

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 8 MARCH 2023**

**1.00 PM**

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

Committee Officer: Jo Goodrum  
Tel: 01354 622285  
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- 1 To receive apologies for absence.

Please see the you tube link for this meeting:

<https://youtube.com/live/r97OIViqHaQ?feature=share>

- 2 Previous Minutes (Pages 5 - 48)

To confirm and sign the minutes from the previous meeting of 8 February 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/YR21/1360/O  
Land North East Of 3-31, Hemmerley Drive, Whittlesey  
Erect up to 58 no dwellings (outline application with matters committed in respect of access) (Pages 49 - 98)  
  
To determine the application.

- 6 F/YR22/0967/FDL  
Land East Of, The Elms, Chatteris  
Erect up to 80 x dwellings (outline application with matters committed in respect of access) (Pages 99 - 128)
- To determine the application.
- 7 F/YR22/1153/F  
Land West Of 241, High Road, Newton-In-The-Isle  
Erect 1 x dwelling (2-storey 4-bed) and a detached garage with hobby room above, including formation of a new access (Pages 129 - 146)
- To determine the application.
- 8 F/YR22/1302/O  
Land West Of 27, Benwick Road, Doddington  
Erect up to 4no dwellings (outline application with all matters reserved) (Pages 147 - 160)
- To determine the application.
- 9 F/YR22/1317/F  
Land South Of The Grange London Road Accessed From, Stocking Drove, Chatteris  
Erect 1 dwelling (single-storey, 2-bed) including formation of an access (Pages 161 - 174)
- To determine the application.
- 10 F/YR22/0994/O  
Land North Of 125A, West End, March  
Erect 1 x dwelling (outline application with matters committed in respect of access) (Pages 175 - 186)
- To determine the application.
- 11 F/YR22/0890/F  
Land South Of Field View, Mill Hill Lane, March  
Erect 4 self/custom build dwellings with garages (2-storey 4-bed) (Pages 187 - 210)
- To determine the application.
- 12 F/YR22/1242/F  
Land West Of 29, March Road, Wimblington  
Erect a dwelling (2-storey, 5-bed) and entrance gates (2.3m max) including formation of a new access (Pages 211 - 230)
- To determine the application.
- 13 F/YR22/1309/F

Elm Farm, Hospital Road, Doddington  
Erect 1 x dwelling (2 storey 4-bed) and detached garage involving the removal of existing residential caravan, and the retrospective siting of a container (Pages 231 - 244)

To determine the application.

- 14 TPO001/2023  
Eaudyke Bank, Tydd St Giles  
Tree Preservation Order (TPO) (Pages 245 - 250)

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

- 15 F/YR21/0356/F  
Land East Of Cedar Rose Stables, Horsemoor Road, Wimblington  
Change of use of land for the use as 5no traveller's plots including siting of 5 no mobile homes and 5 no touring caravans and formation of a new vehicular access (retrospective) (Pages 251 - 270)

To determine the application.

- 16 F/YR21/0768/F  
Pitch A, Land East Of Cedar Rose Stables, Horsemoor Road, Wimblington  
Change of use of land for the use of travellers including siting of 1no mobile home and 2no touring caravans (Pages 271 - 290)

To determine the application.

- 17 F/YR22/1135/F  
Land North East Of The Paddocks, Horsemoor Road, Wimblington  
Change of use of land to site 1 x residential mobile home and 1 x touring caravan, and the formation of hardstanding and a new access (part retrospective) (Pages 291 - 310)

To determine the application.

- 18 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,

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## PLANNING COMMITTEE



**WEDNESDAY, 8 FEBRUARY 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 N Meekins, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding and Councillor W Sutton.

Officers in attendance: Nick Harding (Head of Planning), David Rowen (Development Manager), Graham Smith (Senior Development Officer), Danielle Brooke (Senior Development Officer), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services)

### **P98/22      PREVIOUS MINUTES**

The minutes of the previous meeting of 11 January 2023 were agreed and signed as an accurate record, subject to amendment to minute P93/22, fifth bullet point, Councillor Sutton's comments in the member debate to read "He added that he does **not** want to criticise the agent.....".

### **P99/22      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**

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

Members received a presentation, in accordance with the public participation procedure, from Councillors John Clark and Skoulding, District Councillor objectors to the proposal. Councillor Clark stated that he has no pecuniary interest in this application although he does own properties on the junction of St Peters Road and High Street and has lived in March all his life bringing up a family and running businesses in the town. He expressed the view that March has always been a bustling market town and he believes the people of March want it to stay that way, with all the towns in Fenland having a similar short stay parking facility in their town centres as do many other towns in the area.

Councillor Clark made the point that Fenland District Council (FDC) secured the funding from the Government and they are responsible for its control and spending, with the Cambridgeshire County Council (CCC) being a partner to deliver the improvements and FDC and CCC set up a Member Steering Group consisting of Councillors French, Purser, Gowing, Count and Skoulding. He stated that Daniel Timms was engaged to prepare the proposed development who works as a consultant for Metro Dynamics of Manchester and queried whether someone closer who would have been more understanding of the needs of March could have been employed.

Councillor Clark referred to the CCC minutes which show the study examined a wide range of options developed from officer led workshops which were subsequently reviewed by the Member Steering Group so he feels that FDC would have had the power to influence and shape the town centre development and the comments by Councillor French that CCC do not have to take notice

of FDC opinions on highways issues he believes is untrue in relation to this major project. He referred to the March Town Council meeting on 5 September 2022, where minute 86 states that "it is also believed that the total Broad Street project was open to legal challenge and possible judicial review because of the lack of meaningful consultation in the early stages of the scheme", with March Town Council members unanimously agreeing that they would publicly oppose the project in its entirety with a view to getting the scheme aborted and a few weeks later an extraordinary meeting was held on 17 October, with minute 103 referring to a special motion proposed by Councillor Connor to be prepared and signed by councillors to amend the resolution of the Council meeting of 5 September to oppose the project, which was signed by 11 councillors, all March Town Council members except one, but does include Councillors French, Connor, Purser and Skoulding who sit on FDC Planning, to amend minute 86 point c, the fountain to be positioned as highlighted on the FDC artist's impression adjacent to Malletts and councillors unanimously agreed to move the motion which made the decision to oppose the development taken on 5 September obsolete.

Councillor Clark expressed the view that the public consultation at the Library has been reported by various residents as disappointing, with one March resident being told by an officer that it is this plan or nothing. He referred to the March Market Place consultation, where he stood at the market stall for 35 minutes and whatever suggestions were made were talked down and he came away with the impression that it is this plan or nothing and in the 35 minutes he stood at the stall no ones comments were recorded so it leads him to believe that the consultation was meaningless.

Councillor Clark expressed the opinion that this development wants to sterilise and rip the heart out of March Town Centre, with March residents not being against the refurbishment of Broad Street but very concerned that their voices and ideas have just not been heard in preparing this proposed scheme. He asked that the application be refused on the grounds of lack of meaningful consultation.

Councillor Skoulding made the point that the Fountain was paid for by the people of March 112 years ago and at present the road wraps around the majority of it and the rest of it is protected by railings so it does not get damaged. He feels that moving the Fountain to the footpath will bring problems as it will get damaged, vandalised and people will use it as a climbing frame.

Councillor Skoulding stated that as a March man born and bred, he does not want to see the Fountain moved at all but if residents cannot have a say what happens in their own town he is asking for it to be moved somewhere safe. He reiterated that it was paid for by the people of March and to let people have their say.

Members received a presentation, in accordance with the public participation procedure, from Councillors Count and Mrs French, District Councillors in support of the proposal. Councillor Count stated that he fully understands the comments made by the people of March who object to what is proposed for the town centre, they have the best interests of March and its future in their heart when they put forward their objections and he knows this proposal is about the Fountain but when he has listened to and read the objections much is connected to the wider scheme on which he has other views. He stated that objectors were not alone in objecting to the proposal and he is also not alone in supporting the proposal, with many people approaching him quietly expressing support as well as many expressing their frustration or alternative ideas, all of which he has taken into account and listened to.

Councillor Count expressed the view that March Town Centre is typical of many market towns and high streets up and down the country, it is slowly dying which is not the fault of the Council but is due to people changing the way they shop and where they shop and an additional burden is that the town centre is congested. He stated that in coming up with this proposal, he has been to many meetings where the evidence of traffic and potential solutions to deal with it were examined, all of the alternative suggestions he has heard, such as new bypasses, new bridges, outside of town, inside of town, using Grays Lane, have been looked at and examined in detail with officers,

experienced experts and other March Councillors who have tested, prodded and poked all of the evidence and came up with a package of schemes for March which, in his view, work.

Councillor Count stated that one of the biggest concerns of people is that they do not believe that two lanes will work, but the bridge only has two lanes and that is not the cause of congestion, it is the traffic lights so, in his opinion, solve the traffic lights and the two lanes will work. He feels that a roundabout where the Fountain currently sits solves that problem of congestion, this is because a roundabout removes all of the dead time when the lights are on red and the modelling did include pedestrians crossing the road.

Councillor Count expressed the view that this proposal is part of a package as the new northern link road, new Peas Hill roundabout and new junction at Hostmoor will follow on with funding from the Combined Authority moving congestion from the wider area and alleviating some additional traffic pressure from town, with this new layout working not just for now but for planned growth as well. He feels that accepting the roundabout is the best solution and the question had to be asked where the Fountain should go, stay where it is as part of a new roundabout, go in front of Iceland, on the Market Place or in the park or a more central point in the High Street, all of these were discussed and for various good reasons were decided as not being as good as the location currently proposed near to Malletts for reasons ranging from lack of visibility diminishing the importance of the Fountain, utilities and loss of car parking.

Councillor Count believes the new location is still highly visible in the town centre and with the War Memorial at the other end it continues to define the two ends of Broad Street enhancing the look of the town. He feels that this piece of work concentrates on the road network, however, does nothing for the town except solve congestion, it is fortunate that with such a major change coming to March it gave FDC the opportunity to bid for funding which was successful and is the Broad Street package of measures, money to improve the look of the pedestrianised area and Market Place, with, in his view, evidence clearly showing that an attractive public realm space such as the one proposed in March increases footfall as well as dwell time which are vital for shops, restaurants, cafes, etc.

Councillor Count stated that he cannot promise that all of a sudden March will be full of shops but he honestly believes that instead of killing the town centre as some believe this is the best chance and a real opportunity so save and enhance the town he loves. He feels the committee is best placed to deal with the legal consideration on whether or not to move the Fountain but in all of this work there is the need to move the Fountain and he feels this location is the best place for it as did the working group he sat on.

Councillor Count stated like everyone else at the committee today either for or against the proposal the best is wanted for the town of March and he hopes that he has done enough today for the Planning Committee and those with concerns that this future for the centre of March is well thought through, concerns have been listened to and improvements are embraced by many.

Members asked questions of Councillor Count as follows:

- Councillor Cornwell expressed the view that members need to see the proposal in the context of the overall scheme and members have not seen anywhere in this application any of the details of the scheme for the public realm to see how the relocation of the Fountain sits within that public realm improvements and asked if there is a reason for this? Councillor Count responded that the reason he referred to the entirety of the project is that the concerns of the residents and in reading all of the objection letters this is the clear direction of thinking that impacted many of the objections, ie I objected to the Fountain being moved because the traffic will not work, there is no parking, the shops will die, etc. He stated that there is nothing in the planning application regarding the public realm as it is not part of the application, the drawings associated with the public realm works which show where the Fountain is located are available and he feels that people have looked at these drawings

and still objected.

