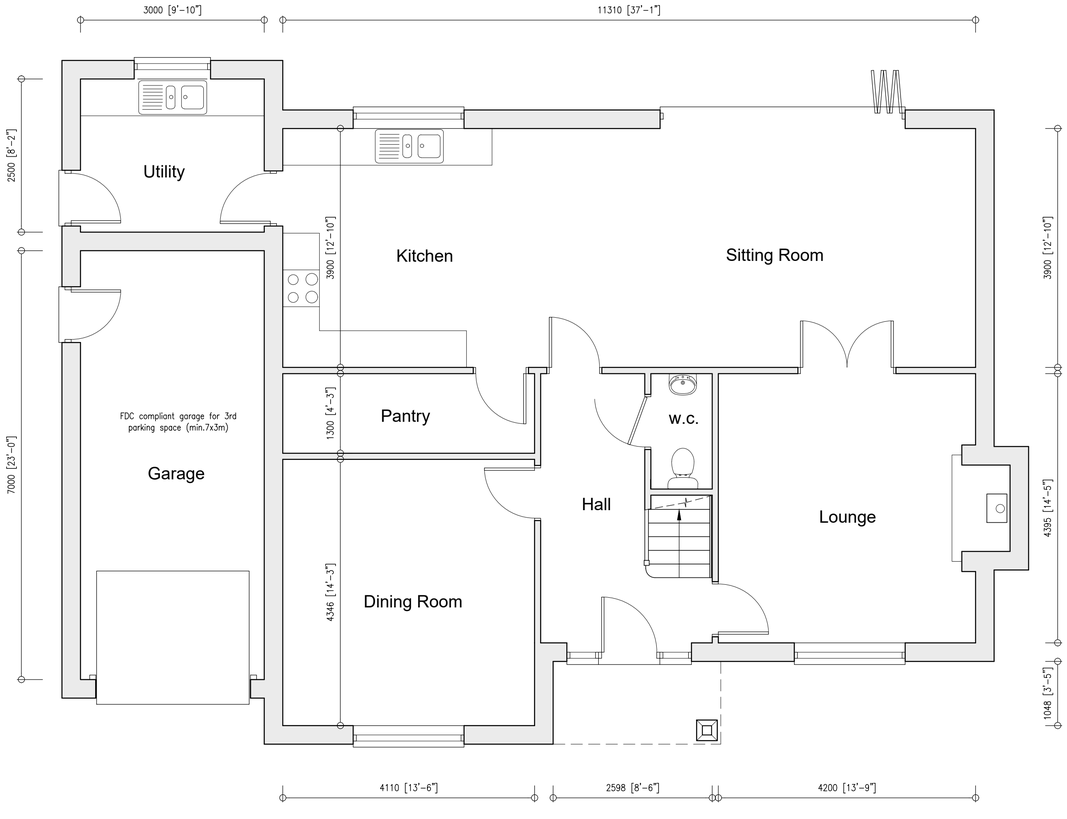


Proposed Front Elevation 1:100

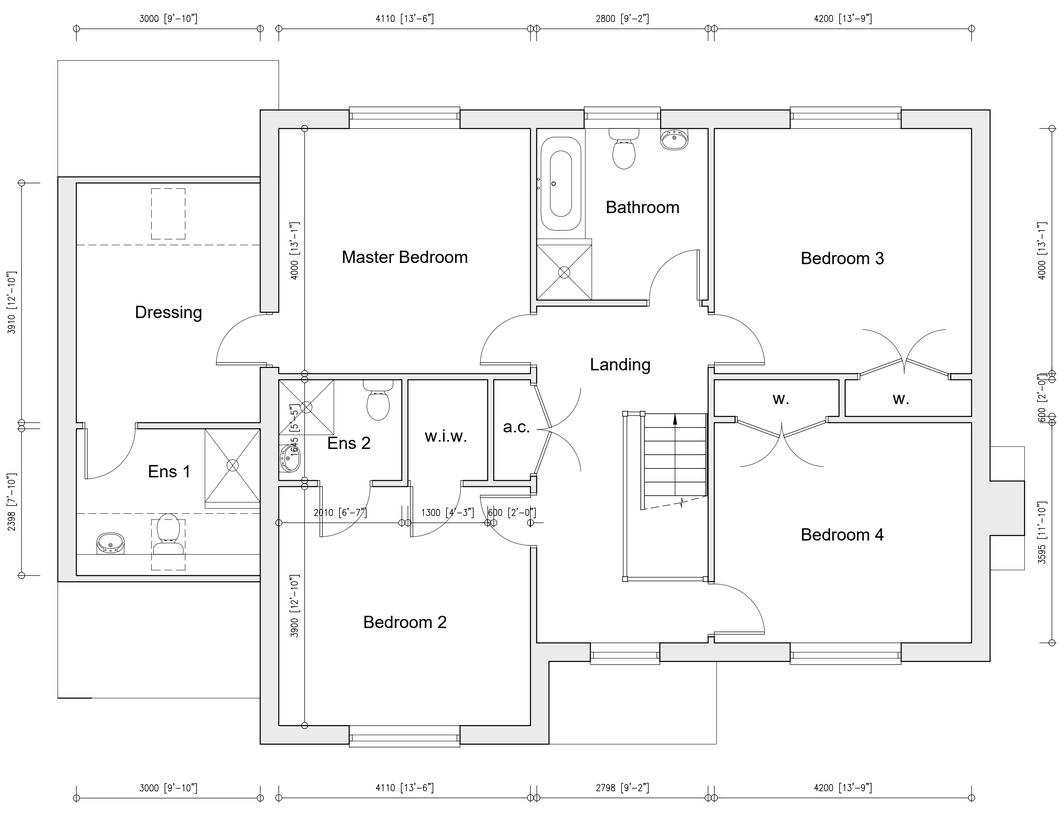
Proposed Side Elevation 1:100

Proposed Rear Elevation 1:100

Proposed Side Elevation 1:100



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

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DRAWING

PLANNING DRAWING 4 - PLOT 3 & 5

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F/YR22/0843/F

Applicant: Mr Brian Hinson **Agent : Mr Ian Gowler Gowler Architectural**

Land South Of 66, Wimblington Road, March, Cambridgeshire

Erect a dwelling (2-storey 3-bed) and detached store building including the formation of a new vehicular access to 66 Wimblington Road and the widening of existing vehicular access

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

1.1 This application seeks to erect a dwelling (2-storey 3-bed) on land south of 66 Wimblington Road, March. The site currently hosts a detached outbuilding associated with No. 66.

1.2 The proposed 2-storey dwelling would be situated in close proximity to the neighbouring properties to the north and south of the application site, creating a cramped form of development with limited visual separation between the host dwelling and neighbouring properties. The development would therefore result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and therefore would be contrary to Policy LP16(d) of the Local Plan.

1.3 The close proximity of the proposed dwelling to the neighbouring property to the north and south will introduce significant adverse loss of light, outlook and visual dominance and overbearing to these neighbouring dwellings. The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to Policy LP2 and LP16 (e) of the Local Plan.

1.4 Subsequently, the recommendation is to refuse this application.

2 SITE DESCRIPTION

2.1 The application site is situated on the eastern side of Wimblington Road within the market town of March. A detached outbuilding and parking space is currently situated on site which is associated with No 66 Wimblington Road. A hedgerow runs along the frontage of 66 Wimblington Road.

2.2 66 Wimblington Road sits immediately north of the application site, and is a 2-storey dwelling with accommodation situated within the roof space. There is a single-storey detached dwelling situated immediately south of the site also. To the east of the site is agricultural land.

2.3 The application site is situated within Flood Zone 1 and a Green Great Crested Newts zone.

3 PROPOSAL

3.1 This application proposes to erect a 2-storey, 3-bed dwelling with detached store building which will include the formation of a new vehicular access to 66 Wimblington Road and the widening of the existing access to serve the development. The first floor accommodation will be within the roof space.

3.2 The dwelling will have a depth of 14.2 metres approx and a greatest width of 6.9 metres, which narrows to 6.2 metres in the lounge/kitchen/diner area to the rear. The roof proposed will be dual-pitched, with a gable front to the principle elevation. The roof will have an eaves height of 2.6 metres and a ridge height of 6.5 metres approx. The off-shoot to the rear of the dwelling will have a ridge height of 6.2 metres approx.

3.3 The fenestration at ground floor includes 2 north facing windows, 2 east facing patio doors, 1 window and 1 door facing south and 1 window and 1 door facing west. The fenestration at first-floor to the dormer accommodation includes 2 north facing roof lights, 1 east facing window, 1 south facing roof light and 1 west facing window.

3.4 The materials proposed include Vandersanden Corum bricks, Concrete Interlocking Tiles in Sandtoft Calderdale Dark Grey and Beige Cedral Cladding to the gable walls. The windows and doors will be Dark uPVC and the rainwater goods will be White uPVC.

3.5 A detached store building is proposed within the rear garden, adjacent to the eastern boundary of the site. The store building will have a depth of 5.5 metres and a width of 5 metres approx. The roof to the store will be dual-pitched with an eaves height of 2.1 metres and a ridge height of 3.6 metres.

3.6 2 parking spaces and turning space will be situated to the front of the dwelling, with private amenity space situated to the rear. A 1.2 metre high fence is proposed on the northern boundary of the site with a 0.6 metre high fence proposed on the western boundary adjacent to the footpath.

3.7 Bin storage is proposed to the south of the dwelling within the rear garden.

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

F/YR22/0843/F | Erect a dwelling (2-storey 3-bed) and detached store building including the formation of a new vehicular access to 66 Wimblington Road and the widening of existing vehicular access | Land South Of 66 Wimblington Road March Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/0692/78/O	Erection of a detached bungalow	Refused 14/11/1978

5 CONSULTATIONS

5.1 **March Town Council**

Recommendation; Approval

5.2 **CCC Highways** (06/09/2022)

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

Please demonstrate the development has sufficient space to enable vehicles to enter, turn and leave the site in forward gear.

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

Conditions

1. Prior to the first occupation of the development the proposed on-site parking / servicing / loading, unloading / turning / 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.

5.3 **CCC Highways** (08/11/2022)

Thank you for the updated plan. However, there is no note of the construction of the access. See note below.

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

Should the applicant be able to amend the access in light of the minor comment

above, then please append the conditions and informative from previous comments still remains.

5.4 **CCC Highways** (30/11/2022)

Thank you for the updated plan. However, there is no note of the construction of the access. See note below.

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.

Upon reviewing the additional tracking, it appears not to be accurate. One of the tracking increases in width as it moves forward into the parking bay. Also, the route as it reverses is also unnatural. Please amend with accurate tracking.

Should the applicant be able to amend the access in light of the minor comment above, then please append the conditions and informative from previous comments still remains.

5.5 **CCC Highways** (05/01/2023)

The attached tracking has given acceptable clarification for this application.

Therefore, Highways have no further comments and no further objections.

5.6 **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 an existing structure, 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.

5.7 **Local Residents/Interested Parties**

8 letters of support were received prior to the consultation period commencing on the application. Six of these were from residents within March (Millfield Close, Oxbow Crescent, Burrowmoor Road, Job's Lane, Wimblington Road, Elwyn Road)

and also from residents of Parson Drove and Lakenheath. These raised the following issues:

- Improves appearance of the site
- Acceptable design
- No amenity issues
- Access improvements
- Provision of housing

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para 2 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise
Para 11 – A presumption in favour of sustainable development
Para 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise
Para 110 – Safe and suitable access
Para 130 – Achieving well-designed places

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

Context
Identity
Built Form

7.4 Fenland Local Plan 2014

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

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation 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
LP5 – Health and Wellbeing
LP7 – Design
LP8 – Amenity Provisions
LP22 – Parking Provision
LP32 – Flood and Water Management

7.6 **March Neighbourhood Plan 2017**
H3 – Local Housing Need

8 KEY ISSUES

- **Principle of Development**
- **Design Considerations and Visual Amenity of the Area**
- **Residential Amenity**
- **Access and Parking**
- **Flood Risk, Site Constraints and Servicing**

9 ASSESSMENT

Principle of Development

9.1 The application site is located within the settlement of March, which is identified within the Settlement Hierarchy as a Primary Market Town. Market Towns are identified within Policy LP3 as the focus for housing growth, accordingly there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with, and reflects, the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways or flood risk.

Design Considerations and Visual Amenity of the Area

9.2 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 and seeks for development proposals to respond to existing character and reinforce local identity.

9.3 Given the location of the site, the dwelling will be highly visible from Wimblington Road. The principle elevation of the dwelling will be situated approximately 10.6 metres from the footway and therefore will sit in line with the dwelling to the south of the site. There will be a clearance of approximately 1.7 metres between the proposed dwelling and the property to the north and approximately 2.3 metres between the proposed dwelling and property to the south. The sub-division of the plot will result in a development that is out of keeping with the rest of the site as it will create a cramped form of development with limited separation between the proposed dwelling and neighbouring properties. If permitted the development would result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and thus would be contrary to Policy LP16 of the Local Plan.

9.4 The proposed access arrangements will also result in the loss of soft landscaping to the front of the application site and the neighbouring site at No. 66. The loss of such landscaping will significantly change the appearance of the area and therefore would be contrary to Policy LP16 also.

9.5 The proposed outbuilding will not be visible from the street scene and therefore will not introduce any adverse visual impacts upon the character of the area.

Residential Amenity

9.6 Policy LP2 seeks to ensure that the development does not result in harm to the amenity of the area or the environment in general. Policy LP16 (e) requires that development does not adversely impact on the amenity of neighbouring users due to matters such as noise, light pollution, loss of privacy or loss of light.

9.7 Neighbouring properties are situated to the north and south of the application site, with the northern property being situated 1.7 metres from the proposed dwelling and the southern property being situated 2.3 metres away.