- Councillor Cornwell made the point that the committee is still expected to take a decision based upon relocation of the Fountain somewhere within the public realm that members do not have the details of, which concerns him, and asked if this is right? Councillor Count responded that this is not right, the committee has to decide based on planning matters and the application and presentation showed the clear location of where the Fountain will be located and he expanded the discussion to the wider public realm improvements due to the concerns he read in the objections and not because there is not a location identified in the information before members.
- Councillor Cornwell asked why the planning application is being undertaken in this manner, surely there is another application to come, as normally when members look at an application the wider picture is available. Councillor Mrs Davis reminded members that this application is for the moving of the Fountain only and not the wider regeneration. Councillor Cornwell questioned that members are taking a decision based purely on moving the Fountain. Councillor Count made the point that there are elements that require planning permission and elements that do not and it is his understanding that the highways part can go ahead as it does not require planning. He added that the planning applications necessary are the demolition of the toilet block and shelter because they are in a Conservation Area and the relocation of the Fountain as it is a Listed Building in a Conservation Area and he feels it is a question for officers as to whether any of the public realm works result in a planning application being required.
- Councillor Meekins referred to parking spaces being lost and asked how many spaces this was? Councillor Mrs Davis responded that this is not relevant to this application as the application is looking at the moving of the Fountain and not any other affects.

Councillor Mrs French stated that members need to be aware why these applications are before committee, with CCC starting the March Area Transport Study (MATS) in 2017/18 and early 2020 it went out to consultation, with 1,000 responses received supporting the plans and she recognises this was in the early stages of lockdown due to Covid but a good response was still received. She stated that over the years working on the plans CCC wanted to remove the Fountain altogether and proposed to either locate it in the Market Place or in West End Park, which was disagreed with by herself and Councillor Count as it was the people of March that paid for it and it should, in her view, remain in Broad Street.

Councillor Mrs French expressed the view that Fenland roads have been neglected for years and she was pleased that finally investment and improvements were being made in March, with the first approach being to improve Broad Street removing the traffic lights that have, in her opinion, caused problems and install a roundabout and more importantly improve the air quality. She stated that CCC officers have undertaken various modelling to reach their final plan and also had discussion with the Remembrance Parade Marshall, with the proposed site for the Fountain allowing the parade to continue.

Councillor Mrs French made the point that Broad Street is a highway that belongs to CCC and it does not need planning permission as it has permitted development rights under Section 62 of the Highways Act and Schedule 2, Part 9, Class A of the Town and Country Planning Act. She added that in 2021 FDC received notification that it was successful in applying for funding to improve the town centre from Central Government and additional funding from the Combined Authority.

Councillor Mrs French stated that last year City Fibre invested £5 million into March with their internet service and work on the Market Place has already started, with next being the replacement of the old gas pipes that are over 100 years old and subject to many gas leaks. She expressed the view that this investment into March is a once in a lifetime opportunity.

Councillor Mrs French stated that the application in front of members today is to remove the Fountain to safeguard it whilst the works are being undertaken and replace it once the works are

completed. She expressed the hope that the middle of the Fountain will be replaced and asked members to support the application, which is March's future.

Members asked questions of Councillor Mrs French as follows:

- Councillor Sutton asked if he had heard right that Councillor Mrs French did not support moving the Fountain originally? Councillor Mrs French responded that she did not say this, what she did say was that CCC wanted to move it out of Broad Street and this she disagreed with.

Members received a presentation, in accordance with the public participation procedure, from Jennifer Lawler, an objector to the proposal. Mrs Lawler stated that she is Chairman of the March Society and, in her view, there has not been the legal requirement of statutory community involvement for this Broad Street development project under Article 15 of the Development Management Procedure Order. She expressed the opinion that from conversations with hundreds of people it appears that a large proportion of the town are totally unaware, and some still are, that this major redesign of Broad Street has been planned, there was not the promised in-person consultations and by the time of the so-called face to face meetings attendees were shown details and were informed it was too late and that the redesign had to go ahead as planned.

Mrs Lawler stated that many people were shocked to hear that half of Broad Street would be pedestrianised and that the Listed 1912 central Coronation Fountain would be moved onto the pavement in front of shops. She feels that every household should have received a letter setting out proposals for their comments, many are not online and do not receive local newspapers and a large proportion of those that are aware are against the proposed road layout, although they do recognise the need for modernisation.

Mrs Lawler expressed the view that the project including the applications to be decided today are going ahead without the support of a large proportion of the March population as evidenced in written comments, at face-to-face meetings and comments on the planning applications. She stated that people question the data that the proposed layout is based on, empty roads on the artist's impression, the wisdom in removing a west lane when the busiest shops are on the east side, no cycle lane when cycling is increasing, no disabled parking discriminated against the disabled and elderly and one main road through town.

Mrs Lawler referred to English Heritage stating that Conservation Areas exist to manage and protect the special architectural and historic interest of a place, extra planning controls to protect the historic and architectural elements which make a place special. She expressed the view that this is about conserving the historic environment and the setting of the Listed Coronation Fountain in March Conservation Area, it's not just about moving a relatively rare beautiful iron work, with the Coronation Fountain being a historic landmark marking an event which took place 111 years ago, 30 January 1912, when the people of March came together to raise money by donations to mark the occasion of King George V's coronation, they paid for the Fountain and for its erection in Broad Street, its decorations represent the local Fenland environment and local wildlife and moving the fountain is comparable with moving a structure such as the Arc De Triumph from its setting, it completely loses its impact if it is moved onto a pavement at the side of the road in front of and close to shops, which will restrict views of and access to the shops affecting businesses and trade.

Mrs Lawler expressed concern that the Fountain would be vulnerable to vandalism, which is not a concern in its present isolated setting which is in the middle of the road where it can be seen by everyone arriving in March and is significant and important. She expressed the view that if the Fountain has to be relocated people would like it to be in a prominent central position in Broad Street worthy of its Listed status and heritage, a location nearer to the war memorial is preferred.

Mrs Lawler stated that the actual power of Listed status and Conservation Area to safeguard March historic environment is now questionable as in this development it appears to be

meaningless which can be overridden by planners and most people have very strong feelings about these changes, people do see the need for modernisation but not the removal of the Fountain from a central position in Broad Street to then become just another piece of street furniture. She feels that by moving the Fountain the unique character of Broad Street is changed and a location nearer to the war memorial is preferred.

Members received a presentation, in accordance with the public participation procedure, from Fiona Bage, the agent, and Simon Machen and Phil Hughes, on behalf of the applicant. Ms Bage stated that she is a qualified Town Planner and also a heritage specialist at ELG so she is accredited by the Institute of Heritage Building Conservation, but she has not undertaken the heritage work for this scheme but is the planning agent that submitted the applications on behalf of the Council. She reiterated that what is being considered today is applications for the Fountain's relocation and the wider highway works do not form part of the planning permission as those works are permitted development.

Ms Bage expressed the view that the Listed Building consent and Full planning permission is required for works to relocate the Fountain, both bring similar issues in respect of the Listed Building consent members can only consider the impact on the Listed structure itself and the planning permission brings with it other issues in respect of amenity, highways and proximity to the shop front. She stated that the intention with relocating the Fountain is to improve the setting and appreciation of this historic asset as part of the wider Broad Street public realm works, with the existing siting in between lanes of traffic does very little to enhance the setting of the structure and no works are intended to the fabric of the structure, which will be very carefully dismantled and safely stored, prior to it being re-erected in its new location which will be on the new pedestrianised area in front of 32 Broad Street.

Ms Bage stated that the application is accompanied by a very detailed heritage impact assessment and no concerns are raised by Historic England, who are the national advisors on heritage matters, or the Council's Conservation Officer. She feels that the new location of the Fountain, which will be approximately 14 metres from its current location, will allow improved appreciation of the heritage asset, whose settings has been very significantly changed since its original construction and is now very much limited in respect of how it can be appreciated by the highway junction that sits in such close proximity.

Ms Bage expressed the opinion that there is no harm to the fabric itself or its significance as a result of the works and the resulting impacts on the amenity of the area and the wider Conservation Area are considered to be acceptable and positive in respect of the setting of the Listed Fountain. She acknowledged that concerns have been raised that the structure will be in close proximity to the shop frontage in which it will sit but currently that existing shop front is bounded by a very narrow footpath and car parking spaces and, in her view, the relocation will create an improvement of the public realm in this area and an improved setting to the shop fronts themselves, with the Fountain forming a focal point bringing potential mutual benefits to those businesses.

Ms Bage stated that the structure will be set approximately 5 metres away from the front of the properties and will be a very open-sided structure, therefore, it will not hinder any views or any access to that commercial premises. She made the point that no objections have been received from any statutory consultees and the Police Designing Out Crime Team have no objection to this scheme, there is a very high level of natural surveillance in the area and it is not considered that the new location would give rise to anti-social behaviour issues over the current siting.

Ms Bage pointed out that Planning Officers have recommended approval of the scheme and she respectfully requested that members supported the scheme in line with the recommendation.

Members asked questions of Ms Bage, Mr Machen and Mr Hughes as follows:

- Councillor Cornwell referred to the crossing over between the application that is relevant today and rest of the ideas and plans for Broad Street and he will ignore the highways elements in the statement as he realises that falls under different legislation. He feels that the scheme cannot be spilt up into isolated areas as one does affect the other and asked during the consultation was there any real response on the element of moving the Fountain? Mr Machen responded that he appreciates it is an unusual situation when members can only consider part of what appears to be a proposal but that is the legislative position and the only thing that required planning permission/Listed Building consent is moving the Fountain, all of the works in Broad Street fall within the public highway and are not something the Planning Committee has any involvement in or FDC as the Planning Authority. He feels it is clear from the plans that the location of where the Fountain would move to is shown so there is an understanding of what will happen and what it will look like and also sectional plans showing it against the buildings from different angles. Mr Machen referred to consultation which has been mentioned a number of times by different speakers, there have been for wider works in March several rounds of public consultation through initially the Growing Fenland Masterplan funded by the Combined Authority, which highlighted a number of issues including congestion in the town centre and the need for improvement, and it is in no small part that Government awarded funding for the Future High Street Project on the back of the Growing Fenland Masterplan as it showed the Council had consulted very early on what the issues where in town and come up with a package of indicative measures for how those problems could be overcome. He reiterated that there has been consultation on the Growing Fenland Masterplan on what the problem is with March Town Centre or what needs to be addressed and there has then been consultation on the MATS scheme, with a range of highway projects necessary and essential for the future growth of the town, with this proposal forming a very clear part of that package as without the Broad Street roundabout, congestion and air pollution gets worse. Mr Machen stated that if you look at the history of consultation, the MATS package came up with these measures although not in fine detail and then the highway works, with Covid not helping with the timing being outside of their control but subsequent to this sessions in the Library and on the Market stall. He stated that he has a background in growth and regeneration for over 30 years and he has been engaged by the Council for a couple of years on a number of projects including this one and he is also a Town Planner so there has been a history of consultation throughout but this is a scheme that does represent significant change, for which there are drivers for and not everybody will agree with what is proposed and often in his experience, people fear change and its implications and in many ways it seems counter intuitive that you go from 4 lanes of traffic to 2 but all of the traffic modelling demonstrates that it will be better and this project fits in all of this future proofing of March to make it less congested and a better experience, but he does recognises that members can only look at one small part of it.
- Councillor Cornwell stated that what concerns him are the latter stages of the consultation that took place after Covid, which was undertaken in a manner that was against FDC's own Consultation Strategy and asked for confirmation of this. Mr Machen responded that the fourth strand of consultation which he omitted to mention was consultation on these applications before members today and residents have had an opportunity to make their feelings known, with March being a fairly big town and not everyone has objected. Mr Hughes stated that there was the Growing Fenland consultation, the MATS consultation, the consultation before the application to Government was submitted, there has been plans on the website, consultation at the Library and March Market Place, with officers having discussions with people who came along. He advised that on those more recent discussions people were asked to submit feedback and some was received, but in terms of the Fountain relocation there was various feedback from leave it where it is, which is not possible if the junction is to be achieved at the northern end of Broad Street which is uncongested, or move it to the Market Place/West End Park and in assessing where the Fountain ought to be moved to the decision was taken with members to move it as smaller distance as possible so that it remains at the northern end of Broad Street and as members would see

from the application Historic England agree with relocation to as close to where it currently sits to retain its historical impact within March.

- Councillor Cornwell referred to some of the feedback stated that the Fountain should be left where it is and asked if they did not feel that this was a valid argument for those people who saw its position as being preferable to some of the other ideas being put forward. Mr Machen responded that a situation is being drifted into that is not about planning. Councillor Mrs Davis stated that she had taken advice and reiterated that members are merely looking at the application to move the Fountain, it not about where the Fountain goes and it is not about the whole regeneration scheme.
- Councillor Sutton made the point that there is an application in front of members to move the Fountain to a specific place and if he heard right, Councillor Mrs Davis is saying it is not about where it is moved just about moving it, which he does not feel is right. Councillor Mrs Davis responded that she stands corrected.
- Councillor Mrs Mayor asked if it is too far down the track to find a different place for the relocation as she has read some of the comments and Mrs Lawler in her presentation suggested further down Broad Street towards the war memorial and asked if this is not a possibility or has it already been looked at and how many other sites have been looked at that members are not aware of. Mr Machen responded that planning is not generally about making a choice where things should be or what they should be it is when an application is before committee they need to determine what is in front of them, but it is unusual to move a Listed Building and in this instance it is an unusual Listed Building and Historic England support the application and they have clearly looked at it in a lot of detail and the starting point is if you are going to move a Listed Building you should move it the least distance from where it currently is as the further you move it the less relevance it has to its original setting and it can be better appreciated in its new location. He expressed the view that if you move it closer to the war memorial it may begin to conflict with the setting of the war memorial itself and where it is proposed is the shortest distance from where it is now and still sits within its own distinct setting, it is also important to understand that what happens around the Fountain is very different to what happened when it was historically put in its current location as it was not in the middle of a road with cars and lorries and probably would not put it in this location today. Councillor Mrs Mayor stated that she is not saying she is against the Fountain being moved but she thinks it should be looked at in a different location.

Members asked questions of officers as follows:

- Councillor Cornwell referred to Paragraph 5.6 of the officer's report where it refers to March Town Council and there being no comment and asked surely there was a subsequent comment as this is why some colleagues cannot sit and hear the applications? Nikki Carter responded that Paragraph 5.6 is copied and pasted from March Town Council's comments and they are the only comments received. David Rowen added that the comments within the report at Paragraph 5.6 are the comments that were submitted by March Town Council, the discussions that March Town Council may have had separately to their formal representation on this application officers do not know about these and can only report the comments that come in on the application.
- Councillor Benney referred to the mention of consultation and asked if the legal statutory consultation had taken place for this application? Nick Harding responded that the speakers referred to consultation taking place through the course of the proposals which is distinct from the consultation on these planning applications and he is satisfied that the relevant consultation from a legislative and planning perspective has been complied with.

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

- Councillor Cornwell expressed the opinion that any move to change a long-standing structure is bound to cause considerable interest and the Fountain is one of these as people have said it was provided by public subscription 111 years ago and has been in this position ever since and was also the indicator of the war memorial which was erected in 1922. He feels relocating the Fountain now to a position that is slightly at odds with the layout of



Broad Street is strange and listening to the comments of Councillor Mrs Mayor about whether another location can be found in Broad Street probably in line with where it should be at the moment would perhaps be better but he does not think any relocation is going to be popular. Councillor Cornwell expressed confusion with some of the way this planning application has gone and the continual reference to things that members have no control of or have no information about and he feels rather let down as if this was an application for a development members would want to see the bigger picture so that it was known what members were taking decisions about and in this case members do not have it which he finds strange and slightly confusing.

- Councillor Mrs Mayor agreed with the comments of Councillor Cornwell as she feels members have got part of something and members do not know what the rest of it is about, preferring to see a whole rather than a piece.
- Councillor Benney expressed the opinion that it should be the remit of March Councillors to decide what happens in March, but he is on the Planning Committee and there is an application in front of members which is policy compliant and whether members want to see the wider information for the overall scheme this does not form part of what is being considered. He stated that whilst members might be interested, as he is, to see what is happening around in March, this is not what this application is about, it is about moving a Listed Building 14 metres and if English Heritage and other historic organisations are supporting this move members are not qualified to go against that and he feels that officers have got this application correct in terms of policy and consultation. Councillor Benney made the point that there are certain aspects of any public realm works that people will object to and there are also aspects that people think are good and bad and looking at the whole proposal for March he feels there is a lot of good in it and it will improve the air quality and allow the traffic flow to be managed appropriately, with March becoming the biggest town eventually due to the development in the pipeline and this provides an opportunity with a lot of money having been given to March and whilst he accepts it is not to everyone's taste there is always the greater good and if action is not taken to allow this to happen problems are going to be caused in the future which will exasperate the problems in March. He is very reassured with the mapping that the traffic flow is right on the wider scheme, with the bridge being the pinch point and getting rid of the traffic lights should alleviate the traffic as well as the roundabout. Councillor Benney reiterated that this application is policy compliant and he can see no reasons to turn it down, with it future proofing the centre of March.
- Councillor Sutton queried how keen Councillor Benney would be if there was a fountain in Chatteris and it was proposed to be moved in front of one of his shops? He feels there is plenty of reasons to refuse this if this is the committee's wish as the reasons for granting it are, in his opinion, subjective. Councillor Sutton referred to the consultation and if you look at what a consultation should be on the Government website it gives specific advice on what a consultation should be and he has heard from many people that their views were not taken into account and listened to, which, in his view, is not a consultation but a demonstration of what is coming and he feels it is shameful on this Council to pretend that it is consultation. He referred to the Localism Act which brought in that people are to be consulted with, are listened to and are taken notice of and he questioned what happened after this consultation, was anything changed, no results have been seen so, in his view, it was not a consultation but a demonstration to the people of March. Councillor Sutton referred to Historic England who state that they support the application but they do mention consultancy (he made the point that he was not aiming the comments at planning officers and their professionalism) and the Council employs a firm of consultants to give it advice but in the real world if he wanted an answer he would be employing somebody that was going to give him the answer he wants and he feels this is what has happened here. He referred to public access and all the comments and letters and whilst there may only be 200 in objection when you put that against the amount in support there is not a single letter of support and asked how can members possibly impose this proposal on the town of March. Councillor Sutton queried how the position was reached that there was £8.4 million to invest

in March Town Centre and nobody has been consulted, nobody agrees with the proposal, the only people he has heard speak positive on it are the two councillors who spoke earlier, with two councillors speaking against it and all 4 councillors are March Town Councillors but the difference between them is that Councillor Skoulding and Clark have history in March and he feels they should be listened to, with the businesses and residents not wanting this scheme and he does not feel the Fountain should be moved in front of Malletts shop, which is a disgrace.

- Nick Harding reminded members that the decision they are making today is about the Fountain and is not about the wider street work scheme so the issue of the consultation arrangements for those street works is not relevant to the decision today. He stated that members cannot use the street works as a reason to refuse the application, this is all about whether or not the proposal is harmful or not to the Listed structure.
- Councillor Sutton expressed the view that it is not just about whether it is harmful to that structure but whether it is harmful to the place it is being relocated to and those businesses that surround it.
- Councillor Cornwell stated that as a March Councillor he is concerned about this proposal as March Broad Street is the centre of the town, with March probably being the most vibrant of the four market towns in Fenland and March is always busy, busier during certain times of the day, and people will queue and people need to remember that the proposal will actually, related to the Fountain, create a roundabout and if you look at March Broad Street at the moment the whole of Broad Street is a roundabout so a big roundabout is being replaced with a smaller one. He referred to consultation, not the consultation relative to the planning application but the failed public consultation about the whole joint schemes and, in his opinion, it does not comply with the Council's own Consultation Strategy, which says "only consult if you are willing to make changes based on responses do not consult on decisions already made" and he feels this describes it all as the Council has not complied with its own Public Consultation Strategy.
- Councillor Sutton asked to see the photos on the presentation screen again and stated that it unfortunately does not show clearly on the right most arch the depiction of the Stone Cross which is local to and associated with the history of March and this is the problem with people out of town being involved as it says it is a depiction of the Tower of Babel, which is a biblical myth. Councillor Mrs Davis stated that she is finding it hard to know what point Councillor Sutton is making as nothing is changing on the Fountain and it is only being moved. Councillor Sutton responded that it is the principle of people coming in from outside the town and knowing nothing about it. Councillor Mrs Davis made the point that this is not a material planning issue. Councillor Sutton disagreed.
- Councillor Sutton referred to the modelling. Nick Harding stated that this is not material to the determination of this planning application. Councillor Sutton acknowledged that it may not be but feels it shows the background to the moving of the Fountain and made the point that Councillor Benney was not pulled up when he mentioned the modelling. Councillor Mrs Davis responded that Councillor Benney asked a proper question and raised a proper point. Councillor Sutton referred to Councillor Benney mentioning the bridge but expressed the view that this is not where the congestion is, it is not going south out of the town, the congestion comes going north into the town and looking at the modelling it is difficult to see and get exact numbers because the two elements are modelled together and you are unable to see when it first starts and comes into a bigger picture so he feels the modelling is flawed as the numbers are not right. Councillor Mrs Davis stopped Councillor Sutton as whilst in his opinion what he is saying is relevant to the application, in her view, it is not in terms of planning legislation.
- Councillor Marks stated that he has listened to what has been said and he feels it comes down to one thing, is the character of central March going to be ruined, does the Fountain need to be moved but if a roundabout needs to be put here then it needs to be moved, is this going to help town centres when it is being stated that everyone is internet shopping so town centres are dying anyway so why is money being wasted moving it. He stated that his biggest concern is by moving it just 14 metres, when members are being told it is in the

middle of the town where nobody can get to it so it is actually protected, there will be takeaway signs, people eating takeaways under it and does this not detract from what it actually is, which is a monument given 112 years ago, its come through 112 years and suddenly it needs to be moved and he does not quite follow the logic unless it is hand in hand with the roundabout apart from that leave alone. Councillor Marks made the point that earlier it was said that the Fountain is not actually in bad condition and can be removed fairly easily but there was a comment that the base has a problem and needs money finding for repair so in one breath members are being told by experts the Fountain is fine and in another breath being told there are issues with it so which one is it, does it need money spending on it and is it going to take more harm by trying to move it.