9.8 The dwelling will extend beyond the rear elevation of the neighbouring property to the north by approximately 1 metre, which is not considered to be an unacceptable relationship. However, there are 4 windows on the south facing elevation of this. The proposed dwelling in such close proximity will result in loss of light and outlook to all 4 of these windows to the significant detriment of neighbouring residential amenity of the occupiers of 66 Wimblington Road.

9.9 In terms of the relationship with the property to the south, number 68, the proposed dwelling will extend beyond the rear elevation of this by approximately 6.5 m and set in from the boundary by approximately 1.5m. Given the orientation to the north it is unlikely that the scheme will introduce any overshadowing impacts upon the neighbouring property to the south.

9.10 However the projection beyond the rear of the neighbouring dwelling by 6.5m and at a total height of 6.5m with only a separation of 1.5m to the flank walls is considered to give rise to potential for visual dominance and overbearing to the rear of 68 to the detriment of the amenity of the residents of this property.

9.11 The creation of such an unappealing living environments for the neighbouring occupiers would be contrary to Policy LP2 and LP16.

Access and Parking

9.12 The application includes the widening of the existing access which will serve the proposed dwelling, as well as the inclusion of a new access to serve No. 66. 2 parking spaces and associated turning space are detailed for the new dwelling and similar arrangements are also proposed for the existing dwelling. In order for vehicles to be able to turn on site and exit the site in a forward gear, the site frontage should have a width of 11 metres (roughly split approximately 5 metres for the two parking bays and 6 metres to allow for a car to reverse fully and pull forward). The site frontage for the new dwelling however measures only 9.7 metres. The clearance between the northern parking space and the north boundary of the site is 4.1 metres.

9.13 Upon consultation with CCC Highways, a tracking plan was requested to demonstrate that there is sufficient space on site to enable vehicles to enter, turn and leave the site in forward gear.

9.14 A tracking plan was provided by the agent, however CCC Highways noted that the tracking plan provided appeared to be inaccurate as the tracking area

increased in width towards the parking bay. The agent provided clarification that this widening was due to vehicle overhang.

9.15 Further consultation with CCC Highways confirmed that the tracking plan was acceptable and therefore Highways have no objections or further comments to make with regard to the scheme.

Flood Risk, Site Constraints and Servicing

9.16 The site lies within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations; accordingly, there are no issues to address with regard to Policy LP14.

9.17 The scheme has no implications with regard to private amenity space associated with the dwelling as it remains in excess of a third of the overall plot.

10 CONCLUSIONS

10.1 The proposed 2-storey dwelling would be situated in close proximity to the neighbouring properties to the north and south of the application site, creating a cramped form of development with limited visual separation between the host dwelling and neighbouring properties. The development would therefore result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and therefore would be contrary to Policy LP16(d) of the Local Plan.

10.2 The close proximity of the proposed dwelling to the neighbouring properties will introduce significant adverse loss of outlook and light to the property to the north and overbearing and visual dominance to the property to the south. The creation of such unappealing living environments for the neighbouring occupiers would be contrary to Policies LP2 and LP16 (e) of the Local Plan.

11 RECOMMENDATION

Refuse; for the following reasons:

1	Policy LP16 part (d) of the Fenland Local Plan 2014 and Paragraph 127 of the National Planning Policy Framework 2021 seek to ensure that proposals make a positive contribution to the local distinctiveness and character of the area and that the character of the local built environment informs the layout and features of proposed development. The proposed 2-storey dwelling would be situated in close proximity to the neighbouring properties to the north and south of the application site, creating a cramped form of development with limited visual separation between the host dwelling and neighbouring properties. The development would therefore result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and therefore would be contrary to the aforementioned policies.
2	Policies LP2 and LP16(e) of the Fenland Local Plan seek to ensure that the development does not adversely affect the amenity of neighbouring users. Due to the proximity of the proposed dwelling to the neighbouring properties to both the north and south, there is

	potential for loss of light and outlook to the side windows of number 66 and visual dominance and overbearing to the rear of number 68 to the detriment of the residential amenity of the residents of these properties. The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to the above policies.



Created on: 12/10/2022

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F/YR22/0843/F

Scale = 1:1,250

N

Fenland CAMBRIDGESHIRE
Fenland District Council

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 assesed 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.



Plannng Proposed Front
1 : 100



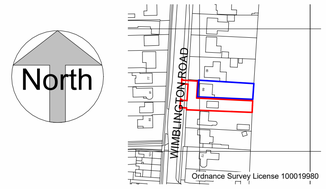
Planning Proposed Rear
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Planning Proposed Side (north)
1 : 100



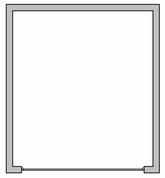
Planning Proposed Side (south)
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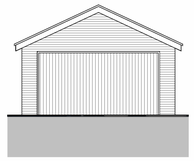
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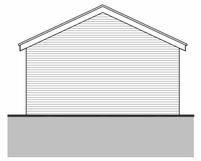
Proposed Street Scene
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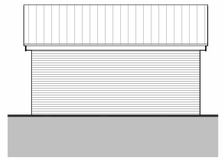
Plan
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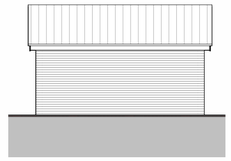
Store Front
1 : 100



Store Rear
1 : 100



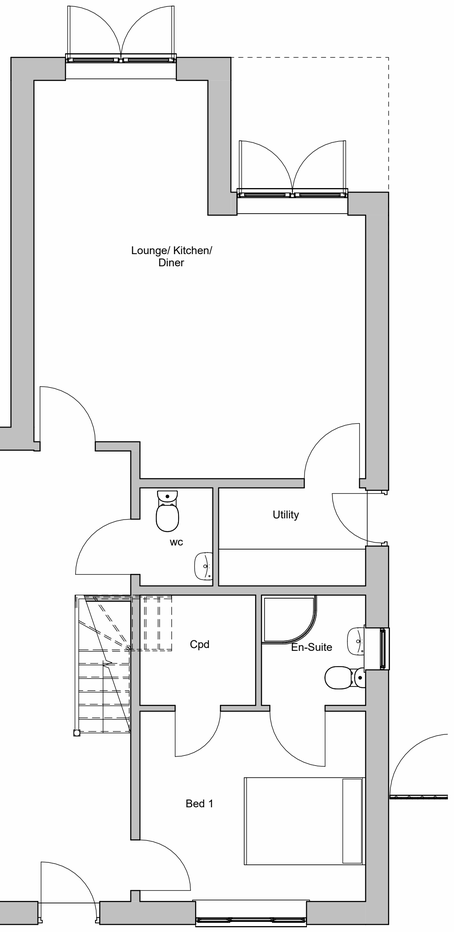
Store Side (north)
1 : 100



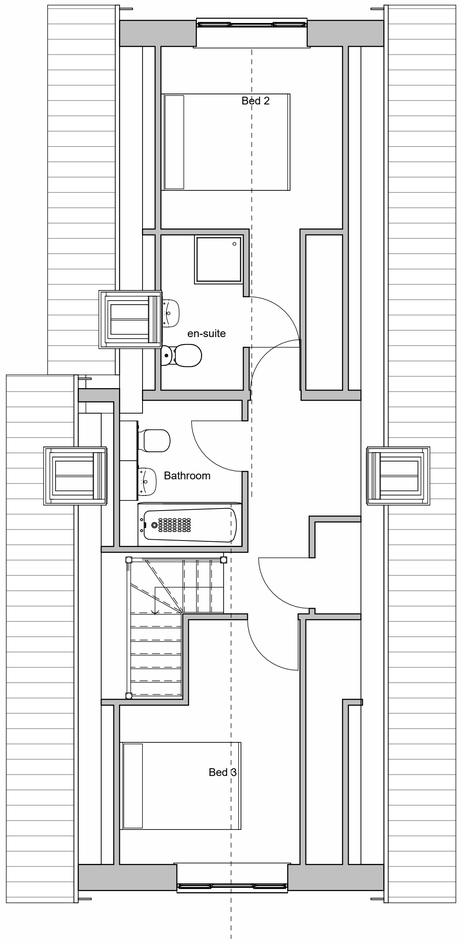
Store Side (south)
1 : 100

MATERIALS

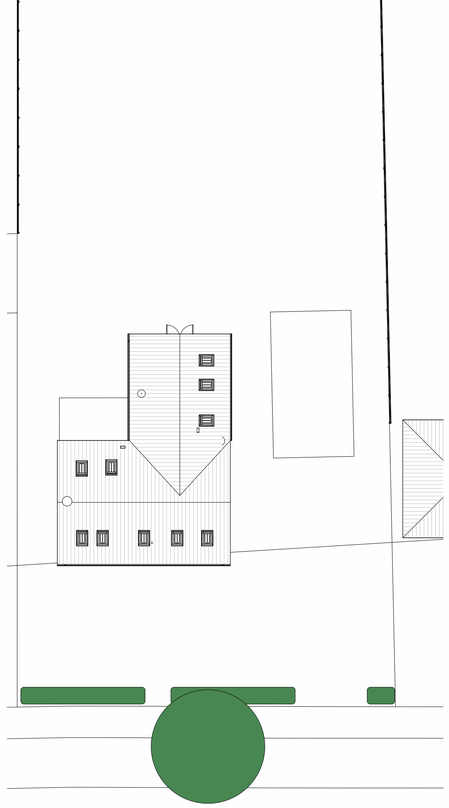
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Gable Walls Finished with Cedral Cladding Colour Beige
Cream brickwork - Vandersanden Corum
Roof - Concrete Interlocking Tiles Sandtoft Calderdale Dark grey
Windows and Doors - Dark uPVC
Rainwater Goods - White uPVC



Proposed Ground Floor
1 : 50



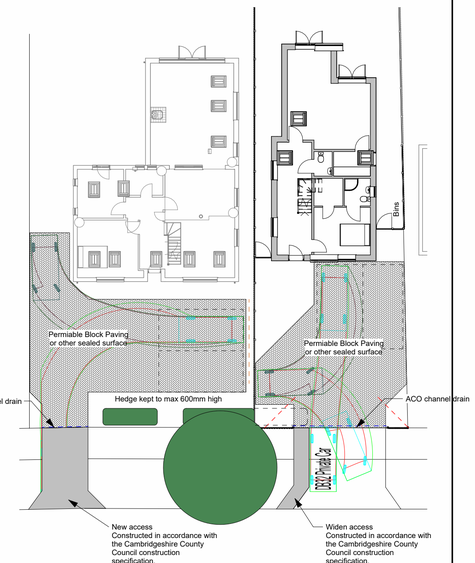
Proposed First Floor
1 : 50



Existing Site Plan
1 : 200



Proposed Site Plan
1 : 200



Proposed Block Plan
1 : 200

C	Entrance and paving notes added	10-11-22
B	Turning added for existing bungalow, block plan added, location plan amended	07-10-22
A	Dwelling shortened, moved back and parking amended	03-10-22

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 New Dwelling at Land South 66 Wimblington Road, March for Mr Hinson

Planning

date created	scale	drawing no.	rev
23/06/22	As indicated @ A1	530 - P01	C

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F/YR22/1239/O

Applicant: Mr Darren Hyde

Agent : Mr Jamie Burton
Swann Edwards Architecture Limited

Land West Of Lowlands, Colletts Bridge Lane, Elm, Cambridgeshire

Erect 1 dwelling (outline application with matters committed in respect of access)

Officer recommendation:

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

1.1 This outline planning application seeks to agree the principle of a residential dwelling on land west of Lowlands, Colletts Bridge Lane, Elm; all matters are reserved excepting access and as part of this element of the scheme a turning head to serve the wider area is included.

1.2 The planning history relating to this site has been consistent in terms of resisting further residential development on the western side of Colletts Bridge Lane.

1.3 The inclusion of the turning head, which is the key difference in respect of the earlier scheme, does not overcome the 'in principle' locational and character conflict postulated in earlier decisions and agreed by the Planning Inspector in 2015.

1.4 Accordingly the recommendation must be one of refusal

2 SITE DESCRIPTION

2.1 Colletts Bridge is a group of approximately 30 dwellings.

2.2 The site is accessed via Collets Bridge Lane, a single-track road. The site is located on the west side of the lane positioned between residential dwellings known as La Chaumiere to the south and The Hazels to the north, both 2-storey detached dwellings.

2.3 The land is generally open in nature, bounded by a 1.8m close boarded timber fence to its northern boundary and a 1.2m post and wire fence marking the southern and western boundaries. An agricultural field access sits immediately to the south with open countryside beyond the site to the west.

2.3 The majority of dwellings along Colletts Bridge Lane sit to the eastern side of the lane, with the western side much more sparsely developed with large gaps of open countryside between the 3 existing dwellings this side of the road.

3 PROPOSAL

3.1 This application submitted in outline form, with access committed, seeks to agree the principle of a dwelling on the application site.

3.2 As part of the access detail a turning head is shown within the site, this is identified in the site plan key as 'indicates proposed bin lorry turning via. extended public highway to be adopted and designed by civil engineer.'