- Councillor Benney stated that whether it will be harmed by moving it is not what committee is looking at today and what is being looked at is the Fountain going to move 14 metres, with all the rest of it being scenery and fluff and the committee is here to look at policy. He expressed the view that whether it can be moved or not is a technical issue not a planning issue.
- Councillor Sutton disagreed with Councillor Benney's comments as, in his view, it is all about substantial harm and it states in the report that weight can be added or removed regarding substantial harm to the significance of the asset.
- Nick Harding reminded members that their decision needs to be based around whether or not the displacement of this heritage asset would be detrimental to it and that is not in the context of physical damage to it whilst deconstructing it and assembling it again that is a technical issue, it is whether or not in its current location its heritage significance is so great that moving it 14 metres would irrevocably damage that quality of the heritage asset and its setting.
- Councillor Marks asked for clarification, so if the Fountain is moved and there is more footfall around it resulting in damage can that be taken into consideration. Nick Harding responded that if the property is demonstrably at greater risk of being damaged as a consequence of it being moved then that would be a legitimate consideration but there is not any evidence that this is necessarily going to be the case. Councillor Marks made the point that at the moment people are not walking around it or in it as there would be with the footfall where it is proposed to be moved to and asked officers if they agreed? Nick Harding responded that he is not sufficiently knowledgeable about the use of it by people in its current position so he is unable to comment.
- Councillor Marks asked to look at the photograph in the presentation again as it has railings around it at present time and whilst you can get in and out of it, it is less open than it would be in its new proposed location with no railings around it at all and asked officers if they agreed. Nick Harding responded that it would be difficult to balance whether or not in its current location it is more susceptible to damage by vehicles potentially as opposed to damage by people, there is no strong evidence in either instance.
- Shane Luck, CCC Highways Officer, stated that the Fountain in its current location, whilst he appreciates it has not happened to date, is at greater risk of vehicle strike because it is in the middle of an active highway and its relocation to what would be a footway in the public realm increases accessibility for pedestrians but it does decrease the risk from motorised vehicles. Councillor Marks made the point that the Fountain has been in its location 112 years and to the best of the Mr Luck's knowledge it has not been damaged by lorries, buses, cars, however, by moving it where pedestrians with pushchairs and trolleys, etc, could actually hit it but that should not be taken into consideration because it has not been hit where it is at the present time. Mr Luck responded that what he is saying is that while it has not happened historically to the best of his knowledge and the likelihood is low but if it is hit by a motorised vehicle the potential for severe damage is greater than if it is hit by a pedestrian.

**F/YR22/1318/LB**

Proposed by Councillor Sutton, seconded by Councillor Cornwell that the application be REFUSED

against officer's recommendation as they feel that moving of the structure would result in it being in a less appropriate position, which would be detrimental to the character and setting of that structure. This was not supported on a vote by the majority of members.

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

**F/YR22/1332/FDC**

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

*(Councillors Connor declared that he is perceived to be pre-determined and had proposed a motion on this application and took no part in the discussion and voting thereon. Councillor Mrs Davis took the Chair for this item)*

*(Councillor Benney declared that he is a member of Cabinet but is not pre-determined and will approach the application with an open mind)*

*(Councillor Mrs French declared an interest in this application, by virtue of being a member of MATS and the Member High Street Steering Group, and after speaking as part of the public participation took no part in the discussion and voting thereon)*

*(Councillor Murphy declared that he is a member of Cabinet but is not biased or pre-determined and will approach the application with an open mind)*

*(Councillor Purser declared an interest in this application, by virtue of being a member of MATS, and took no part in the discussion and voting thereon)*

*(Councillor Skoulding declared that he was pre-determined on this application and after speaking during the public participation took no part in the discussion and voting thereon)*

**P100/22**

**F/YR22/1319/FDC**

**THE BROAD STREET PROJECT, BROAD STREET, MARCH, CAMBRIDGESHIRE  
DEMOLITION OF THE PUBLIC TOILETS AND SHELTER WITHIN A  
CONSERVATION AREA**

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

Members received a presentation, in accordance with the public participation procedure, from Councillor Skoulding, a District Councillor objector to the proposal. Councillor Skoulding stated that the toilet block is very necessary for March and he would personally like it to stay and be revamped but if it must go he feels it would make more sense to build the new toilet block before demolishing the current one. He expressed the view that if portaloos are used for about 18 months this is going to cost a fortune and he can imagine seeing these portaloos going down the river, with consideration required to be given to the needs of the disabled and the elderly so, in his view, it makes more sense to keep the current toilets until the new toilets are built.

Members received a presentation, in accordance with the public participation procedure, from Councillors Count and Mrs French, District Councillors in support of the proposal. Councillor Count expressed the opinion that one of the major jewels in the crown of the town of March, not just the Fountain, War Memorial and the Stone Cross, is the river coursing straight through the centre, which is not made enough of it is just accepted and people are used to it. He feels the proposal to move the toilet block and bus shelter to open up the area to provide seating to enhance the view of

the river are all positives in his opinion and unlike others he cannot see the beauty in these buildings and cannot understand why people believe residents would want to embrace a view of a toilet block, with people entering and leaving, over a beautiful view of the wonderful river, which he recognises is a personal opinion.

Councillor Count expressed the view that when someone arrives in March that does not know the town he would want them to see and enjoy a beautiful river not people going in and out of the toilets but he does understand people talking about the need for toilets in a town centre location, with the initial proposals not having any public toilets and himself and Councillor Mrs French, amongst others, fought long and hard to have new ones included in the budget and to have them located in the town centre. He stated that he felt the toilets would be better off in the car park because the people that use them tend to drive to City Road car park and these are people that do long stay car parking but residents said otherwise, Councillor Mrs French said otherwise and it has been talked about listening to residents and this is one of those examples where the Council did listen to residents and he backed down on his thoughts and accepts that a town centre location is the best place for the toilets.

Councillor Count stated that he supports the removal of the toilet block and the bus shelter to open up that space so people can enjoy the beautiful river in March and he feels it is essential that town centre toilets are kept, with the new location in Grey's Lane being appropriate.

Members asked questions of Councillor Count as follows:

- Councillor Cornwell asked from Councillor Count's personal point of view where does he see a new toilet block being located because as the previous speaker said toilets are important and maybe rather than considering any temporary toilets priority should be put into providing the new toilets before the existing ones are demolished. Councillor Count responded that the current location proposed for the new toilets is in Greys Lane, further away from the town centre but still literally in the town centre and he agrees with this as the best location having moved away from his original thoughts primarily based on what the people of March want who want a town centre location. He agrees with Councillor Skoulding that it would be wonderful to have the new permanent ones built prior but this is not possible due to the funding and budget as there are delivery time schedules so there will be a period where the situation is not perfect but there will be temporary toilets in the meantime and the new ones will be built with enhanced changing facilities and disabled facilities.
- Councillor Marks referred to relocation and that March has a lorry park with no toilets so he thinks what is already happening where lorry drivers are staying overnight would it not make more sense to put a facility here? Councillor Count stated that was his initial preferred location, however, the people of March, whose views he respects and has come around to their way of thinking, feel it is much more important to have those that are may be frailer, less able to go longer distances have it right in the town centre so that is what the proposal is for it to still be in the town centre. He made the point there has been a lorry park for as long as he has lived in March and he is not aware of any significant issues with having the toilets further away and there used to be a second set of toilets by West End but no problems have arisen since that toilet block closed so either they use places like pubs or cafes or they are using the town centre toilets of which the new ones will be virtually the same location but just stopping them blocking the view of the river.

Councillor Mrs French stated that the plan is to demolish the toilets and rebuild new ones but there is not a design for the new ones as yet but the roof tiles of the current toilets are going to be reused on the new block so it has to be demolished first, put the temporary toilets in and as Councillor Count alluded to there is approximately £160K from changing places to supply a disability adult changing facilities which includes a hoist. She made the point that there is only one toilet working in the current block as they keep breaking down and the Council is unable to get the parts.

Members asked questions of Councillor Mrs French as follows:

- Councillor Cornwell asked if there is any real reason why the new ones cannot be prepared now because the rest of the High Street project will not depend upon the demolition of the old toilets. Councillor Mrs French responded that he was correct, the first stage is to get the application approved today for demolishing and then officers through the consultants will hopefully very quickly come up with an actual planning application bearing in mind that it is proposed to use the tiles and possibly the other features. Councillor Cornwell referred to the previous application that had been considered which was to take the Fountain down and put something up so he is a bit disappointed that this application does not include the new toilet block. Councillor Mrs French responded that this application needs to be approved to demolish then for the architects to prepare a new plan including possibly the turret and the old tiles, which they would not want to do if this application was refused. Councillor Cornwell asked if the new plan will include the retention or replacement of the trees and the grass etc that will have to be in this location. Councillor Mrs French responded that this will all come within the planning application.
- Councillor Sutton stated that he does not understand the comments that an architect has got to wait for a demolition before designing a new toilet. Councillor Mrs French responded that why would this Council waste money on an architect to supply drawings for a new toilet if this application is refused.

Members received a presentation, in accordance with the public participation procedure, from Jennifer Lawler, an objector to the proposal. Mrs Lawler expressed the view that again there has not been the legal requirement of statutory community involvement for the Broad Street project under Article 15 of the Development Management Procedure Order. She stated that in conversations with hundreds of people when raising the petition to prevent the demolition of this toilet block it appears again that the large proportion of the town population were totally unaware of this major design of the town, with no promised in-person consultation and people at the face-to-face meetings were shown details and learnt it was too late and plans would go ahead including demolition of the toilet block.

Mrs Lawler expressed the opinion that people were shocked to hear that the toilets and shelter together with trees on the riverbank would be cleared to expose a less attractive view of the river. She stated that many reasons were given against demolition, with the main being the loss of amenities, with Fenland having statistically significantly fewer people reporting good or very good health compared with England as a whole and many people with medical conditions saying they need the security of knowing that easily accessible toilets are there in the town centre and the shelter is available for both the need to rest and inclement weather, with the removal of both resulting in discrimination against people with disabilities who are unable to come into town without the security of knowing that there are facilities available near the shops.

Mrs Lawler expressed the view that the toilets are a lifeline to people and the preferred option is for the toilets to be modernised and restored with a new façade but there must be the provision for new toilets before any demolition occurs. She made the point that this application is for demolition and not for rebuilding and she has been told there will be a time without toilets and people can use them in shops but that, in her opinion, is unacceptable, with the town's Women's Guild quoted as saying they were concerned at the decline in the number of free to access public toilets being a threat to citizens hygiene, health, mobility, dignity and equality, with available High Street toilets being essential in the town centre for an aging population and increasing percentage of older residents, those with medical concerns and visitors, families especially at town events in the area use these as they are the only public toilets in March, conveniences belong in the town centre and the present building is in full view and visible for visitors.

Mrs Lawler expressed the view that the shelter is a sound protected well-frequented seating and meeting place for various age groups offering shelter in all weathers and contrary to rumours of unwelcome users she has spoken with many town residents who use it and need the facility to rest

while in town and do not want to lose it. She referred to environmental concerns in that the toilet building has been a prominent landmark on this site for nearly a hundred years and is a familiar well-liked building adding character to Broad Street, with demolition of these buildings offering changes of character and leaving an empty space.

Mrs Lawler stated that it is disturbing that when conservationists are calling for buildings to be refurbished rather than demolished there is an application to demolish a sound building in order to build a replacement just a few metres away and if it is not required as toilets the building should be given an alternative use. She feels that opening an area on a steep riverbank with proposed seating facing old buildings does not open up an attractive view, with there being, in her opinion, far more attractive views of the river.

Mrs Lawler stated that the proposed replacement toilet building would be near the riverside grounds and the play area of Listed Bank House, with there being concerns about night-time vandalism and anti-social behaviour in this more secluded area. She expressed the opinion that the present site is ideal as it is open to the high street view.

Mrs Lawler stated that, being mindful of climate change and the beneficial effects of trees on health and well-being adding beauty and improving air quality in the urban environment, trees must be retained on the bank adding character to the area and importantly supporting the bank, with the tree report recommending trees are retained and new planting added to benefit wildlife and biodiversity. She expressed the opinion that demolishing a sound building to obtain a view, and not an attractive one, sets a disturbing precedence for removing buildings which are not recognised as being important and raises concerns for other March buildings.

Members asked questions of Mrs Lawler as follows:

- Councillor Meekins referred to Mrs Lawler mentioning in both the previous application and this one that she had had hundreds of conversations. Mrs Lawler responded that she has spoken to masses of people for months, she is involved in many groups in March, people have contacted her and she is on social media. Councillor Meekins asked if a survey was undertaken or was it just people talking to her and made the point that the March Society has not put anything in the comments about the hundreds of people that these conversations took place with as he would have thought if she was campaigning for something and hundreds of conversations had taken place with the vast majority of them being against it she would have produced some statistics to back his argument up and the March Society does not do that so he wonders where the facts and figures are to back up her statement. Mrs Lawler responded that she omitted putting that as she was just giving the March Society's objections but a petition of over 500 signatures was handed in and because she was so busy she did not go all out to have a campaign. She stated that people have approached her since the closing date to ask if they could sign up.
- Councillor Sutton asked for clarification on the number of signatures for the petition? Mrs Lawler responded that there were actually 515 signatures she believes.
- Councillor Meekins stated that it does say a 318 signature petition was submitted and names, signatures and addresses have not been checked. Mrs Lawler stated that there was also an on-line petition on the Council's website as well so the two added together came to over 500.

Members received a presentation, in accordance with the public participation procedure, from Fiona Bage, agent, and Simon Machen and Phil Hughes, on behalf of the application. Ms Bage stated that the application seeks planning permission for demolition of the existing toilet block and shelter, with the works forming part of the wider scheme of the funding works through the March Future High Street Project which is intended to address the challenges and assist in the regeneration of the centre of March. She expressed the view that the demolition of the structures is intended to open up views of the riverbank and create an area of improved public realm within the vicinity and permission for demolition is only required by virtue of the buildings being located within

a Conservation Area.

Ms Bage advised that, whilst not forming part of this current application, new toilet facilities will be provided and there is the commitment from the Council already to do this with £250,000 worth of funding already allocated to provide these facilities, which are approximately 12 metres away from the existing facilities, therefore, in her view, the new toilets will be conveniently located near to the existing centre. She stated that the new and improved facilities as one of the councillors mentioned will be built to modern standards and meet more specialised needs than the current facilities which cannot be provided within the confines of the existing building.

Ms Bage stated that if there is any crossover between the demolition of the current provision and the creation of the new facility, temporary facilities will be provided and made the point that no trees are to be removed through the current application. She acknowledged that a number of objections have been received as a result of the public consultation, in her view, a number of these concerns in respect of the proposals relate to the wider scheme, such as loss of car parking, highway implications, etc, with these works not being part of the current application for demolition of the toilet or shelter.

Ms Bage stated that the proposal is policy compliant, is not considered to harm the character and appearance of the Conservation Area, which is the one reason why the building needs consent for demolition in the first place, there are no objections raised from statutory or internal consultees with several conditions being requested by consultees in respect of trees and ecology due to the location of the works in close proximity of the river and the existing trees along the riverbank and they are more than happy to accept these conditions. She expressed the view that the planning officer has worked really proactively with them through the course of the application and they are pleased to secure a recommendation for approval and requested that members support the scheme in line with this recommendation.

Members asked questions of Ms Bage, Mr Machen and Mr Hughes as follows:

- Councillor Cornwell asked if a scheme has been drawn up yet as to what the final product will look like? Ms Bage stated that those works would be permitted development works through the highway works with the rest of the pedestrianised scheme but there is an indicative scheme as part of the application.
- Councillor Cornwell asked what type of safety provisions are being thought of as the rest of the town where the river comes through is post and fence on the two eastern sides and opposite there is protection on the southern bank, with further along there being natural protection but this is the old quay he believes of the old port going back to the days when the barges operated and is there going to be a quay type structure here and is there going to be any protection at all from the Saturday night crowd. Mr Machen responded that in terms of the details of the public realm scheme that will replace the toilets that is a combination of hard surfacing, landscaping and seating and there will need to be some demarcation to the edge of the relatively steep bank but it is worth bearing in mind that anyone could wander around the back of the existing toilet block and fall in the river now, although he is not aware this happens on a regular basis. He stated that any works that are undertaken within the public realm particularly where it involves public highway are subject to risk assessment. Mr Machen made the point that in an ideal world the planning application for the new toilet block would be submitted alongside the application to demolish the existing toilets, however, where new toilets should be located or whether the existing toilets should be refurbished has been discussed a number of times, particularly with March Town Council. Mr Hughes stated that subject to the outcome of today an architect's design should be available in the next two months and then a planning application to follow. He emphasised that the Council has a £250,000 put aside to develop brand new toilets in a central town location and those toilets would consist of two fully accessible toilets and one Changing Place toilet to modern standards, which would be the best standard toilets in Fenland.



- Councillor Mrs Davis asked for clarification that the existing toilets have to be demolished as to build proper disability toilets you are unable to reconstruct inside and need the building to be slightly bigger? Mr Hughes responded that it would be quite a big space and taller than the existing one as well. He stated that in terms of the phasing, the wider Broad Street works and changing the riverbank requires the demolition initially.
- Councillor Marks asked what the age of the existing toilets are? Ms Bage advised they are from the 1920s.
- Councillor Cornwell asked for confirmation that a working compound facility will remain in the quay? Mr Hughes responded that it has just been replaced at a cost of £12-13,000 and it is also refurbishing the building itself improving the lighting and fresh water supply so that the pump out station for boat users is being improved at the moment ready for the Summer.

Members asked questions of officers as follows:

- Councillor Benney made the point that there is an application for the demolition without the rebuilding and he would not want to see it demolished and then the money is no longer available and asked if conditions can be placed on the application that if approved that safeguard the demolition with a plan for re-building so that it is not demolished and then nothing is built to replace it. Nick Harding responded that this would be a tricky one to deliver because in terms of the street works that is something that does not need consent, the Council is not in control from a planning perspective and there is a legal process to go through for the application to construct a new block. Stephen Turnbull added that the best that could be undertaken would be a Section 106 Obligation but the Council is the landowner itself. Nick Harding explained that the Council cannot enter into a Section 106 Obligation with itself and given that the Council is the applicant the decision would be made in good faith that the demolition of the existing toilets would not commence until there is assurance about the implementation of the street works and the wider scheme for the replacement toilet block.
- Councillor Mrs Mayor made the point that no one has mentioned that it is not a statutory duty to provide toilets in towns so it could be knocked down and not rebuilt. Nick Harding responded that as explained by the agent consent required for the demolition of the toilet block is as a consequence of it being in a Conservation Area and it is part of the Council's wider duty to consider the equality issue in respect of the loss of the toilets, would that be detrimental to a certain section of the community if there was not going to be a replacement but there is the promise of a replacement so that issue of equality is resolved.
- Councillor Cornwell queried if it is being said that in giving approval for the demolition of the toilets it is being linked to the replacement of the facility? Nick Harding responded in the negative, there is not going to be any condition or legal agreement attached to the planning permission for demolition if that is what is resolved by the committee today that insists on the replacement toilets being provided given that the Council is the authority that is behind both the demolition and the replacement toilets, which is a fairly good covenant to say that those replacements will be provided. Councillor Cornwell made the point that an option is not really wanted, it needs to be clear steer that permission is given for one on the condition that a replacement is secured. Stephen Turnbull responded that as it is a Council scheme the conventional way of approaching these things is that the members of the Planning Committee will entrust that this will happen and be assured that this will happen by the people promoting the scheme elsewhere within the Council. Councillor Cornwell queried that members should not be dealing with the application any differently to whether it is a private individual, company or the Council. Stephen Turnbull stated this is correct but the committee cannot require the Council to enter into a Section 106 Obligation with itself.
- Councillor Sutton referred to Councillor Mrs French's presentation where she said the Council did not want to waste money on architect's fees for new drawings but in Ms Bage's presentation she indicated that there were indicative drawings so have these drawings been seen by officers, if they have should members not have seen them also and if they are available why are they not in front of members as it just seems an incomplete application. Nick Harding responded that there is no planning application for replacement toilets, the

application before members is for the demolition and it has been heard today from the speakers that there is funding included within the project to provide for the replacement and given that this is a Council scheme it is being accepted in good faith which does not seem to be unreasonable. He made the point that there will be an application in due course for the new toilets and he is sure this will come before Planning Committee but the applicant cannot be criticised for not including the replacement scheme as Mr Machen has indicated there has been more toing and froing discussions in order to get the scheme right for the replacement toilets and that has set back the work programme slightly as otherwise the committee might have seen both applications together.

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

- Councillor Mrs Mayor expressed the opinion that she would have liked to have seen an application come forward for demolition and rebuild, but members have got what is in front of them and this is what needs a decision.

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

*(Councillors Connor declared that he is perceived to be pre-determined on this application and took no part in the discussion and voting thereon. Councillor Mrs Davis took the Chair for this item)*

*(Councillor Benney declared that he is a member of Cabinet but is not pre-determined and will approach the application with an open mind)*

*(Councillor Mrs French declared an interest in this application, by virtue of being a member of MATS and the Member High Street Steering Group, and after speaking as part of the public participation took no part in the discussion and voting thereon)*

*(Councillor Murphy declared that he is a member of Cabinet and is Portfolio Holder for the Environment responsible for public toilets, and took no part in the discussion and voting thereon)*

*(Councillor Purser declared an interest in this application, by virtue of being a member of MATS, and took no part in the discussion and voting thereon)*

*(Councillor Skoulding declared that he was pre-determined on this application and after speaking during the public participation took no part in the discussion and voting thereon)*

**P101/22      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**

Graham Smith presented the report to members and drew their attention to the update report that had been circulated.

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

Members asked questions of Shane Luck, the Highways Officer, as follows:

- Councillor Mrs Mayor stated that on the site visit members were concerned about where the footpath is situated as it is on the opposite side of the road to the development, which means when they are affordable houses there will be children who will have to cross the

road to get to school, cross the road to get to the village and it was felt it was possibly better to have the footpath link on the same side as the development. Mr Luck responded that in engineering feasibility terms, due to constraint on the width of highway available and the number and nature of direct frontages and their individual access on the north side, a footway on that side of the road is not feasible as it does not fit within the available space and will create visibility conflicts with those driveways. He added that instead of providing or attempting to provide a footway on the north side which would be sub-standard the applicant is proposing a crossing point from the access to a widen and extended footway on the south side of the road, which in the context of the NPPF and highway safety a footway on the south side of the road including a crossing point is acceptable and safe in highways terms.