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

F/YR22/1239/O | Erect 1 dwelling (outline application with matters committed in respect of access) | Land West Of Lowlands Colletts Bridge Lane Elm Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

F/YR22/0921/O	Erect 1no dwelling (outline application with all matters reserved)	Declined to Determine 17.08.202
F/YR21/1536/O	Erect 1no dwelling and garage (outline application with all matters reserved)	Refused 08.04.2022
F/YR14/0616/F	Erection of a 2-storey 4-bed dwelling with a detached garage and 1.5m (max height) front boundary fence and gates	Refused 22.09.2014 Appeal Dismissed 18.03.2015
F/YR14/0203/F	Erection of a single-storey 3-bed dwelling	Refused 01.07.2014
F/YR06/0867/O	Erection of a dwelling	Refused 04.09.2006
F/93/0453/O	Erection of a dwelling	Refused 13.10.1993 Appeal Dismissed 05.01.1994
F/0658/88/O	Erection of a dwelling	Refused 08.09.1988 Appeal Dismissed 09.08.1989
F/0537/87/O	Erection of a dwelling	Refused

5 CONSULTATIONS

5.1 **Elm Parish Council**

'Elm Parish Council raises objection to outline plans submitted under application reference F/YR22/1239/O on the following grounds;

Colletts Bridge is defined in the 2014 Fenland Local Plan as an 'other village' where; according to Policy LP3; development would normally be restricted to infill sites located along a built up frontage. Development along the west side of Colletts Bridge Lane is actually sporadic in nature as identified by the Appeal Decision Report connected to a previous application for the site.

The application also fails to meet criteria specified in Policy LP3 relating to sustainable growth. The closest shop is located over a mile away in the village of Elm and the school is further away. The lack of streetlighting and pavements, a 60mph speed limit and the poor condition of the road surface would make it extremely hazardous, particularly for pedestrians and cyclists. This is also contrary to the National Planning Policy Framework which states that patterns of growth should be managed to make use of public transport, walking and cycling, and, Local Plan Policy LP15 which encourages development to be designed to promote the use of non-car transport.'

5.2 **CCC Highways**

(04.01.2023) *'Following a careful review of the documents provided to the Highway Authority as part of the above planning application and in accordance with paragraph 111 of the National Planning Policy Framework the Highway Authority requests that the above planning application be refused for the following reason:- unacceptable impact on highway safety. The rationale for this request is as follows:*

The approach road Lowlands Colletts Bridge Lane is considered to be inadequate to serve the development proposed, by reason of its restricted width (as it is a single track road) and lack of passing places. The proposal would lead to an intensification of use of Lowlands Colletts Bridge Lane and would cause interference with the safety and free flow of traffic'.

Given that no specific mention was made in respect of the turning head the Case Officer posed the following questions and received the following responses (17.01.2023)

(a) Would there be any benefits of the turning head?
'The turning head would only be useful for the dwelling and its parking purposes. It would not be large enough to act as a passing place. The turning head may not be beneficial for the whole community. The width of the access would have to be given to verify if the access is wide enough to act as a passing place'.

(b) Would there be any additional implications for highway safety through its provision?
'No, there is no additional comments to add'.

(c) What would be the likelihood of the LHA adopting the turning head?
'It does not benefit for LHA to adopt this turning head'.

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

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

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

No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 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 **FDC Refuse Team**

'The turning head indicated on the drawing would bring no benefits from a refuse collection point of view, to collect from Collets Bridge we simply travel round the loop as it currently is. Should this one get approval the collection point would be at the front of the property where it meets the highway and the collection route would remain the same'.

5.5 **Local Residents/Interested Parties:**

Objections: 9 letters of objection have been received from 8 households in Colletts Bridge Lane; these may be summarised as follows

Residential amenity and character

- Loss of views, loss of light
- Privacy issue
- The southern boundary of the site is with agricultural land, and the plot is therefore not between two dwellings.

Access, Traffic and Highways

- The lane is single track and surprisingly heavily used, both the residents of Collett's Bridge Lane and the residents of the towpath use it.
- Increase in online shopping has also exacerbated the problem, with approximately a dozen deliveries daily down the lane, often using my driveway as a turning bay.
- Adding more traffic to the lane would result in even more accidents
- Existing road is unlit, with no paths and very little lighting with blind spots and cars reversing out onto the lane and is not gritted
- Lane is used as a rat run off main road
- Very few of the properties have mains drainage so there is the additional problem of large sewage lorries or tractors coupled to a tanker causing hold ups.
- The reason that traffic is able to pass is because drivers pull over onto the frontages of the properties on the lane – damaging property boundaries and surfacing. Notes that just because an accident hasn't happened does not guarantee it will not in the future.
- No easy access to schools, shops, facilities or public transport as stated.
- The connecting roads have no footpaths and in the case of Elm are dominated by heavy lorries visiting Fenmarc. Very unsafe

- Seems unlikely that CCC will adopt a driveway part way down the lane to be a turning head, and FDC cannot compel CCC to adopt it; the turning head is not required for refuse vehicles and the presence of turning would not negate the unsuitability and unsustainability of the site as previously established.
- It is noted that '*The highway to the east of the hamlet, between properties and the A1101 (about ¼ mile in length) is unadopted highway – even though it is the only highway for several properties. If CCCH will not adopt that, then the probability that CCCH would adopt a turning head is extraordinarily small.'*
- Turning head not feasible, in a location where the majority of drivers would not want to turn, and users could potentially cause an accident or blockages when manoeuvring and could disrupt householders in the vicinity.
- Site not large enough to accommodate dwelling and a turning head that is not wanted.
- The safety of existing residents and road users, recreational walkers, joggers and dog walkers should be paramount.
- Anglian Water site is used for resident parking and this results in their tanker having to park on the road.
- Comments made regarding safe walking and speed of traffic on road these are not correct.
- Site is on the narrowest part of the lane.
- Visibility splays shown cross neighbouring land without evidence that landowner has consented to this.
- Committee have previously asserted that *'the proposal would compromise highway safety as it would result in further development within a 60mph limit'.*

Environmental Concerns

- Plot used to be full of trees and home to sparrows, site cleared before planning permission has been given
- Area is home to wildlife

Policy and Precedent

- Does not comply with policy, not single dwelling infill within an otherwise built-up frontage – this has been confirmed many times
- Does not compare with Eastwood End appeal quoted, Inspector considered it to be part of Wimblington and determined the appeal accordingly
- Appeal history evidences that the site is unsustainable
- Applicant continues to assert the principle of development is acceptable which is incorrect. '*At the committee meeting of 17/9/2014 the committee made it clear that they did not accept, and never had accepted, that development on this site is acceptable'.*
- No substantive difference between this application and that of F/YR21/1536/O (and F/YR22/0921/O) which were refused
- Note informative which states "The application was clearly contrary to the relevant planning policies and the Local Planning Authority working positively and proactively with the applicants would have afforded no opportunity to overcome these problems." Therefore, any modification to the previous proposals should still fall.
- Don't allow a precedent to be set

Other matters

- Local services/schools - unable to cope
- Noise and disturbance
- Drainage and flooding
- Application states that the northern boundary is the hedge, this is not correct the boundary is the concrete post fence 2 metres south of the hedge
- Note that the planning history quoted is incomplete (NB the history quoted at 4 above reflects the list provided by the contributor)

Support: Eight letters of support have been received (1 x Gosmoor Lane, 1 x Oldfield Avenue, 4 x Colletts Bridge Lane, 1 x Chapel Lane, 1 x Ecton Grove), along with a further letter from an earlier contributor rebutting some of the objections made; these may be summarised as follows:

Form, character and principle of development

- Plot is ideal for a dwelling of this size and will bring a derelict site into use.
- Draws parallel with the approval at Gosmoor Lane, and notes that this was granted with the only difference being the absence of objections
- Site is an eyesore and used as a dumping ground
- Will not interrupt existing views of sunset, as the sun sets behind the house on the corner
- Great location for a family home
- '*Considering houses get approved in worse locations I cannot see why it gets refused here'*
- Family homes are needed
- [..]'it would be better than some that over spill the gardens into the roadway'
- '*This is just one house/bungalow not a row !! We hope to see building works start in the new year'*

Traffic and access

- Traffic along CBL never travels at the national speed limit, there are 3
- Although there is no footpath there is plenty of room for walkers to feel safe. Plus, there is ample room for vehicles to pull over without the need to reverse all the way along; and that issue is addressed by the turning bay
- 'dwellings would overlook an area of public open space which I believe would increase natural surveillance of the area and would deter anti-social behaviour'
- Have lived in CBL for 35 years and have not witnessed any accidents, national speed limits are not reached on the lane
- Was '*a bit flabbergasted why it was commented on that a certain councillor had to back all the way out the lane at the original planning meeting'.*
- No traffic concerns around the area, easy access and close to the shops and schools
- Larger vehicles use the lane with no problems
- There is street lighting along the lane, 'there are 3 one is virtual outside the plot and this lights up Tarem, Le Chaumiere and the plot the other one is outside Willowrood and lights up Willowrood and Syringa, the third one is opposite Iris Cottage'.
- If existing planting was cut back, there would be opportunities to stand off the road if necessary
- The accidents mentioned are not on CBL they are at the junction with the A1101 [..] surprised the Planning Committee approved the development

next to Antwerp House (Gosmoor Lane)
- If there are such issues with the lane the Council should do something about it, i.e. passing places and speed humps

Policy

- The land along CBL is included in the new draft local plan for a small development of housing so the plot is viable.

Wildlife

- The wildlife referred to previously has a new home on the other side of CBL with the existing Muntjac and owls so site clearance hasn't impacted on wildlife.
- '*Dwelling would after being built enhance bird life from a cultured garden'*

Other matters

- Plot would be appropriately serviced
- Residents would 'be no-more disadvantaged re schools, shops and public transport than any of thousands of similar, rural homes elsewhere in the County'.

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 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
Para 80 – Development within the countryside;
Para 110 – It should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users;[…]
Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
Para 130 – Creation of high quality buildings;

7.2 **National Planning Practice Guidance (NPPG)**
Determining a planning application

7.3 **National Design Guide**
Context C1 - Relationship with local and wider context;
Identity I1 - Respond to existing local character and identity

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

7.5 **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 (aligns with the 10 characteristics of the National Design Guide)
LP8: Amenity Provision
LP12: Meeting Housing Needs
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP32: Flood and Water Management
LP65: Residential site allocations in Colletts Bridge
(LP65.01 – 10 dwellings (0.52 Ha) Land north of March Road (NB land at junction of Gosmoor Lane and CBL)

8 KEY ISSUES

- **Principle of Development**
- **Design and impact on character**
- **Residential amenity**
- **Access and sustainability**
- **Flood risk**
- **Other matters**

9 BACKGROUND

9.1 It is noted that a similar scheme was considered by Planning Committee on 6th April 2022 where Members refused the application in accordance with the officer recommendation. The minutes of that meeting in respect of Councillors questions and comments focus on the site being on a single-track road and the previous site history (including earlier committee decisions).

9.2 Subsequent to this refusal a further submission was made. Noting the provisions of Section 70B of the Town and Country Planning Act 1990, the Council declined to determine this application.

9.3 In declining to determine an application, a local planning authority must be of the view that there has been no significant change in the development plan (so far as relevant to the application), nor had any other material considerations arisen, since the similar application was refused, or dismissed on appeal. Given that the earlier application F/YR21/1536/O had been refused on 08.04.2022, and there had been no change to the development plan to warrant reconsideration of a similar scheme the agent was advised of this decision.

9.4 On expiry of the timescales specified in Section 70B, i.e. 6 months from date of original decision (08.10.2022), this being the appeal timeframe. The current application was submitted on 24th October 2022 and validated on 1st November 2022.

10 ASSESSMENT

Principle of Development

10.1 Colletts Bridge is identified in Policy LP3 as an 'Other Village' where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:

(a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and
(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.

10.2 There are only 3 dwellings on the west side of Colletts Bridge Lane and it is not considered that these dwellings in isolation form part of a continuous built form on this side of the lane, as the dwellings are separated by large swathes of undeveloped and/or agricultural land. Accordingly, it is considered that the principle of development of this parcel of land would be at odds with Policy LP12 (a) and (b) above. This is supported by an earlier planning committee decision for F/YR21/1536/O in which Members included the following as one reason for refusal:

'Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed. Colletts Bridge is categorised as an 'Other Village' where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:

(a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and

(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.

The existing dwellings along the western side of Colletts Bridge Lane do not form part of a continuous built frontage and as such the site cannot be considered as an infill site. The site relates more to the large swathes of undeveloped and/or agricultural land between sporadic residential development this side of the road and development of this parcel of land would be excluded by (a) and (b) above. Thus the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014'.

10.4. This stance has been postulated in earlier decisions of the LPA and was endorsed externally by the Planning Inspector in the consideration of Appeal reference APP/D0515/W/14/3000564 (LPA Ref: F/YR14/0616/F) where the Inspector found:

"Due to the sporadic nature of the development on the west side of the road I do not consider that the appeal site constitutes a single dwelling infill site within an otherwise built up frontage."

10.5 Based on this unequivocal statement and mindful of the decisions of the Planning Committee both preceding and following on from this appeal decision it remains the case that the principle of development of the site for residential use is not supported.

10.6 It is further noted that the land to the west of CBL, excepting at the junction with Gosmoor Lane which forms allocation LP65.01, falls outside the 'settlement boundary' of Colletts Bridge as proposed in the emerging Local Plan. Whilst limited weight may be given to the emerging plan it clearly reflects the direction of travel and reinforces the earlier decisions made. It also indicates that the comment in support of the scheme which cites '*The land along CBL is included in the new draft local plan for a small development of housing so the plot is viable'* is a misdirection.

Design and impact on character

10.6 At variance to the earlier 2022 application an indicative front elevation has been submitted as part of this outline application. This indicates a 'cottage style' dwelling with dormer windows serving the first-floor accommodation. Whilst such a property could potentially assimilate with its neighbours without detriment this foregoes the matter of principle and impact that the dwelling per se would have on the character of the area. As outlined in the earlier scheme consideration the development proposed would encroach into previously undeveloped land that is characteristic of the intermittent nature of development on this side of Colletts Bridge Lane that retains the openness of the agricultural land to the west.

10.8 The development proposed would enclose this side to Colletts Bridge Lane into the open countryside beyond to the detriment of the character and appearance of the area and would arguably create a precedent for further development on the western side of Colletts Bridge Lane that would erode the existing open rural character this side. As such, the proposal would continue, as per the earlier schemes for the site, to be contrary to Policies LP12 and LP16 (d) of the Fenland Local Plan (2014).