- Councillor Mrs Davis stated that her concerns were the same as Councillor Mrs Mayor as lorries access this road to go to IPL and when a crossing point is mentioned is this going to be a dedicated crossing point? Mr Luck responded that it would be a dedicated uncontrolled crossing point so a dropped kerb as based on the nature of the road and volume of usage a controlled crossing would be deemed to be more unsafe due to the infrequency with which it would be used so drivers who drive regularly along the road become used to it not being used as a crossing point and on the occasion it is used it takes them by surprise. He added that controlled crossings need to have a certain volume of usage for it to be considered safe.
- Councillor Mrs Mayor asked if this meant a tactile lower kerb feature? Mr Luck responded that it would be a dropped kerb with tactile paving.

Members received a presentation, in accordance with the public participation procedure, from Marc Hourigan, the agent. Mr Hourigan stated that this is a site that has long been identified for residential development and has the benefit of an outline permission until as recently as 1 May 2021 and it is also a site that is proposed to be allocated for new homes in the Council's emerging Local Plan, although he acknowledges this is at an early stage of its preparation. He made the point that, as the officers note, the principal of residential development here is considered acceptable in planning terms and a scheme has not come forward previously under the provisions of the former permissions for housing and the new school car park due to the site being a little too big for local developers and on the small side for national house builders and in relation to the school car park, the Diocese was consulted at the pre-application stage and the outcome of that consultation was that there was no commitment forthcoming for the car park and it obviously never came forward.

Mr Hourigan stated that his client's proposed development is in partnership with the Longhurst Group, a well-known and respected Housing Association, to deliver a 100% affordable housing scheme, which is the key difference between this scheme and the previous one which was an open market scheme. He stated that he has been reliably informed by officers that 100% affordable schemes are quite rare in Fenland because of viability issues associated with delivering development here and the evidence that they have presented in the application shows there is an acute need for affordable homes in Fenland and this scheme will go some significant way to help address that need.

Mr Hourigan expressed the view that if members support the scheme they can be assured it will be delivered promptly. He made the point that the scheme also contains some specialist housing, with plots 60-63 being four large homes in the north-west corner of the site specially designed for people with disabilities for which there is an acute need for in Fenland.

Mr Hourigan stated that within the scheme there is a broad range of house types and sizes from 1-4 beds catering for a broad cross-section of needs and the scheme also includes bungalows some of which are adaptable for disabled access. He referred to energy and as members will be aware the cost of living crisis, the climate crisis and the need to reduce energy consumption is affecting people all across the land and this scheme will need to adhere to the most stringent building

regulations that came into force last year, which compared to the previous regulations require 30% improvement in terms of energy efficiency.

Mr Hourigan referred to some of the issues that have been raised by objectors and in terms of drainage they have worked really hard with the County Council, Middle Level Commissioners and Anglian Water to devise an appropriate surface water scheme for this site, consequently there are no objections from these agencies, and it is also intended that all surface water infrastructure will be adopted and it is expected that all roads will be adopted too. He stated that members have heard from the County's Highway Officer regarding the delivery of a new footpath connection to the village as well as a highway gateway feature on Gosmoor Lane to help reduce vehicle speeds, with the County satisfied with the proposals from a capacity and safety perspective raising no objections to the scheme, with the highway scheme being very similar to what the Council has previously approved on the outline permission.

Mr Hourigan expressed the opinion that it is a well-designed scheme that will fit comfortably with its surroundings but it is right and fair to acknowledge that the outlook for some of the existing residents will change but that is not a reason to resist the scheme, with there being no amenity issues for neighbouring residents as the homes have been sited an appropriate distance away from existing properties. He stated that the scheme does include open space along the northern boundary with the countryside beyond, which will be a usable open space and will only ever be used to store surface water in the most extreme of events, acknowledging that the open space and the site lie within Flood Zone 1, which means it has less than 0.1 chance of flooding each year.

Mr Hourigan made the point that Elm park is within 300 metres of the site and the footpath improvement that would be delivered would facilitate safe access to this children's play area. He stated that the position of the Council is not to require contributions for 100% affordable schemes, which is, in his opinion, an entirely reasonable position for the Council to take on planning balance but the consultation responses he has seen simply do not adequately evidence need with regards to social infrastructure.

Mr Hourigan reiterated that this is a much-needed affordable housing scheme, it will deliver a high quality development, all technical issues have been addressed and he asked members to grant full planning permission in line with the officer's recommendation.

Members asked questions of Mr Hourigan as follows:

- Councillor Meekins acknowledged the need for more housing, with the previous application being for 50 and this one for 63, but queried the non-provision of any play area within the estate, with him knowing Elm well the only playground is opposite the school so the children would need to go up this road and cross the road to access this play area and a play area, in his view, would have enhanced the site to potential purchasers. Mr Hourigan responded that the outline permission was for 50 and when this project was started he contacted the previous architect involved with the scheme and asked if there was a reason why 50 was the figure given in the application and the answer he was given was that there was no technical reason why it was 50 that was just the number they came up with. He made the point that this application site is slightly larger than the previous application site as when you consider the proposals previously as a Council there was the housing, an area in the north west corner which was going to be a school car park which clearly is not needed so this area is now being proposed to be developed for housing. Mr Hourigan stated that the scheme does include open space along the northern part of the site and the principles that were established in the outline illustrative scheme have been followed, which will also be a dual purpose storage facility for surface water in the most extreme of events, with the site lying in Flood Zone 1, with there being 0.01% risk of flooding so for almost all of the time it will be used as open space although he acknowledges that there is not children's play equipment within it but Elm park is only 300 metres away and members have heard from the Highway Authority that the access to site and the continuous footway from the site to the

park is satisfactory in highway terms.

- Councillor Meekins stated that he would not be happy for children to travel 300 metres up a busy road to reach a play area and asked about the area where it says SUDs attenuation pond. Mr Hourigan responded that it would be grassed over to provide dual usage.
- Councillor Cornwell expressed his concern regarding the play aspect, he recognises that there is the SUDs and it serves two purposes but he is also aware that there will a lot of young families on this development and it appears to him that some type of small play facility for small children somewhere around that SUDs would be far safer and far more accessible to the families that are going to live in this development, it is an enclosed area and if there was something there he feels it would be far more suitable for the younger families especially rather than go down and across the road to get to the main play area in the village. Mr Hourigan expressed the opinion that he has already answered this question, with officers and the Highway Authority saying it is acceptable and it is no different from all the other residents who live on the estate opposite if their children want to go to the park they go down the road, past the shop and across the road opposite the school. He made the point that it is not like there is not any open space as there is 1,355 square metres of open land for people to use. Councillor Cornwell expressed the view that Mr Hourigan was being a little disingenuous and he realises why as there is a cost involved but it seems to him that in a development such as this the more one can provide for the families in a safer aspect is better and this proposal is in effect requiring the youngsters to go out into the big world from the end of the estate, with these being smaller children which is where the main facility in Elm comes in as it is a good play area and whether the officers feel one way or another he feels is irrelevant. Mr Hourigan responded that talking about young children, chances are they will be accompanied anyway by parents so if it is a safety concern then those young children would ordinarily be accompanied by a parent or grandparent to the existing equipped play area in Elm which is only 300 metres away and within acceptable walking distance, although he recognises the point that Councillor Cornwell is making but open space is being provided on site and to provide what is being suggested the amount of affordable housing would have to be reduced.
- Councillor Purser stated that when the children come out of the school they have got to cross the busy road and go around the houses to get back to the housing estate and previously there was an application for 55 and now this proposal is 63 with some houses pushed into the corner and asked if there was no provision to put some sort of gate so children can go through from the development into and out of the school, which would be safer for those children living on this development. Mr Hourigan responded that this part of the site is where the specialist housing is located and if there was a gate there he is not sure how it would be planned but they would also need the agreement of the school and he believes on the other side of the fence it is undeveloped land, part of the playing field so it would need a path and there is not that agreement with the school. Councillor Purser made the point that surely the school would use its common sense for the safety of its children to agree to this request. Mr Hourigan responded that the car park that was agreed previously had that link in and when they engaged with the Diocese and the school there was not any appetite for providing that car park and he can only assume that the school did want any people coming through that part of the school, but engagement did take place with the school and Diocese and nothing was forthcoming from them. He reiterated that it is only 300 metres to walk to the school along a wide footpath. Councillor Purser expressed his surprise that the school did not engage with the agents.
- Councillor Connor stated that he is not happy with the answers provided to Councillors Meekins and Cornwell regarding the play area, with most of it taken up with the attenuation pond and it will probably have some sort of water in it or not but has that purpose. He made the point that Elm School does not have any vacancies at the moment so what is going to happen when children have to be bussed of to school so he can see problems in the future. Councillor Connor referred to the Management Plan which shows wheel cleaning facilities, which he applauds, but he would like, which he feels Councillor Mrs French will agree with, a road sweeper available at all times which will hopefully alleviate most of the problems on

Gosmoor Lane with mud and debris and whilst this cannot be enforced he would like a cast iron guarantee that there is a pre-commencement condition for a sweeper to be provided as in inclement conditions there will be mud on the road. Mr Hourigan responded that he has taken instructions and Councillor Connor can have that cast iron guarantee. He referred to the public open space and having water in it and expressed the opinion that it would only be in the most extreme flood events and that would be after the pumps had failed as there is a pump system, with a back up pump and the pump system has an alarm so all of this would have to fail before there would be water in this dual purpose facility. Mr Hourigan acknowledged the school places as an issue but the resolved position of the Council is not to request contributions towards education for 100% affordable schemes and he also acknowledges that there is parental choice not all the people who live on this development will want to send their children to that school. He has seen the responses on education and they do not go into much detail on what would be required to justify contributions under the CIL regulations but that is not the position of the Council as he understands it, which is to take a balance with the affordable housing provision which are 100% affordable housing schemes and further contributions are not required.

- Councillor Mrs French stated that she is glad that Councillor Connor mentioned the mud in the road as she is fed up with the Council having to constantly attend to clean out drains with the two big developments in March and she is glad the developer has agreed to the action proposed. She referred to education and made the point that the County Council does have a statutory duty to supply education but this Council does not have a statutory duty to enforce Section 106s.
- Councillor Sutton referred to Mr Hourigan mentioning in his original presentation that it is unusual for 100% affordable housing and he is right it is but asked if he is aware that it is not unusual in Elm itself as there has only just been 27 agreed at the end of Grove Gardens and that 27 in a Section 106 Agreement supplied around £43,000 to go towards either the proposed new village hall or more likely make major alterations to the church so that it becomes a community facility so if this £43,000 is pro-rata to this scheme it comes to about over £100,000 so could this be expected through a Section 106? Mr Hourigan responded that the position with this application is that there are not any contributions and they have not been asked to provide anything, with the resolved position in the SPD is that infrastructure contributions are not asked for on affordable schemes. Councillor Sutton expressed the view that the contributions were not asked for on the 27 scheme but the developers and the Housing Association wanted to give something back to the village and it does not have to be CIL compliant for it to be offered it be undertaken unilaterally.
- Councillor Mrs Mayor referred to the bungalows, with there only being four and two are disabled and the four properties at plots 60-63 she is concerned that they are right up in the back corner and if they are for disabled people she thinks they should be nearer to the entrance to the estate or even more bungalows, but she is delighted that four is being proposed, and asked where there is a possibility that those other properties that are for disabled people can be moved? Mr Hourigan responded that the issue with those types of units is that they are very land hungry as they are very large units so that is why they are in the north west corner of the site, with the land being flat so from an accessibility point of view that should not be a problem. Councillor Mrs Mayor stated that it just seems that they are in the furthest point from the main entrance to the estate. Mr Hourigan acknowledged this.
- Councillor Sutton stated that he is the Council's representative on the Hundreds of Wisbech Internal Drainage Board and also as part of this is on a sub-committee called The Works Committee, with The Works Committee having input into all sorts of things to planning applications to works that need undertaking and he usually does not attend The Works Committee if it is solely about a planning application but he is always copied in to any correspondence. He read out an e-mail he received a few days ago "the case officer confirmed that the officer recommendation for this development is to grant prior to section 106 but please note the issues concerning the piping and/or filling of the sites open water courses has not been resolved as discussed previously, the piping and/or filling of long

lengths of open watercourse is contrary to national, local and the Board's policy and the applicant has been advised that my recommendation for a Section 23 application based on the current proposals would be REFUSED. There are many issues involved with this which need to be resolved and whilst it is accepted that the development provides social housing the Board are reminded that the water level and flood risk management authority may be considered negligent if it approves the application". Councillor Connor interrupted to say he is not sure the agent can answer this and it is perhaps a question for officers. Councillor Sutton acknowledged the point but said he did not want to get in debate and then someone say why did you not ask the question. Mr Hourigan responded that he has not seen this e-mail and queried whether Councillor Sutton involvement with this IDB had implications for determining this application but made the point that there is condition proposed to obtain drainage consent for the scheme so the developer will have to go through this separate permitting process.

Nick Harding stated that the planning system cannot duplicate matters which are covered by other legislation and the IDB consenting is completely separate legal process but it is recognised there is an intermeshing of planning and drainage consent and if planning consent is given by committee that does not give the applicant automatic rights to obtain drainage consent. He referred to a equipped play area and made the point that adopted plan policy is that where there is a site of under 2 hectares, of which this is, there is no requirement for on-site equipped play to be provided and as heard from the case officer and the agent the SUDs feature is going to be dry 99% of the time so it is agreed that having the embankments down into the bowl means that it is not going to be accessible for all there will still be an area of open space. Nick Harding stated that the previous consented scheme did make a Section 106 contribution of £38,500 towards off-site play space improvement but officers are mindful of the fact that this is an affordable housing scheme which can be factored into the deliberations but if during the debate committee might want to make a request of the agent to come back and see if he would be willing to match what was previously agreed on the original proposal. He stated on the education side, the education authority does not object to the application, they have said it would be nice to have a contribution to provide additional spaces and they did comment that the school is currently full and does not have any spare places but they did not outright object to the scheme. Graham Smith added that they clarified that if the school was full that it is the County Council's responsibility to find places.

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

- Councillor Sutton referred to the previous application coming before members, which came as a dual application, one for the 50 houses and one for the car park, which was agreed that day and if he remembers rightly members were slightly concerned about there being 50 houses in a small village but the feeling was that the benefit to the school. He stated that the previous agent and former owner withdrew the first application because they could not gain support from the Parish Council or the local population and they came up with this scheme whereby they were going to provide a car park and he knows the headteacher has now changed so he does not know her views but he knows everybody involved was very pleased and the previous owner was pleased to help his village remediate some of the parking problems associated with schools. Councillor Sutton expressed the opinion that there are too many dwellings, they are squashed in and the reason for passing the 50 in the first place has been lost, it is only just a couple of months ago where in Doddington, a growth village, it was agreed that 47 was too many in terms of numbers for a growth village so to be consistent he queried how the committee can now say that 63 is acceptable for a limited growth village. He feels there are lots of elements that are beneficial but, in his view, this is outweighed by the disadvantages, ie schooling. Councillor Sutton stated that notwithstanding what the Highway Officer has said in his professional opinion members must not lose sight of the risk on that road, there has already been two fatalities at the top of this road so members need to be careful what they do here. He feels the other issue, which features in the case officer's report, is that it does not fit in with the surrounding area and only the balance because it is an affordable

housing scheme outweighs the character issues, with the other houses in the area have good size gardens and this scheme, in his view, does not fit in with the area at all. Councillor Sutton made the point, as he said to the agent, that Elm has had over the last few years 27 affordable houses and there were around 30 on The Dale site so, in his opinion, Elm village has contributed more in percentage terms in social housing than almost any other area of Fenland and whilst that is not a reason not to have some more he feels this is just not the right scheme and takes away everything that was previously agreed, with the play area in the village not been a big area and something this size should be provided on this development.

- Councillor Mrs French referred to education, reading from the report which states that the Council confirms that education contributions would not be required and expressed her disappointment with the County Council as if the school is full it is full and 63 dwellings is going to bring at least 100 children and asked where are these going to go to school. She stated that Elm is part of her County Division and she will be asking the Education Department what is going on as she does not think it is satisfactory.
- Councillor Meekins stated that all these new potential children coming into Elm are eventually going to go to secondary school and the Thomas Clarkson in Wisbech is full also. He made the point that the County have withdrawn the funding for a new secondary school in Wisbech so it is a problem that is getting worse and will be exacerbated by schemes such as this.
- Councillor Purser referred to the comments of Councillor Mrs French and Meekins regarding schools and thinks it is a problem that is occurring everywhere. He expressed concern about the overdevelopment of the site as he thinks there are far too many properties on the site but he is also concerned about the highways safety, with the school children's safety going around the village to get 50 yards and he thinks there will be some avoidable fatalities here and something could be and should be looked at before this even happens and taken into consideration.
- Councillor Cornwell stated that he feels the same way, the housing is needed but the infrastructure is also needed to go with it, which is a problem when you look at March with nearly 4,000 houses proposed, junior schools are not just needed but secondary schools as well and the County has got to wake up because with the extra money that it gets from the developments that are approved it gets Council Tax, which is extra Council Tax to them and they should be using that money to provide their elements of the infrastructure. He stated that as far as he is concerned the provision of the social housing and disabled units actually outweighs because members cannot do anything about the other issue so on balance he supports the proposal.
- Nick Harding reminded members that they had heard from the Highways Officer earlier and he has got no objection to the scheme from a highway safety perspective, he has explained why the footpath is taking the particular side of the road as there is not enough space on the other side to accommodate a footway, which would have been the case with the previous application. He stated that the school was written to asking for comments and none were received, with the agent saying they had also been in touch with the school so there has been no request for a direct access between this proposed development and the school, with members needing to remember that any access that is created above existing would have to be managed by that school and go through the usual risk assessments. Nick Harding expressed the opinion that a distance of 400 metres, which he does not think is an unreasonable distance, for people to walk to school and there may have been some road accidents in the past but there is nothing that has come from the highways officer to indicate that the route to and from the school is of such a risk to users that it warrants intervention because if that was the case it would have been identified those interventions. He has highlighted the Council's policy in terms of infrastructure with there being no requirement for on-site provision of an equipped play area and he has made a suggestion to members to ask the agent on whether or not a contribution could be made towards further upgrades to the existing play area but when it comes to the school places members need to remember that there is the strategic viability



assessment that was undertaken in respect of the emerging Local Plan and from that the Council has adopted a new approach in respect of Section 106 contributions in that north of the A47 the Council will not be asking for developer contributions on anything to avoid stymieing development.

- Councillor Skoulding stated that he still a little concerned about the reservoir, although it has been said it is not in a flood plain, with young children in this area he is concerned about drowning.
- Councillor Purser asked if it could be, whichever authority is responsible, that a lollipop patrol is employed to make sure the children do cross the road safely. Councillor Mrs French responded that the days of the lollipop patrols are gone and attempts are being made to get rid of the ones that are already in place. Councillor Marks stated that Manea has just got one but had to fight for it and it is paying for it as well as a contribution.
- Councillor Marks referred to the £38,000 based on 50 houses and feels that committee should be asking for more money because there are now 63 houses. Nick Harding reiterated that this is a fully affordable housing scheme, which it was not previously. Councillor Marks made the point that more houses mean more profit for the developer from building and selling them so feels that a little more money could be obtained.
- Councillor Mrs Davis stated that it is all very well asking for a play area and a contribution towards it but who is going to maintain it moving forward? Nick Harding responded that if the applicant were to agree to contribute then that money would be held by the Council and distributed to whoever manages that existing play area to facilitate improvements to it and if there was no desire to do that the money would be eventually returned to the applicant in the normal way.
- Councillor Murphy made the point that the Council does not want any more play areas to look after as they cost a fortune to upkeep and if that play area goes on the development it should be looked after by a management company. Nick Harding reiterated that there would not be an equipped play area on this development site, it would be a sum of money that would be made available to the Parish Council that operates the play area at Abington Grove.
- Councillor Murphy expressed the view that committee is worrying about children running and falling into a pit but he has seen these areas, they are dry and it would take a deluge for it to fill up and children can play in these areas safely. He expressed the opinion that children are being 'molly coddled' too much and referred to having to travel 300 metres to a play area or the school making the point that where he lives in Chatteris they walk about a mile to the school from one end of the town to the other with no problems so these children need to be entrusted with common sense.
- Councillor Connor read out 10.12 of the officer's report in relation to landscaping and the attenuation area and asked where the money is going to come from if the occupiers do not upkeep these areas, is there going to be a management company as someone is going to have to look after the attenuation pond. Nick Harding responded that the public spaces will be maintained by the Longhurst Group.
- Councillor Marks made the point on Charlemont Drive there is a pumping station which is contributed to by all households so it has a management company but this has a pumping station as well so who will be looking after this? Nick Harding reiterated the Longhurst Group. Councillor Marks asked if Longhurst can look after any play area? Nick Harding responded that Council policy does not require an on-site play area to be provided.
- Councillor Sutton referred to Councillor Murphy's comments where Fenland do not want to take on any more open space, which is fine but this then comes into a two-tier system whereby one group pays their Council Tax and they get open space and another group pays their Council Tax and they do not get any or it looked after, which he does not agree with. He further referred to Councillor Murphy mention of a deluge and it will never happen but informed members that on three occasions 12 Birch Grove has been flooded, which is a bungalow only a stone's throw away from this site and there have been terrible issues with flooding on Birch Grove. Nick Harding responded that in terms of the surface water this development has a specifically designed system that directs the water in a certain

way into a contained and managed system, with the surface water pond area being used and designed in the event of an extreme flood event as well as the pumps failing so there is everything that is humanly possible to do to prevent the properties getting wet in an extreme flood event. Councillor Sutton queried whether he had got that right as, in his opinion, an attenuation pond only comes in in the event of pump failure. Nick Harding responded that the pond area is designed to store water and is of sufficient volume in the event of the pump failure.

- Councillor Mrs French stated that she is very interested in flooding and remembers the floods of 2014 and 2020 but since 2020 Cambridgeshire County Council as the Lead Local Flood Authority have worked very hard on this issue recognising a lot of errors in the past so she is pleased that they are happy with this as there is a lot of work going on behind the scenes regarding flooding and believes the flooding issue will be fine on this site.
- Councillor Cornwell stated that the area does get these peculiar downpours/deluges so this pond is needed and suggested to make the area safe that thorned plants be placed in it.
- Councillor Connor asked the agent if they were willing to provide the £38,000 contribution for play equipment. Mr Hourigan responded in the affirmative.