Residential amenity

10.9 There are no indicative floor plans or relevant elevations offered with the application and as such the LPA are unable to establish definitively if issues

such as overlooking would need to be reconciled. However, owing to the relative position of the proposed dwelling, shown indicatively, it would appear that there may be negligible issues relating to impacts on residential amenity to reconcile from the scheme.

10.10 The illustrative site plan also indicates that suitable amenity space may be provided within the site to meet the requirements of Policy LP16 of the Local Plan.

10.11 Concern is however raised regarding the provision of a turning facility on site; this is indicated to be for use by the general populace and as such may have consequences for the reasonable expectations of residential amenity. The provision of such a facility, which would allow vehicles unrelated to the household to manoeuvre in close proximity to that dwelling would introduce the potential for noise and disturbance which could be viewed as detrimental to the residential amenity of the intended householder. Furthermore, it may represent issues in terms of loss of privacy, safety and security. Notwithstanding these issues it is not considered that there would be sufficient grounds to withhold consent in this regard without full details of the intended design and layout of the site.

Access and sustainability

10.12 Access to the site will be directly off Colletts Bridge Lane and incorporates a turning head which the applicants agent contests will be available for adoption and would be of benefit the users of CBL; this element of the scheme will be further explored below.

10.13 It is noted that CCC Highways have indicated in their latest consultation response that they consider that the application should be refused as it would have an unacceptable impact on highway safety. They note that the approach road to Lowlands, Colletts Bridge Lane is considered inadequate to serve the development proposed, by reason of its restricted width (single track road) with no passing places.

10.14 This response is at variance to the Highways response received in respect of F/YR21/1536/O, where reference was made to the 2015 appeal decision re F/YR14/0616/F when the Inspector considered that the access was acceptable.

10.15 In respect of the turning head both the Highways Officer and the FDC Operations Manager (Refuse) have indicated that it would be of no benefit with the latter clarifying that the refuse collection vehicles collect in CBL adopting a one-way route and the Highways Officer noting that this feature would only be useful for the dwelling and its parking purposes and that it would not be large enough to act as a passing place, they further indicate that the turning head may not be beneficial for the whole community. In addition, they note that it would not be of benefit for the LHA to adopt the turning head.

10.16 Accordingly the turning head detailed on the revised scheme is not considered to attract any weight in terms of planning balance and does not overcome the more fundamental ‘principle’ issues raised in terms of the location.

10.17 It remains the case that a number of residents consider that the scheme should be resisted on the grounds of highway safety and sustainability (owing to the lack of suitable footpaths and street lighting). However, these views are at

variance to the earlier appeal decision, albeit aligning with the committee decision in respect of the 2014 application where members resolved to include a highway safety reason for refusal; albeit at that time there was no Highway recommendation for refusal.

10.18 Para 111 of the NPPF (2021) is explicit in that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Mindful of the earlier decision of the Planning Inspector, yet with sympathy for the concerns articulated by the Parish Council , the LHA and local residents, it is not considered that a refusal on the grounds of highway safety would be warranted based on the planning history of the site.

Flood risk

10.19 The site lies within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations; accordingly, there are no issues to address with regard to Policy LP14.

Other matters

10.20 Again the submitted design and access statement attempts to draw parallels with F/YR20/0635/F, for the erection of 1 dwelling at Land South West Of 32 Eastwood End, Wimblington. This application was allowed on appeal under APP/D0515/W/20/3262885.

10.21 As indicated in the earlier committee report (April 2022) a key principle of the planning system is that each application will be determined in accordance with the development plan. Whilst some parallels may be drawn between Collets Bridge and Eastwood End in terms of development proposals, it must be recognised that the Local Plan defines Colletts Bridge as an 'Other Village', this being in variance to the status of Eastwood End, which in consideration of the application F/YR20/0635/F was defined by the Case Officer as an 'Elsewhere' location; albeit the Inspector found it to be part of the Wimblington settlement.

10.22 In addition the design and access statement highlights a 2022 committee decision taken in respect of F/YR21/1494/F which they indicate as '*along Gosmoor Lane and directly opposite Collets Bridge [..] located between two dwellings similar to this proposed application and was approved at committee noting it would cause no harm to the area. We believe this is the case for this proposal as well.'*

10.23 On review of the minutes of this earlier committee, which predated the consideration of the earlier application for this site, it is noted that Members' debate accepted that Colletts Bridge was listed under LP3 as appropriate for infill and did not consider that the absence of footpaths and connectivity concerns should manifest in a refusal. Furthermore, it was postulated that 'the precedent of a single infill development in Colletts Bridge has already been set by the Local Plan'. Although residents note that the site in Gosmoor Lane was not part of Colletts Bridge it is not for this submission to revisit the status of this land or the determination of the Committee in this regard.

10.24 Notwithstanding this decision, which Members would have been mindful of when debating the earlier scheme for this site given it was considered at the preceding committee, there are other issues pertinent to the consideration of the

current scheme; these being the impact that the development of this site would have on the character of the location and indeed the paucity of the lane to accommodate additional traffic.

11 CONCLUSIONS

11.1 The planning history relating to this site has been consistent in terms of resisting further residential development on the western side of Colletts Bridge Lane.

11.2 The inclusion of the turning head, which is the key difference in respect of the earlier scheme, does not overcome the 'in principle' locational and character conflict postulated in earlier decisions and agreed by the Planning Inspector in 2015.

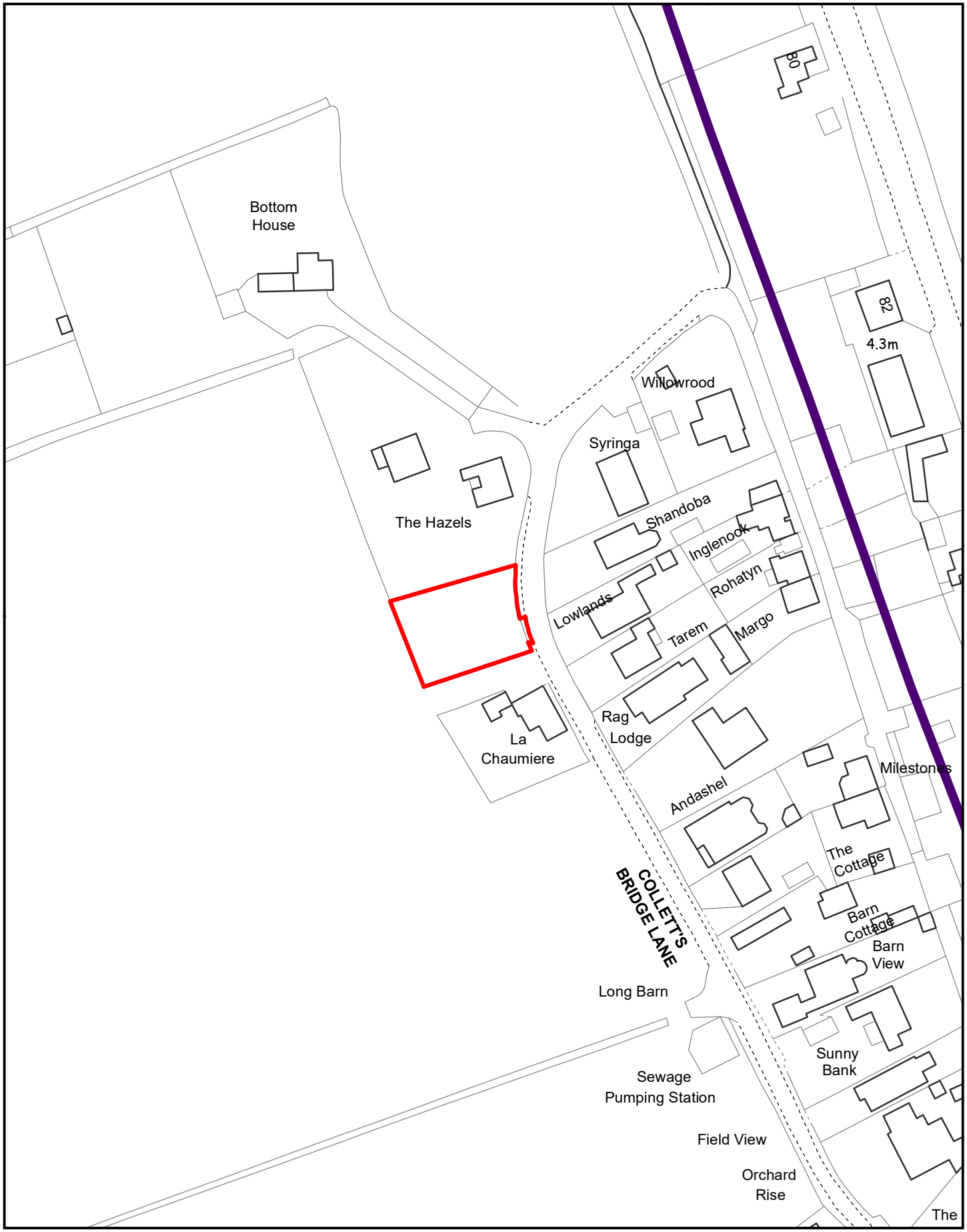
11.3 Accordingly the recommendation must be one of refusal

12 RECOMMENDATION: Refuse

Reasons for Refusal:

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed. Colletts Bridge is categorised as an 'Other Village' where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes: (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and (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. The existing dwellings along the western side of Colletts Bridge Lane do not form part of a continuous built frontage and as such the site cannot be considered as an infill site. The site relates more to the large swathes of undeveloped and/or agricultural land between sporadic residential development this side and development of this parcel of land would be excluded by (a) and (b) above. Thus the proposal therefore fails to comply with 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) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The development proposed would enclose this side to Colletts Bridge Lane into the open countryside beyond to the detriment of the character and appearance of the area and would arguably create a precedent for further development on the western side of Colletts Bridge Lane that would erode the

	existing open rural character this side. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).



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F/YR22/1239/O

Scale = 1:1,250

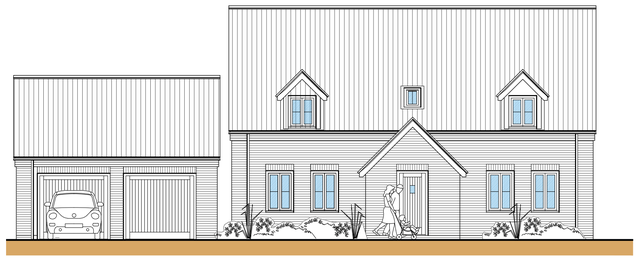
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Fenland District Council



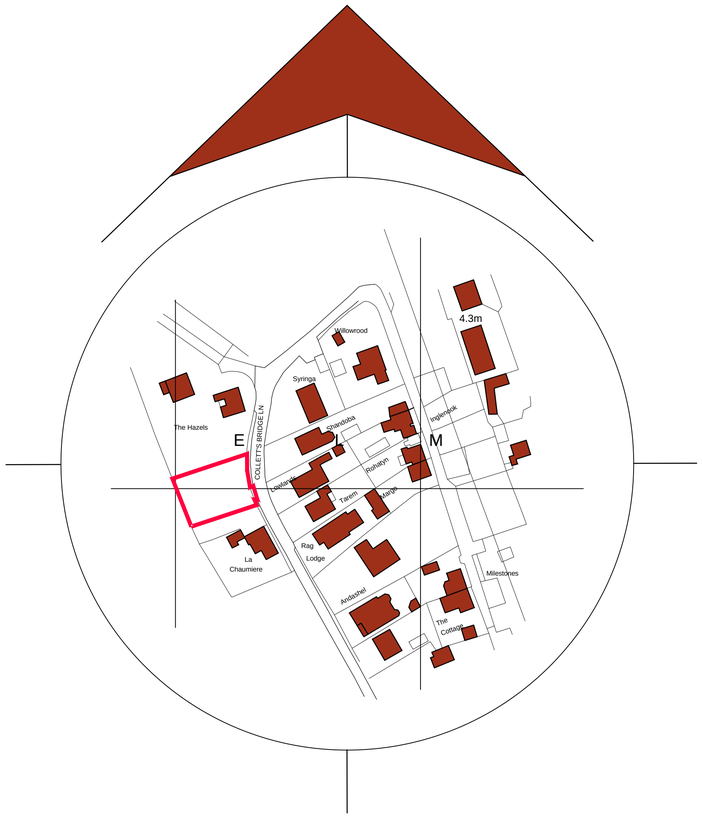
Site Plan with Indicative Layout
Scale: 1:200

0 2 4 6 8
metres



Indicative Front Elevation
Scale: 1:100

0 1 2 3 4
metres



Location Plan
Scale: 1:1250

0 12.5 25 37.5 50
metres

General Notes

1. All dimensions are shown in 'mm' unless otherwise stated.
2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
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.

SITE PLAN KEY

- Indicates indicative position of proposed dwelling and garage
- Indicates existing position buildings taken from OS Map
- Indicates proposed bin lorry turning via. extended public highway to be adopted and designed by civil engineer
- proposed lawn
- proposed hedgerow
- proposed drive
- proposed patio/paving

Revisions

A	Sept 2022	Planning Validation

Status

FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE
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Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
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Job Title
Proposed Dwelling
Land to the South of
The Hazels, Collett's Bridge, Elm
For: Mr. D. Hyde

Date	Drawn by
July 2022	JB
	Checked by GE

Drawing Title
Planning Drawing
Location Plan, Indicative Site Plan
& Indicative Front Elevation

Job No.	Sheet Size
SE-1748	A1
Dwg No. PP2000	Revision A

F/YR22/0746/O

Applicant: Mr T Hopkin

Agent: Mr Sam Herring
Swann Edwards Architecture Limited

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

Erect up to 2 x dwellings (Outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Following the committee resolution to grant planning permission (subject to a S106 agreement and planning conditions), the Head of Planning received information (not anonymously) that contradicted statements made by the agent and applicant at the meeting. Clarification from the applicant has been sought and in the light of the response the Head of Planning considers that reconsideration of the application is appropriate.

1 EXECUTIVE SUMMARY

1.1 The site lies on the north side of Broad Drove West approximately 4km to the west of Tydd St Giles and comprises 0.4 hectares of unused amenity grassland apart from the existence of two concrete pads measuring 11.0m x 4.0m for the purposes of siting 2 no. holiday log cabins previously approved in 2007 under ref; F/YR07/0369/F. The approved holiday cabins have never been placed on the site, but the laying of the concrete pads would be classed as a 'commencement' of the 2007 permission under planning law.

1.2 The daughter of the applicant has confirmed that the proposed dwellings are not proposed to be 'agricultural workers' dwellings. In the light of the committee resolution to grant planning permission subject to the imposition of a 'agricultural workers tie' condition, it would be inappropriate for planning permission to be granted.

1.3 The proposed development, seeking outline permission for new unjustified housing in an area of generally undeveloped countryside remote from local services and facilities as in essence a resubmission application to refused application F/YR21/1412/O, would undermine the principles of sustainable development as espoused within the National Planning Policy Framework (as revised) and the development plan. No case has been advanced in the application submission which would outweigh the principles of sustainability and the proposal would therefore be contrary to the National Planning Policy Framework (as revised) and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.

1.4 The proposal, involving the erection of two permanent dwellings without adequate justification in an area of generally undeveloped countryside, would undermine and detract from the rural character and appearance of the area. Accordingly, the proposal would fail to accord with the advice contained within the National Planning Policy Framework and would be contrary to Policies LP1, LP2, LP3 and LP16 of the adopted Fenland Local Plan 2014.

1.5 The application site is located within an area categorised as Flood Zone 3 – High Risk of Flooding. Where development is necessary in areas at risk of flooding, paragraph 162 of the NPPF (2021) requires development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding. With extant consents and sites reasonably available throughout the District on land, which is categorised as Flood Zone 1, the proposal would involve the construction of two new permanent dwellings on land which is at greater risk of flooding and the Sequential Test therefore fails. The application is accordingly considered to be contrary to Paragraph 162 of the NPPF (2021) and Policy LP14 of the adopted Fenland Local Plan 2014.

1.0 Introduction

1.1 This report represents an update to the original committee report which is reproduce in Appendix 1. At the meeting of the Fenland District Council Planning Committee on 24 August 2022, the committee resolved to grant planning permission subject to:

- A Section 106 agreement to secure the dwellings as self-build properties.
- Conditions that would include an 'agricultural workers occupancy tie' condition to the dwellings.

1.2 A copy of the minutes of the meeting are attached in Appendix 2.

1.3 Following the meeting, representations were received that brought doubt on statements made by the agent and applicant at the meeting. These are summarised in Section 2 below.

1.4 The basis of considering whether or not the application needs to be reconsidered by committee is established in case law:

> R. (on the application of Kides) v South Cambridgeshire DC [2003] 1 P. & C.R. 19 at paragraph 124-6.
>
> *"124 At one extreme, it cannot be a sensible interpretation of s.70(2) to conclude that an authority is in breach of duty in failing to have regard to a material consideration the existence of which it (or its officers) did not discover or anticipate, and could not reasonably have discovered or anticipated , prior to the issue of the decision notice. So there has to be some practical flexibility in excluding from the duty material considerations to which the authority did not and could not have regard prior to the issue of the decision notice. On the other hand, where the delegated officer who is about to sign the decision notice becomes aware (or ought reasonably to have become aware) of a new material consideration, s.70(2) requires that the authority have regard to that consideration before finally determining the application. In such a situation, therefore, the authority of the delegated officer must be such as to require him to refer the matter back to committee for reconsideration in the light of the new consideration. If he fails to do so, the authority will be in breach of its statutory duty. In practical terms, therefore, where since the passing of the resolution some new factor has arisen of which the delegated officer is aware, and which might rationally be regarded as a "material consideration" for the purposes*

of s.70(2) , it must be a counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach (not might reach) the same decision".

2.0 Post Committee Representations Received

2.1 The following was received:

Tony and Julie Hopkin purchased Allenby Farm from John Lock about 12 years ago. He also owns or occupies Flaggrass Hill Farm in March and a couple of small construction businesses. Flaggrass Hill Farm may be a County Council holding. Allenby Farm comprises approximately 150 acres and was previously farmed actively by Mr Lock. Since he purchased the farm, Mr Hopkin has undertaken very little farming, relying on local farmers to maintain and cultivate the land for him. More recently, the whole site has been leased to Pretoria Energy to grow crops for anaerobic digestion.

Mr Hopkin has two daughters, one of whom we know to be 27 years old. She was included on the electoral register for Tydd St Giles as a resident of Allenby Farm until 2019 but was then removed. The other daughter has not been on the electoral register since at least 2017, if ever. The register currently shows only Tony and Julie Hopkin.

There is no farm machinery at Allenby Farm and XXXXXXX report that Mr Hopkin is not involved in farming the land.

2.2 The applicant provided a response to the above and this is summarised in Section 3 below.

3.0 Applicant / Agent Response - 1

3.1 The following was received from the Applicant / Agent:

Thank you for your email. I understand that some information has been brought to your attention which requires clarification in respect of whether it constitutes a material consideration which requires further consideration prior to the planning decision being issued. Having consulted the applicant and his solicitor in respect of the submitted information, I am able to provide you with the following response without prejudice to our right to argue that a final decision has already been made:
- Tony and Julie Hopkin purchased Allenby Farm 9 years ago, not 12 years ago as asserted in the email.
- Mr Hopkin does not own or occupy Flaggrass Hill Farm in March. He does own other small businesses, but these are irrelevant to the planning application in question.
- The portfolio of land farmed by Mr Hopkin equates to approximately 540 acres.

- The previous owner of Allenby Farm, Mr Lock, did not farm the land.
- Mr Hopkin is an active farmer as is proven by the Claim Statements from the Rural Payments Agency attached to this email, which are dated back to 2018.
- Mr Hopkin/Hopkin Farms have never had an agreement or lease with Pretoria Energy, this is a false statement.
- As it stands today, one of Mr Hopkins daughters, her husband and daughter are living at Allenby Farm. The other daughter has moved out as there is not enough space at the property. She does, however, travel to the farm on a daily basis to work.
- There is a large enclosed agricultural barn at Allenby Farm which is used to store the machinery hence it not being readily visible.
Currently the land at Allenby Farm is laid to sugar beet which requires minimal farm machinery. As was detailed in the Planning Committee meeting, the business plan for the farm includes developing a beef heard and taking on more land – a deal of which is currently underway. This aspect of the farm is being managed by Mr Hopkins daughters and their location, next to Allenby Farm, will enable this progression to happen.
The case put before the Planning Committee on 24th August 2022 was a genuine representation of the situation as is demonstrated by the above. It would seem that the information provided to you is largely not factually correct and therefore has little bearing on the decision which has been made. In any event the largely false issues raised are not a material consideration as they are secondary to the principal reason for approving the application, namely that the proposal would be safer than the extant planning permission on site.

3.2 In response to the above, the Head of Planning sought the following information:

a) The address of where Mr Hopkins is residing (I need to understand the need for x2 new dwellings when x1 daughter lives in the existing farmhouse and Mr Hopkins is living elsewhere and able to manage the farm)
b) The exact company name as per companies house registration
c) Confirmation that 2. Relates to the full 540 acres to which you refer
d) Evidence of and period of employment of the two daughters by the farm business as per 2. and whether this is on a full or part time basis
e) Confirmation that no part of the farm is out/ leased/ farmed by a third party under a contract or other arrangement and the details of any such arrangements
f) Confirmation that the last two rural payments basic payment scheme (BPS) applications relate to the whole farm as per 2. and if not the % of the farm that they relate to.
g) Details of any BPS entitlement transfers in the last 2 years

3.3 The reply received from the applicant / agent is given in Section 4 below.

4.0 Applicant / Agent Response – 2

4.1 The following response was received to the questions posed by the Head of Planning:

a) This assumption is incorrect. Residing at Allenby Farm are Tony Hopkin, Julie Hopkin, Nicola Thorpe, Sam Thorpe, plus their child.

b) The Farm business is currently a sole trader partnership between Tony & Julie Hopkin and is therefore not listed on Companies House.
c) Yes confirmed
d) Attached P11's as requested, with personal sensitive information redacted. Both Daughters work full time for the family businesses, as the farm business is a partnership it doesn't operate a separate payroll. Charges for labour are managed by intercompany trading.
e) Yes confirmed, although there is the use of services of outside contractors for certain tasks, i.e., sugar beet lifting.
f) Yes confirmed, approximately 90% of the land is claimable, as some of the land is classed as paddock, woodland, yard & storage etc, which is not claimable.
g) Tony Hopkin had some surplus entitlements which were unclaimed, these were sold via an agent in 2021. There were no additional transfers of entitlements.

4.2 The Head of Planning was satisfied will all the responses provided, however, the P11 information indicated that the employer of the daughters (the proposed occupants of the dwellings) were employed not by the Farm but instead by TDH Utilities Ltd of The Old Grain Silo, Flaggrass Hill Road, March, Cambridgeshire, United Kingdom, PE15 0BXz (established 2020) . The company has the following stated nature of business on companies house:

- 42220 - Construction of utility projects for electricity and telecommunications
- 43290 - Other construction installation

with Julie Hopkin identified as being the only Director and person with significant control.

4.3 Consequently the Head of Planning asked the applicant / agent the following:

I see that the daughters are employees of TDH Utilities Ltd, a firm engaged in.

- *42220 - Construction of utility projects for electricity and telecommunications*
- *43290 - Other construction installation*

and the firm is registered at The Old Grain Silo, Flaggrass Hill Road, March, Cambridgeshire, United Kingdom, PE15 0BX

I therefore have no evidence before me that demonstrates that the two daughters are undertaking work in relation to the farm.

I'm unsure where The Old Grain Silo, Flaggrass Hill Road, March, Cambridgeshire, United Kingdom, PE15 0BX fits into the picture in terms of any persons associated with TDH Utilities Ltd , the sole trader partnership between Tony & Julie Hopkin or any other company you have not mentioned, that are occupying the property in some way.

4.4 The response received is set out in Section 5 below.

5.0 Applicant / Agent Response – 3

5.1 One of the daughters of the applicant provided information and this has been reproduced in Appendix 3. However, in addition the following have been stated (with officer emphasis included):

> *We cannot expand anymore without the confirmation that we will be able to live on-site permanently. This leaves me in a position where I am going to be unable to get XXXX into a stable routine with XXXXXXX in case we are forced to move and also casts doubt over our job roles if the expansion isn't able to happen.*
>
> *We feel the whole thing is losing sight of the fact this was never an agricultural application, as was clarified twice by yourself in the minutes of the planning committee meeting on the 24th of August.*
>
> In addition, 12 months' worth of invoices from the Farm to TDH Utilities Ltd were provided showing variable hours worked per person ranging from 67 hours to 208 hours per month). This was for unspecified work undertaken by the two daughters.

6.0 Comments Received

Parish Council

Resolved not to support the applications. No material changes have been submitted for the re-consultation. Members' views have been consistent throughout. They consider the application to be an unwarranted incursion into open countryside, contrary to policies LP3 and LP12. The applicant has not provided any evidence of need to mitigate the introduction of substantial executive-style housing in a remote location in a small village. The development would be detrimental to the open character of the location and would set a precedent for further unsustainable development.

Residents

Seven further letters received making the following comments:

a) Provides opportunities for business developments to help the local community and contributes to supporting the sustainability of the existing facilities Does not harm the wide open character of the countryside.
b) I regularly see farm machinery at Allenby farm as I pass with Mr Hopkin operating them.
c) The proposal will help develop an existing business.
d) Tony and Julie Hopkin purchased Allenby Farm in 2013. The land has continuously been farmed since we moved here in 2014. Last year it was maize and this year it was sugar beet (recently harvested).Tony maintains the land and keeps the boundaries neat and tidy. There is some farm machinery and farm equipment at Allenby Farm which I see in weekly if not daily use.

7.0 Discussion

7.1 As a result of looking more closely into the application, it is evident that the agent and applicant were not as clear as they perhaps might have been when they spoke at the committee in that:

- The application was submitted as open market housing and not self- build but at the meeting presented the application as a self- build project.
- That the two daughters both lived at the farm whereas this is not the case.

- It was implied that the daughters were employed by the farm which is not the case as they work for another company which is a utility company.

7.2 The application site is located in an elsewhere location and so planning permission for residential development is limited by national and local plan policy to a limited number of circumstances, namely:

(a) 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 – the proposal is not an example of this type of development

(b) the development would re-use redundant or disused buildings and enhance its immediate setting – the proposal is not an example of this type of development

(c) the development would involve the subdivision of an existing residential building or the replacement of an existing dwelling – the proposal is not an example of this type of development

(d) 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 – the proposal has not been submitted on this basis and so is not an example of this type of development

(e) 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 – the applicant has specifically stated that the proposal is not for an agricultural workers dwellings.

7.3 Confusingly, the applicant having stated clearly that the proposal is not for agricultural workers dwellings (which is reinforced by the fact that the planning application was not submitted with any of the usual information that would be provided if it were agricultural dwellings being applied for AND the fact that the application description did not refer to agricultural dwellings) but has then gone on to provide information to say that the dwellings are needed to support the business and its expansion.

7.4 The committee, should not consider the application as an agricultural workers dwelling application as:

- This is not what has been applied for.
- The applicant's daughter has confirmed it is not such an application.

7.5 If the committee were to (erroneously) consider the application as agricultural workers dwellings it should be noted that whilst some information has been provided to indicate the role / activity in the business, this falls well below the standard and scope of information necessary to support an agricultural workers dwelling application in terms of demonstrating the essential need for two dwellings as set out in LP12 of the Adopted Local Plan (set out below). Committee should also note the presentation given to them by the Agent / Applicant suggested that the need for the dwellings arose to a considerable degree on the basis of an expansion of the business. In such cases it would only be appropriate to consider an application for a temporary dwelling in the

first instance and it would be inappropriate to grant permission for two permanent dwellings.

Part D: The overarching policy for considering proposals for new dwellings in areas away from the market towns and villages is set out in Policy LP3. To determine such proposals, an applicant should provide supporting evidence as part of the application and explain:

(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

Proposals for temporary accommodation will be assessed against the relevant criteria above, with consideration also given to a firm intention to develop the enterprise and that this has been planned on a sound financial basis.

Where a restrictive occupancy condition is imposed on any approved dwelling in such locations, comprehensive evidence for its removal or modification will be required to justify the change.

7.6 The Council has both a 5 year land supply and has passed the housing delivery test and so there is no 'tilted' balance in play that would form part of the consideration of whether it is appropriate to grant planning permission for a development that is contrary to national and plan policy.

8.0 Conclusion

8.1 The proposal has been submitted as an outline planning application for two open market dwellings and not as agricultural workers dwellings. This has been confirmed by the applicant's daughter. On this basis alone the resolution of the Committee is no longer appropriate.

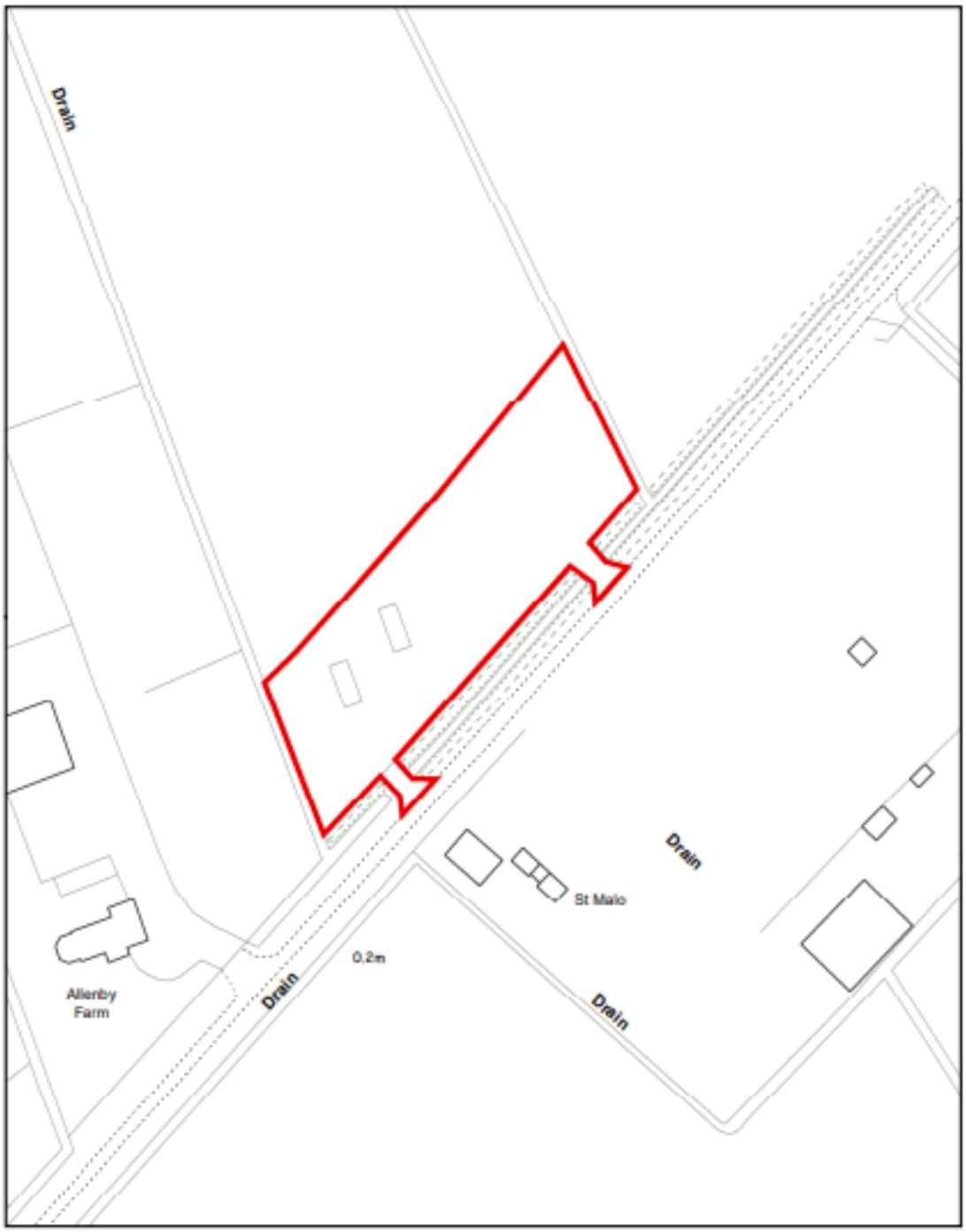
8.2 It has been shown that the proposal (for two open market dwellings in an elsewhere location) is contrary to both national and local plan policy and there is no cogent reason / case that has been put forward by the applicant that can be said to outweigh that policy.

9.0 Recommendation

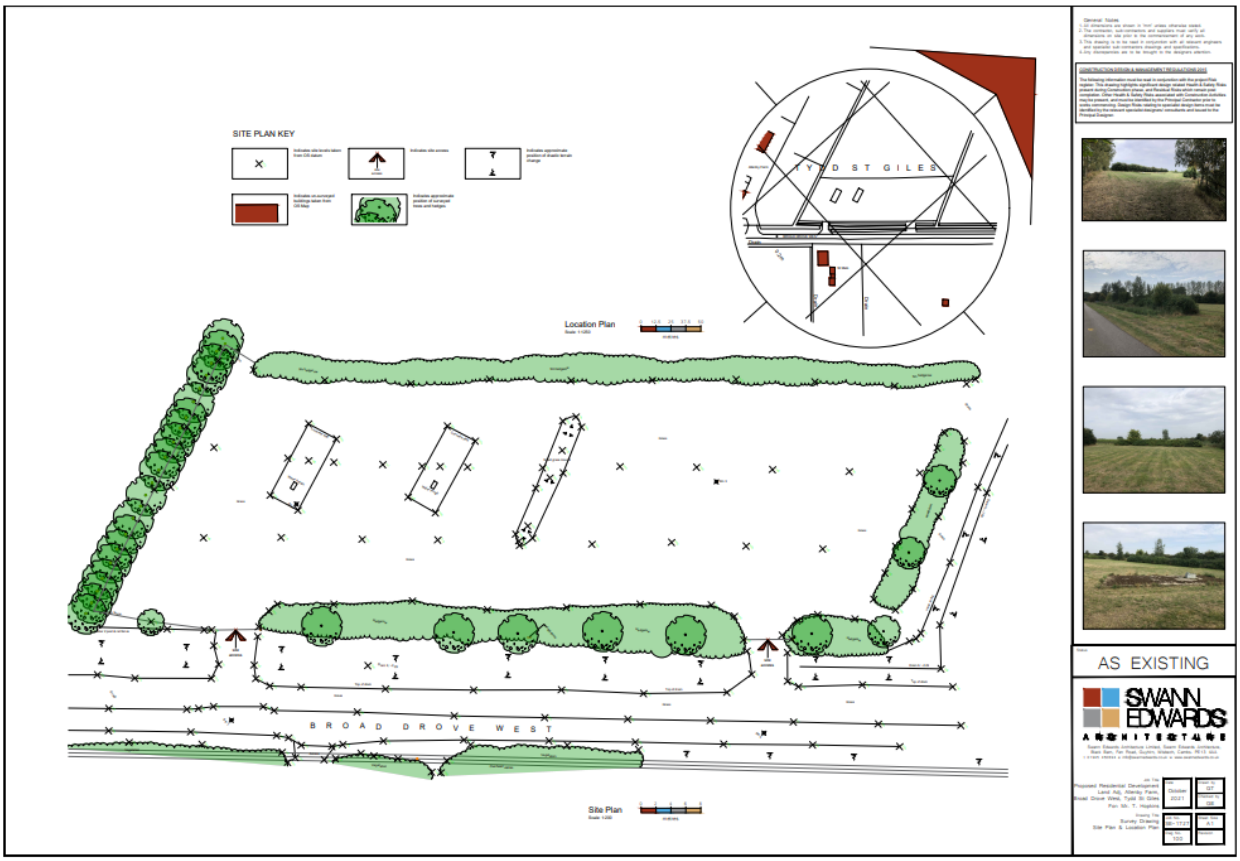
REFUSE; for the following reasons:

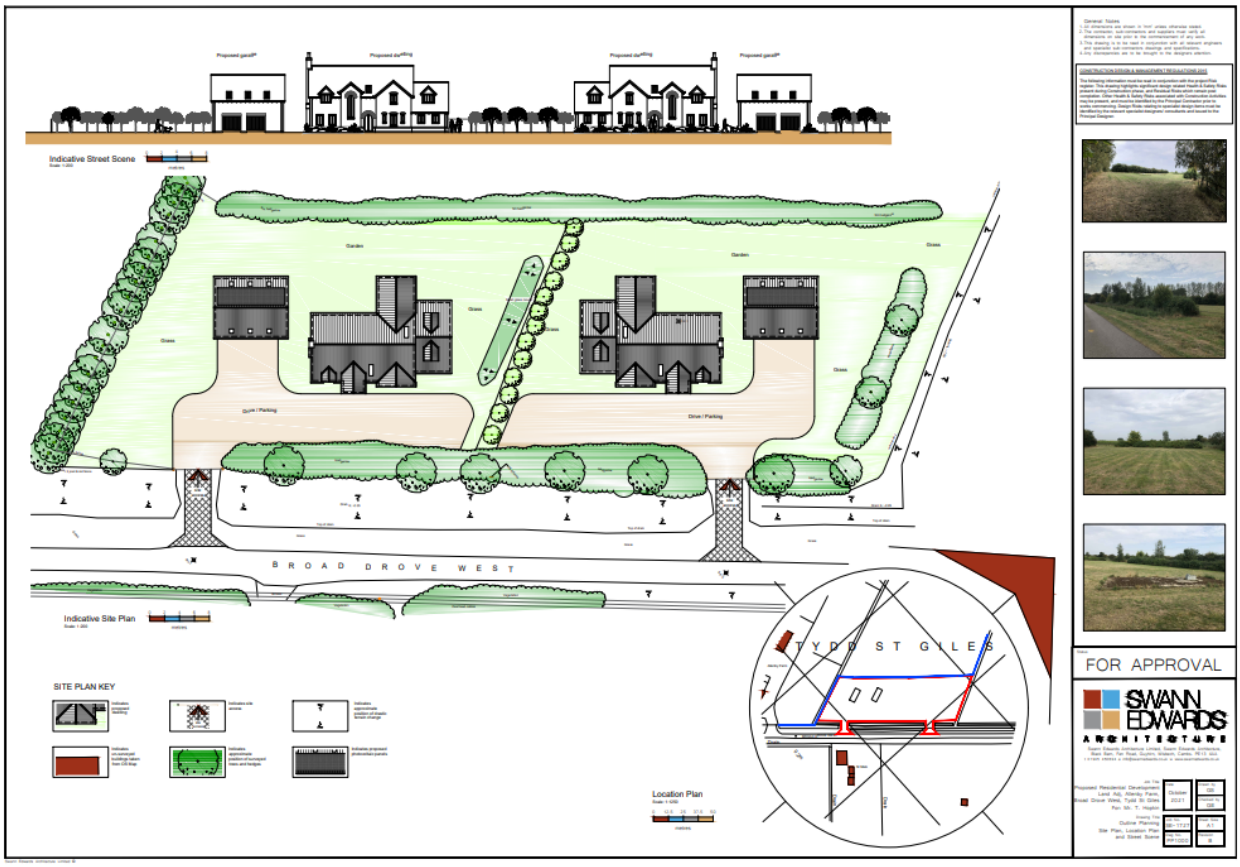
1	The development plan seeks to direct new housing development to

	existing settlements where the provision of local services and facilities are located. The proposed development, seeking outline permission for new unjustified housing in an area of generally undeveloped countryside remote from such services and facilities, would undermine the principles of sustainable development as espoused within the National Planning Policy Framework (as revised) and the development plan. No case has been advanced in the application submission which would outweigh the principles of sustainability and the proposal would therefore be contrary to the National Planning Policy Framework (as revised) and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.
2	The proposal, involving the erection of two permanent dwellings without adequate policy justification in an area of generally undeveloped countryside, would undermine and detract from the rural character and appearance of the area. Accordingly, the proposal would fail to accord with the advice contained within the National Planning Policy Framework and would be contrary to Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.
3	The site is located within an area categorised as Flood Zone 3 - Highest risk of flooding. Where development is necessary in areas at risk of flooding, Paragraph 162 of the National Planning Policy Framework (2021) requires development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding. With extant consents and sites reasonably available throughout the district on land which is categorised as Flood Zone 1, the proposal would involve the erection of two new permanent dwellings on land which is at greater risk of flooding and the Sequential Test therefore fails. The application is accordingly considered to be contrary to Paragraph 162 of the National Planning Policy Framework (2021) and Policy LP14 of the adopted Fenland Local Plan 2014.



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SITE PLAN KEY
TYDD ST GILES
Location Plan
BROAD DROVE WEST
Site Plan
AS EXISTING
SWANN EDWARDS
ARCHITECTURE


Indicative Street Scene
Garden
Garden
Drive / Parking
Drive / Parking
BROAD DROVE WEST
Indicative Site Plan
SITE PLAN KEY
TYDD ST GILES
Location Plan
FOR APPROVAL
SWANN EDWARDS
ARCHITECTURE

APPENDIX 1 – ORIGINAL PLANNING COMMITTEE REPORT (AUGUST 2022)

F/YR22/0746/O

Applicant: Mr T Hopkin **Agent : Mr Sam Herring**
Swann Edwards Architecture Limited

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

Erect up to 2 x dwellings (Outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

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2 EXECUTIVE SUMMARY

8.1 The site lies on the north side of Broad Drove West approximately 4km to the west of Tydd St Giles and comprises 0.4 hectares of unused amenity grassland apart from the existence of two concrete pads measuring 11.0m x 4.0m for the purposes of siting 2 no. holiday log cabins previously approved in 2007 under ref; F/YR07/0369/F. The approved holiday cabins have never been placed on the site, but the laying of the concrete pads would be classed as a 'commencement' of the 2007 permission under planning law.

8.2 The proposed development, seeking outline permission for new unjustified housing in an area of generally undeveloped countryside remote from local services and facilities as in essence a resubmission application to refused application F/YR21/1412/O, would undermine the principles of sustainable development as espoused within the National Planning Policy Framework (as revised) and the development plan. No case has been advanced in the application submission which would outweigh the principles of sustainability and the proposal would therefore be contrary to the National Planning Policy Framework (as revised) and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.

8.3 The proposal, involving the erection of two permanent dwellings without adequate justification in an area of generally undeveloped countryside, would undermine and detract from the rural character and appearance of the area. Accordingly, the proposal would fail to accord with the advice contained within the National Planning Policy Framework and would be contrary to Policies LP1, LP2, LP3 and LP16 of the adopted Fenland Local Plan 2014.

8.4 The application site is located within an area categorised as Flood Zone 3 – High Risk of Flooding. Where development is necessary in areas at risk of flooding,

paragraph 162 of the NPPF (2021) requires development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding. With extant consents and sites reasonably available throughout the District on land, which is categorised as Flood Zone 1, the proposal would involve the construction of two new permanent dwellings on land which is at greater risk of flooding and the Sequential Test therefore fails. The application is accordingly considered to be contrary to Paragraph 162 of the NPPF (2021) and Policy LP14 of the adopted Fenland Local Plan 2014.

3 SITE DESCRIPTION

2.1 The application site lies on the north side of Broad Drove West and comprises 0.4 hectares of unused amenity grassland apart from two concrete pads measuring 11m x 4.0m for the purposes of siting 2 no. holiday cabins previously approved in 2007 under ref; F/YR07/0369/F. The submitting agent has confirmed that the approved holiday cabins have never been placed on the site, but that the laying of the concrete pads would be classed as a 'commencement' of the 2007 approved development under planning law.

2.2 The site is located approximately 4km to the west of the settlement of Tydd St Giles and the area is dominated by agricultural land use. Residential development in the area is extremely sporadic and dwellings generally consist of farmhouses and more modest constructed older type dwellings.

2.3 Within the wider area more generally, the local road network serving the site is single track which runs alongside grass verges and drainage ditches. The nearest residential properties are Allenby Farm (applicant's property) situated to the immediate south-west of the site, and St Malo situated opposite (south) of the site containing a detached bungalow (permitted as a replacement).

2.4 The existing site has two grassed frontage entrance points, one on its south-west side and the other on its north-east side. A ditch runs parallel with the road frontage in front of the site's vegetated frontage boundary which is culverted underneath both entrance points.

2.5 Of note is that significant mixed planting has taken place to the front and side of the site which has become established over recent years with a row of tall birch trees lining the western flank boundary extending further north-westwards and a hawthorn hedge planted along the rear boundary between the site and arable land situated to the rear.

2.6 Apart from the aforementioned concrete slabs laid on the site, no other development has taken place or pre-exists at the site.

4 PROPOSAL

3.1 The current application seeks outline permission with all matters reserved for future consideration for the erection of up to 2 no. dwellings on the site and is in all material respects a resubmission application of refused application F/YR21/1412/O (see planning history below).

3.2 An illustrative plan is provided with the application which shows two large, detached houses with associated double garages with a ground floor area to each dwelling of 340sqm as a 'handed' development between Plots 1 and 2 which would be served by the existing/upgraded access points with one access point serving each dwelling. The indicative houses show accommodation is proposed over at least two floors so that the ground floor area can be effectively doubled to indicate each plot's approximate gross floor area (GFA).

3.3 The only discernible difference between the illustrative plan shown for the current application and that as shown for determined application F/YR21/1412/O is the inclusion of an array of solar PV panels for the rear roof plane of each garage block for each dwelling (PP 1000 REV B).

3.4 The application is accompanied by a Design and Access Statement and a Flood Risk Assessment. Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

5 SITE PLANNING HISTORY

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

6 CONSULTATIONS

5.1 Environment Agency

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

5.2 North Level Drainage Board

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

5.3 CCC Highways

Highways have no objections to this outline application in principle.

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

5.4 FDC Environmental Health

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

5.5 Tydd St Giles Parish Council

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

5.6 Local Residents/Interested Parties

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

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

7 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).

8 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) (revised July 2021)

Para 2 – Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
Para 7 – The purpose of the planning system is to contribute to the achievement of sustainable development.
Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.
Para 12 – The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.
Para 60 – To support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
Para 78 – In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.
Para 79 – To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
Para 80 – Planning policies and decisions should avoid the development of isolated homes in the countryside…
Para 110 – In assessing…specific applications for development, it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location…
Para 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
Para 159 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

National Planning Practice Guidance (NPPG)

Process for determining a planning application.

National Design Guide 2021

Context
Identity
Built Form
Movement
Nature

Fenland Local Plan 2014

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

9 KEY ISSUES

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

10 BACKGROUND

9.1 This application seeks outline permission with all matters reserved for the erection of up to 2 no. dwellings with associated garages.

9.2 As referenced above, planning permission was granted in 2007 for the change of use of agricultural land at this location and the erection of 2 x 2-bed holiday cabins. The approved development was commenced by the laying of two concrete pads on the land, but the holiday cabins have never been placed on them.

9.3 It is doubtful that such a proposal would now be considered acceptable in planning policy terms given the relative isolated nature of the site (although noting the definition of isolation in the judgement in Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited EWHC 2743 (Admin)), as the site lies within Flood Zone 3 and that the sequential/exception test needs to be applied, and the impact that such a proposal would have on local landscape character and appearance.

9.4 Notwithstanding this, and given no obvious attempt has been made by the applicant over the past 15 years or so to further implement the extant permission despite the case being advanced at the time that there was a *'niche in the market'* for such accommodation, the applicant is still at liberty to fully implement that permission today to provide 2 no. modest sized holiday homes.

9.5 It is of note that the 2007 permission significantly pre-dated the adoption of the 2014 (and still current) Fenland Local Plan, the National Design Guide (2018) and the latest version of the National Planning Policy Framework (and indeed the first iteration of it published in 2012).

11 ASSESSMENT

Principle of Development

10.1 The application proposes the erection of up to 2 no. dwellings on the site and is in essence a resubmission application without change to refused application F/YR21/1412/O for the same said development save for the inclusion of an array of solar PV panels for the rear roof plane of each garage block for each dwelling as previously referenced.

10.2 Tydd St Giles is a village settlement lying approximately 4km to the east of the site. Under the Fenland Local Plan (adopted 2014). Policy LP3 identifies the settlement as a 'Small Village' in which development will be considered on its merits, but will be of a very limited nature and scale and comprise infill plots in an otherwise continuously built-up frontage. Being located outside and significantly beyond the built-up area of the village, the proposed development falls to be determined against countryside protection policies and sustainability principles.

10.3 The site is additionally located within an area defined by the Environment Agency as Flood Zone 3, representing the highest flood risk, and the Sequential Test should therefore be applied (Policy LP14 of the adopted Local Plan).

10.4 Policy LP12 of the Local Plan relates to development within rural areas and requires development to not adversely affect the character and appearance of the surrounding countryside, including farmland. Part D of Policy LP12 sets out the applicable criteria under which new dwellings proposed within 'Elsewhere' locations would be acceptable, such as dwellings required for essential agricultural need, where supporting evidence is required to justify the proposal.

10.5 Policy LP16 of the Local Plan states that the proposed development should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and does not adversely impact either in design or scale terms on the streetscene, the settlement pattern or on the landscape character of the surrounding area (LP16(d)).

10.6 The principle of development of this rural site has previously been established for the purposes of recreation and tourism as approved in 2007 and is now required to be subject to national and local policy scrutiny for proposed housing as an alternative form of development as now being applied for, which is now considered below.

Planning History

10.7 The planning history relating to the development of this site, namely determined applications F/YR06/1133/F and F/YR07/0369/F relating to the provision of holiday cabins and most recently F/YR21/1412/O relating to the erection of up to 2 no. permanent dwellings represents a material consideration in the determination of the current application.

10.8 The change of use of agricultural land and erection of 2 x 2-bed holiday cabins under F/YR06/1133/F was refused by the LPA on the basis of unjustified new residential development within the countryside which would be detrimental to the rural character of the area and due to insufficient landscaping details associated with the proposed development.

10.9 The application was re-submitted under ref; F/YR07/0369/F which sought to address the previous reasons for refusal by the submission of a business plan and landscaping details. The application was approved based upon the application directly addressing an identified need for low-key holiday accommodation within the area and promising local employment for servicing the holiday cabins. A condition was imposed on the grant of that planning permission requiring that the holiday cabins were to be used for holiday accommodation only and not as permanent residential accommodation by the occupants (and thus preserving the recreation/tourism intentions of the application as submitted). As mentioned previously in this report, the preparatory element of this approved development has been implemented by the laying of two concrete pads for the cabins to be sited on, which can still be seen on the site today.

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

New permanent dwellings in the countryside

10.11 The NPPF and the development plan for the area require the countryside to be protected for its own intrinsic value and to prevent new residential development in the rural areas unless it is based on essential need such as in connection with a rural enterprise and proven compliance with a financial and functional test as set out under Part D of Policy LP12 of the Fenland Local Plan.

10.12 No such case has been advanced for the current proposal for new permanent residential development in the form of market dwellings at this countryside location and therefore the application falls to be determined against existing prevailing countryside protection policies as was previously applied for refused application F/YR21/1412/O.

Sustainability credentials

10.13 The key theme running through the NPPF and endorsed in the adopted Fenland Local Plan is that of promoting and achieving sustainable development. The NPPF states in this regard at paragraph 7 that *"The purpose of the planning system is to contribute to the achievement of sustainable development".*

10.14 To this end, new residential development is directed to more sustainable locations such as the built-up areas of towns and filtering down through a hierarchy of settlements (Policy LP3) to the smaller villages. In the built-up areas where housing demand is at its greatest, provision can be made for services and facilities to meet the needs of the local community. Similarly, development in such areas can bolster the local economy and encourage investment in such facilities, thereby attracting more housing development in such locations.

10.15 The application is remote from nearby settlements in relative terms being isolated physically within a rural location lacking in any public transport to local service centres and being too remote for walking or cycling to access such services or amenities whereby future occupants of the proposed development would be entirely dependent on the private motor vehicle for transport.

10.16 Similarly, the protection and enhancement of the countryside as a natural resource is an important element of sustainable development, including the prevention of new unjustified dwellings within the countryside which are remote from local services, and which undermine the character and appearance of the area.

Landscape impact

10.17 The application site is located within an area of open countryside. Some planting has already taken place to the boundaries of the site as previously noted in the officer report for refused application F/YR21/1412/O, including along the site's rear boundary, presumably as required under the 2007 permission which was conditioned accordingly. However, the site is still visible in the local lane context and is conspicuous by reason of this planting compared to the open character of the adjoining agricultural fen.

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

Flood Risk

10.19 A flood risk assessment (FRA) accompanies the current application given the site is located within Flood Zone 3 (highest risk of flooding) where an FRA was similarly submitted for refused application F/YR22/1412/O. It is stated in the submitted document that the principle of residential development is already established on the site given the extant 2007 permission for the two holiday cabins whereby this permission serves as mitigating circumstances in relation to the required sequential test where it is posited that; *'The proposal will substitute the extant consent with the same amount of residential units; therefore the site can be considered as sequentially preferable'.* The report goes onto state that in any event there are no alternative sites available which could accommodate this particular development, further that the site is not at risk of either fluvial or tidal flooding and that resilience measures would be put in place to protect future occupants of the development in such an unlikely flood event, concluding that the Sequential Test and also the Exception Test are met.

10.20 It is noted that the officer report for refused application F/YR21/1412/O remarked that there are other residential build plots at lower risk of flooding available within the wider area, effectively within the settlements, although the report also acknowledged that the 2007 permission for the single storey pre-fabricated log cabins at the site was a material consideration in the assessment of flood risk before officers. That said, the decision notice for application F/YR21/1412/O carried a third reason for refusal, namely that there were in the Council's opinion extant planning permissions and sites reasonably available throughout the district (namely the wider search) on land which is categorised as Flood Zone 1 and that

the proposed development failed the Sequential Test. Accordingly, the proposal for the current application fails the Sequential Test also.

Other Matters

10.21 As was the case for refused application F/YR21/1412/O, the case is made again by the applicant for the current application that the 2007 permission for the approval of the 2 no. holiday cabins is a material consideration by representing a 'fall-back position'. Furthermore, it is stated that the way in which the description for that approved application was given, namely for 'Change of use of agricultural land and erection of 2 x 2-bed holiday log cabins,' makes it clear that the cabins are to be erected, i.e. built, and therefore tantamount to representing permanent structures and not falling within the definition of a caravan (i.e. temporary structures).

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

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

12 CONCLUSIONS

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

13 RECOMMENDATION

REFUSE; for the following reasons:

1	The development plan seeks to direct new housing development to existing settlements where the provision of local services and facilities

	are located. The proposed development, seeking outline permission for new unjustified housing in an area of generally undeveloped countryside remote from such services and facilities, would undermine the principles of sustainable development as espoused within the National Planning Policy Framework (as revised) and the development plan. No case has been advanced in the application submission which would outweigh the principles of sustainability and the proposal would therefore be contrary to the National Planning Policy Framework (as revised) and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.
2	The proposal, involving the erection of two permanent dwellings without adequate policy justification in an area of generally undeveloped countryside, would undermine and detract from the rural character and appearance of the area. Accordingly, the proposal would fail to accord with the advice contained within the National Planning Policy Framework and would be contrary to Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.
3	The site is located within an area categorised as Flood Zone 3 - Highest risk of flooding. Where development is necessary in areas at risk of flooding, Paragraph 162 of the National Planning Policy Framework (2021) requires development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding. With extant consents and sites reasonably available throughout the District on land which is categorised as Flood Zone 1, the proposal would involve the erection of two new permanent dwellings on land which is at greater risk of flooding and the Sequential Test therefore fails. The application is accordingly considered to be contrary to Paragraph 162 of the National Planning Policy Framework (2021) and Policy LP14 of the adopted Fenland Local Plan 2014.

APPENDIX 2 – MINUTES OF 24TH AUGUST 2022 PLANNING COMMITTEE FENLAND DISTRICT COUNCIL

Minutes:

Nikki Carter presented the report to members.

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

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

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

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

Mrs Jackson expressed the opinion that the permission for the holiday accommodation did not contain any restrictions on the time of occupancy throughout the year and, therefore, the cabins could be occupied by holiday makers all year round in very much the same way as a standard dwelling and she would question what the harm would be in having dwellings on this site in lieu of the permitted holiday cabins. She stated that the application is submitted in outline only and, therefore, the opportunity remains to design an attractive pair of self-build properties which will be of a higher quality, both in appearance and in construction, than the permitted holiday cabins.

Mrs Jackson stated that the site already has permission for two units of accommodation, and it is submitted that the proposal would cause no more harm to the rural locality than the extant permission on site, noting that the boundary

hedging will remain on site and will soften the appearance of the dwellings when viewed from the wider locality. She expressed the view that the proposal would be an improvement on the extant permission as it would allow permanent structures on site and first-floor accommodation could be provided which would be a betterment in terms of flood risk providing a safer type of accommodation in the event of flooding.

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

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

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

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

Members asked questions of officers as follows:

- Councillor Mrs Davis referred to the fact that a sequential test has again not been undertaken and asked if this applies to a holiday home as someone will not be displaced from their main residence? Nikki Carter responded that a sequential test would still apply but the previous application was determined under different policy requirements. Nick Harding added that in terms of the application submission it mentions the dwellings would be for occupation by family members but there is no mention of these being tied to the business or any information on how well the business is doing or a business plan on how the business is intended to grow and on that basis this should be disregarded as a matter to help determine the application as no information has been provided to support this.
- Councillor Mrs French referred to the mention by Mrs Jackson that there is no timescale restrictions for the holiday lets and asked what is to stop the applicant building the holiday lets and someone living in them permanently? Nick Harding responded that as they are holiday accommodation by their definition they could not be someone's main residence.
- Councillor Mrs French made the point that there is over 500 acres being farmed and she is sure that there are a variety of tasks to be undertaken with a business, such as books to be kept. Nick Harding responded that Government policy on agricultural dwellings is clear in that it has to be demonstrated there is a need for people to be present on site and you do not need to be on site to keep books for the business. He stated that the application had not been submitted on the basis of them being agricultural dwellings and no evidence as required by policy had been submitted and therefore committee should not consider the application as if it was for an agricultural dwelling.

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

- Councillor Sutton referred to the previous proposal where the Chairman agreed with officers that the application should be refused and asked if this effects his position considering this application? Councillor Connor stated that this has not been brought to his attention as being an issue. Stephen Turnbull stated that this another application and any member is entitled to look at the new application and assess it on its merits.
- Councillor Sutton stated that if the applicant is claiming that the proposal is for an agricultural worker then the proper process should be followed which is to prove a demonstrable need, which they have not done, and they could not on 540 acres as it could not be justified for two dwellings. He made the point that there is extant permission to put the two holiday lets on the site, which in 2007 there was an urgent need for, and, in his view, officers have got the recommendation right, with it being refused with the Chairman's blessing just a short time ago. Councillor Sutton expressed the view that nothing has changed from that refusal, it is not even close to the village and does not have support from the Parish Council.
- Councillor Murphy agreed with the comments of Councillor Sutton as he feels that the wool is being pulled over members eyes for something the applicant wants that is not necessary or needed.
- Councillor Benney feels there is another side to this proposal, with there being a gentleman who is running a business and he wants to bring his family into it and,

whilst he agrees with Councillor Sutton there is a method to do this and this probably should have been undertaken, there is an application for consideration in front of members for two homes. He feels that if someone wants to bring their family into the business and enable the business to grow the committee should do what it can to support this business, with not everyone wanting to live on an estate with other people and houses, and he feels the proposal will provide two nice dwellings. Councillor Benney referred to caravans in Flood Zone 3 in Guyhirn where applications were approved because it is safer to be in a house than it is a caravan as you can put better mitigation measures in to safeguard people. He would be inclined to support the proposal as there are benefits and it is providing homes for members of a family within a business.

- Councillor Connor agreed with Councillor Benney and the Council should be encouraging people to build houses referring to an approval in Wisbech St Mary and whilst the application should probably have been submitted in a different manner members need to determine what is in front of them.
- Councillor Benney referred to the sequential test, which he has been reading up on and he feels that up until three planning committee meetings ago as a committee mitigation measures were being accepted for building in Flood Zone 3, with a lot of the overturns by the committee bringing forward a lot of homes that people are going to live in being assessed on the sequential test and as Councillor Sutton has said people can build in Wisbech in Flood Zone 3 but cannot build in other locations, such as Benwick and Turves, but Wisbech would flood more often that Benwick and Turves ever will. He expressed the view that all of the mitigations measures put in help safeguard flooding but it will also flood if all the pumps were turned off so he views the sequential test as a blot to development, which is stopping sensible, feasible and viable applications as not everything is going to be built in Flood Zones 1 and 2, with there being a lot of land that is ideal for building on and it is being turned down because of the sequential test. Councillor Benney feels that how the test is undertaken gives an unbalanced view and he does not consider when members have a good application in front of them that is a good enough reason to refuse an application and they need to get back on track by passing these applications assessed on their own merits. In his view, if member adhere to the sequential test requirements religiously good applications will be turned down providing good homes for people and in the past few years the committee has not done this, and it needs to get back to where it was with consistency. Councillor Benney expressed the opinion that if this site is going to flood that badly a house should be built on it to make it safe for the people who are going to live there.
- Councillor Sutton expressed the view that if this application was submitted in the manner it should have been, if it is for a farm worker, then the sequential test is null and void because the dwelling is needed to be where it is.
- Nick Harding confirmed that Councillor Sutton is broadly right but reminded members that the sequential test is not the same as the exceptions test and it is the exceptions test which, amongst other things, determines whether or not mitigations that are proposed on a development are sufficient to deal with the flood risk. He made the point that the sequential test must be passed before you can go on to do the exceptions test and if the sequential test is failed then you cannot go on to

consider the exceptions test. Nick Harding added that this is a nationally driven policy where it says the sequential test must be undertaken and you cannot not do it.

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

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

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

APPENDIX 3 – FARM BUSINESS PLAN

The aim of developing the business is to expand into more profitable sectors of farming and secure the future for our family and future generations.

The business develop plan is as follows: -

1 Year Plan –

- Have started a small beef herd at Allenby Farm
- Add to the flock of free-range hens
- Purchase another Tractor to use on the beef farm, this is in addition to the 3 tractors that are already owned and in operation by Hopkin farms.
- Purchase another Loader in addition to the 2 already used on Hopkin farms
- Apply for planning permission for a small number of luxury Glamping pods in the woods at Allenby Farm, diversifying into the leisure industry on non-productive land.
- Identify any nearby land for potential farm expansion

2 Year Plan –

- Have started a small luxury glamping site in the woods at Allenby Farm
- Have local customers such as butchers and farm shops to sell our beef, goats milk and eggs.
- Have doubled the size of the beef herd.
- Have employed a full time herdsman and feeder man to help handle the beef herd.
- Additional goats to the existing small herd
- Identify any nearby land for potential farm expansion

5+ Year Plan –

- Have a small farm petting business for families to visit, meet the animals and learn more about farming in the local area.
- Have an on-site farm shop selling the products from the farm and other local produce
- Identify any nearby land for potential farm expansion
- Add [ ] to the partnership structure

BACKGROUND

Hopkin farms is currently an arable farm, the crops are grown on rotation with wheat, sugar beet, barley and potatoes planned for 2023. Allenby Farm also has a small woodland area that is currently home to 1 million honey producing bees as well as a host of wildlife. Hopkin farms has the potential to be developed into a business that not only supports the family but also the community by providing a local attraction to families within the 5 year plan and creating more jobs in the area. The Hopkin family have a farming history in Fenland since 1843, the farm is currently owned by Tony and Julie Hopkin.

KEY PERSONNEL

The key personnel in the business are Tony Hopkin, Julie Hopkin and their daughters [redacted]

While Tonys Father and Grandfather worked on the farm, Tony was working and setting up other small businesses, as his father began to plan to retire Tony took more and more responsibility, and took control of the farms over 20 ago. He currently oversees the running of the arable farm including planning the crop rotation, general farming including harvesting, drilling and ploughing. Tony also maintains the grass verges, ditches, and general tidiness of the farm.

Julie Hopkin helps to maintain the accounts and financials for the family businesses.

[redacted] currently looks after the Health and Safety of the farm, and quality standards this is a role that will develop substantially when having a beef herd. The role will include managing daily cleaning protocols, managing all personnel working on the farm and visiting the farm to upkeep health and safety standards. This role also includes managing the farms machinery, pest control and chemical storage, and all the records which are required. [redacted] will be managing the cattle passports and keeping records up to date with the British Cattle movement service by using online software such as Breedr and Gatekeeper for the cropping records.

[redacted] has experience in both dairy farming and beef farming as well as the arable farm. [redacted] currently manages the existing animals at Allenby farm, co-ordinates orders from suppliers such as fertilizers, chemicals and food stock. [redacted] also helps Tony with the arable farming. [redacted] will be at the forefront of the business's development. [redacted] main role will include managing the staff on the

farm to make sure the animals care welfare standards are met. Nikki will also oversee ordering from suppliers and coordinating these deliveries at the farm.

The farm is currently a partnership company between Tony and Julie Hopkin. All labour is currently invoiced from one of their other business (TDH), as the farming partnership currently doesn't operate its own separate payroll. Julie Hopkin invoices Hopkin farms from (TDH) monthly for all labour costs and other misc. costs such as may have been required. Within 2 years of the business development the farm should be able to employ 2 additional full time staff, this growth would allow the business to support its own payroll system.

Agenda Item No:	**18**	
Committee:	**Planning**	
Date:	**8th February 2023**	
Report Title:	**Adoption of Planning Validation Requirements**	

Cover sheet:

1 Purpose / Summary

The purpose of this report is to advise Members on the requirements of the National Planning Policy Guidance in respect of the requirement and procedure to update the Council's Local Validation List.

2 Key issues

- The key issues relate to the consideration of comments received following the undertaking of a consultation exercise carried out in consultation with relevant users of the service.

3 Recommendations

- The recommendation is to adopt the new Local Validation List with effect from 1 April 2023.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Cllr Mrs D Laws
Report Originator(s)	Emma Nasta
Contact Officer(s)	Emma Nasta
Background Paper(s)	N/A

Report:

1 Background / introduction

1.1 Local Planning Authorities are required as part of the National Planning Policy Guidance (NPPG) to publish a list of information required in order to 'validate' planning applications, known as the local validation list. The local list requirements are prepared by the Local Planning Authority to clarify what information is required to be submitted with an application.

1.2 The Government requires Local Planning Authorities to review their local list requirements every 2 years.

2 Considerations

2.1 A project group formed, and draft local validation lists were updated ready for consultation. This incorporated adding:

-Identifying features on location plans to include a road name,

-Requiring existing site plans and roof plans for some application types,

-Plot schedules for major housing proposals, marrying up house types and plot numbers

-Clearer guidance on when transport assessment/statements are required, in line with current national planning legislation and local plan requirements.

2.2 Consultation was undertaken for a period of 4 weeks from 17 October 2022 to the 14 November 2022. The consultation was placed on Fenland District Councils website and also emailed to Developer Forum members and other agents. Comments were invited either via email or in writing.

2.3 A total of 3 responses were received. Highways responded with no comment. Gowler Architectural did not want to comment on any proposed changes but wanted some clarity on when a biodiversity report was required. This was provided to them. Anglia Building consultants felt the reasons for the existing roof plan were unclear.

2.4 The comments from Anglia Building Consultants regarding existing roof plans were considered by the project group. It was agreed that these would only be required for complex roof structures and rather than have it as a local list requirement, a caveat would be added on the list that existing roof plans may be requested during the determination of the application.

3 Conclusions

3.1 The local validation lists have been updated to reflect current legislation and local plan requirements, they have been consulted on and comments received have been considered.

3.2 It is recommended that Members approve the adoption of the updated Local Validation Lists from 1 April 2023.