Proposed by Councillor Sutton, seconded by Councillor Meekins to REFUSE the application against the officer's recommendation as they feel that the development is too big and it does not comply with Policies LP3 and LP12 whereby small extensions to villages will be allowed as this development could not be described as small and it does not comply with Policy LP16 and will cause harm to the character of the area, which is acknowledged at 10.10 of the officer's report. This was not supported on a vote by the majority of members.

**Proposed by Councillor Mrs French, seconded by Councillor Murphy and agreed that the application be GRANTED as per the officer's recommendation with the request for the £38,000 contribution.**

*(All members present, registered in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)*

**P102/22      F/YR22/1239/O  
LAND WEST OF LOWLANDS, COLLETTS BRIDGE LANE, ELM  
ERECT 1 DWELLING (OUTLINE APPLICATION WITH MATTERS COMMITTED IN  
RESPECT OF 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 Peter Bryant, an objector. Mr Bryant stated that he was representing more than a third of the properties on this adopted highway who oppose the application and despite appearances this is not nimbyism but is a local community asking the Council to uphold the Local Plan, NPPF and previous application and appeal decisions. He made the point that in April 2022 the committee unanimously rejected the previous application on multiple grounds, with the applicant trying to make this application different by including a turning head but the Local Highway Authority (LHA) state "it does not benefit for LHA to adopt this turning head" so any supposed benefits fall away and the application becomes identical to that which was refused in April.

Mr Bryant referred to the decision notice for planning application F/YR21/1536/O making it clear that no modification to the application could overcome the fundamental planning based problems showing this informative on the presentation screen so with or without the turning head the

application, in his view, still fails to comply with the Local Plan and must be refused. He referred to the supporter comments which do not address the planning problems in the application but expressed the opinion that it is wrong for a site to gain a planning benefit because owners have let it become an eyesore and apparently used it to start dumping their building waste as given that this plot was previously a wildlife haven fronted by an ancient hedge, it would be particularly egregious for it to gain planning benefit having now been laid to waste by owners.

Mr Bryant made the point that half of the support live outside the hamlet and not one of the remaining supporters live on the adopted highway in the vicinity of the plot. He expressed the view that the emerging Local Plan is irrelevant but in any case this application lies outside the proposed settlement boundary and, therefore, would invite automatic refusal.

Mr Bryant stated that traffic safety perceptions differ and living in the area is very different from driving through referring to two recent incidents, with him having to thump a vehicle trailer twice and shout at the driver to prevent it reversing into him as he stood on his driveway and a resident who lives opposite the site had to take urgent avoiding action to prevent a collision whilst entering the lane as a car was travelling too fast around the corner and although the other car took avoiding action it then only narrowly avoided striking the property opposite. He expressed the view that these close shaves are not uncommon and a further property roughly opposite would increase this hazard level substantially.

Mr Bryant made the point that the Council's Refuse Team would not gain from the turning head and it could be detrimental to the immediate residents representing a loss of privacy, safety and security. He feels the Highways position is very clear, with the report noting their position was at variance with their 2015 appeal position, but, in his view, much has changed since then with the LHA installing signs at the entrance to Colletts Bridge Lane to minimise unintended entry, there being many small to large vans delivering along the lane and supermarkets are sending larger vans to make home deliveries so, in his view, the highways revised opinion is accurate as it reflects their experience of the lane providing quotes from members at the committee in April about the dangerous conditions, with there being no public space on the lane for cars/bikes/people to escape oncoming traffic and the only avoidance is onto private land.

Mr Bryant expressed the opinion that, as with all previous application, this proposal fails to meet many Local Plan policies, DM3 and NPPF, especially LP3 and he is pleased that Highways now object in line with residents lived experience. He stated that development has never been considered acceptable by the Council for this plot and both the committee and the appeal inspector have previously confirmed development is contrary to the Local Plan and was/should be rejected.

Mr Bryant stated that the committee voted unanimously to refuse last time and, in his view, nothing has changed so urged members to do the same today adding highway safety as an additional reason for refusal.

Members asked questions of Mr Bryant as follows:

- Councillor Mrs French asked if she had heard Mr Bryant say that the owners of the land had started dumping rubbish on it? Mr Bryant responded that there has been one instance of some rubble and broken paving slabs placed behind the fences that are along the site. Councillor Mrs French stated that she is sure officers under Section 215 can deal with this.

Members received a presentation, in accordance with the public participation procedure, from James Burton, the agent. Mr Burton stated that this is an outline application with all matters reserved offering the opportunity to deliver high quality housing within the district, with the application being before members today due to the amount of local representation received both supporting and objecting, with nine letters of objection from eight households being received and the prominent point in residents' objections is the road and in particular the lack of turning with vehicles using private drives to turn and pass which they have sought to address through the

introduction of a turning head. He made the point that eight letters of support have been received with a number from the immediate vicinity around Colletts Bridge confirming the lane is safe, there is no issues with access, the turning head would improve this, there is street lighting with one outside the plot and accidents recorded are around the A1101.

Mr Burton stated, as noted in the officer's report, there have been a number of refusals on this site and during the previous debate members made comment that there was no turning along the road, with the applicant reflecting on this issue and the key difference in this application is the inclusion of the turning head to provide the option for turning three quarters of the way along Colletts Bridge as well as providing a safe passing place without using the verges or residents driveways. He made the point that the intention is to provide a betterment for residents and improve safety and agrees with officers that a highway reason for refusal would not be appropriate as highways have previously offered no objections to development of this site including their response only last year and the inspector also considered the access was acceptable.

Mr Burton stated that local residents have informed them that oil tankers and sewage lorries attempt to turn when using the lane and use the land adjacent Hazels, however, there is a no turning sign on this access. He is also led to believe that a turning head has been requested in the area, with the turning head proposed being of sufficient dimensions to allow a car to pull over and act as a passing place as well as a turning head for large vehicles it also widens the road at this point to over 5.5 metres for a distance of 13 metres, which is wide enough for a lorry and car to pass and is the width of new housing estate roads so they consider this provides a benefit to the wider community and other services including refuse, oil deliveries, sewage and fire appliances.

Mr Burton stated that they were happy to accept a condition that says the turning head must be of a design sufficient to act as a passing place as well as a turning head. He made the point that there are two reasons for refusal proposed which can be summarised as the development is not infill and the enclosure and encroachment onto the open countryside setting a precedent for future development on this side of Colletts Bridge.

Mr Burton expressed the view that with regard to reason 1, as noted in the officer's report, the site is located between two dwellings which are both two-storey and he considers this application to be an infill which is the same situation as the application shown on screen south of Colletts Bridge with the green line, this is an elsewhere location not part of Colletts Bridge and was approved by this committee within the last 12 months and requires removal of some large hedging to the front. He made the point that during the debate for this application it was noted that the site is infill as it has a house either side, no footpath and street lighting, it is a plot that will enable quality housing to support and grow the economy which should be supported and noted that the area is rural and people will use a car for travel as a fact of life in rural locations and, in his opinion, these points are also relevant and supportive of this application.

Mr Burton expressed the opinion that in relation to reason 2 the application would not enclose this side of Colletts Bridge and will maintain separation between properties and views through to the open countryside, which can be secured at Reserved Matters stage. He does consider approval of this application would set a precedent for development along this side of the road as there are no other sites that could reasonably be considered as infill and the emerging Local Plan has allocated a site on this side of the road for 10 dwellings as could be seen on the slide on the presentation screen, whilst agreeing the emerging Local Plan carries limited weight at this stage it is considered that it demonstrates the direction of travel and notes that at present Fenland have indicated a parcel of land to the west the same side as this application opposite the majority of development for up to 10 houses, with the majority of hedgerow in this area being removed, and he believes this demonstrates that the Council consider this to be a suitable location for development and that it is acceptable in sustainability and highway terms.

Mr Burton expressed the view that the scheme approved in the vicinity in April was located

between two dwellings and considered as infill the same as this proposal and as such he believes this scheme is consistent with recent approvals within the village and also consistent with a number of recent approvals within Fenland to deliver quality development. He feels the proposal is infill and not open countryside providing a planning gain with the introduction of a turning head, complies with policy and results in a high-quality development without causing harm to the form and character of the area or residential amenity and as such he requested that members support the proposal with conditions deemed appropriate.

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

- Councillor Benney stated that he remembers this site being considered by committee last year and he cannot see what has changed as he does not feel the turning head makes any difference. He made the point that there is a site history of refusals on this site and feels that officers have got the decision correct.
- Councillor Mrs French agreed with the comments of Councillor Benney.
- Councillor Sutton agreed with Councillors Benney and Mrs French it has come back to committee and in all fairness to the agent and applicant they thought they had added some value to their application but, in his view, it has not added any value because delivery lorries and refuse lorry do a loop and there is no need for that turning head and the County Council will not adopt it so if it is not adopted it could be gated off at any time and the applicant would be perfectly within his right. He stated that what he does have a problem with is that there is now a highways objection and he cannot understand why this is not included in the reasons for refusal, members have been told before that they cannot use highways as a refusal if committee has not got highways permission but this does have an highway objection so if it goes to appeal the Council could give this highways reason for refusal and expect highways to come and defend this and believes this should be added as a third reason for refusal.
- Councillor Purser stated that he was not on the committee when previous applications have been considered so the proposal is completely new to him and when the site inspection bus went down this road, although he understands that the road goes down in a loop, he would not take his car down there as the road is far too bad and far too narrow and his big concern was about ambulances, fire engines, etc accessing this road which could put lives at risk as it is far too narrow and dangerous.
- David Rowen stated that the issue with the proposed highway safety reason for refusal is clearly in members gift to add to the decision if they choose but the difficulty would be that less than a year ago the Council refused planning permission without a highway safety reason for refusal and consequently a further application has come forward on the site and should a refusal now be appealed then the applicant as he is now appellant as he would be would potentially have grounds to make a cost claim against the Council on the grounds of unreasonable behaviour for introducing a new reason for refusal, which if had been incorporated on the first application may have dissuaded them from making a second application.
- Nick Harding added that he has been on the end of such a judgement from an inspector where a refusal reason for highways was added in following a long history of refusals where highways was not a reason for refusal and at the appeal the inspector said yes there is a highways issue but it has been introduced too late and costs were awarded.
- Councillor Sutton stated it does not alleviate his concerns as members are only going on what they are advised by highways and if this is used as a third reason for refusal and that is challenged then it is highways that should be paying those costs not this Council as committee is only following what is advised though he takes on board what officers are saying. Nick Harding made the point that this Council is the Planning Authority and the inspector in dealing with an appeal will look at the representations made by the objectors as well as the reasons for refusal and the inspector can take it upon themselves to observe what the Highway Authority said as well as representations from members of the public and reach a conclusion on whether or not the application is acceptable in highway terms.
- Councillor Benney made the point that whether a highway refusal reason is added or not,

LP3 has been through the appeal's process and that is a reason that cannot be changed as it is building in the open countryside, which is reason enough in itself.

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

**P103/22      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.**

Graham Smith presented the report to members and drew their attention to the update report that had been circulated.

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

Members received a presentation, in accordance with the public participation procedure, from Adam Conchie, on behalf of the applicant. Mr Conchie stated that Bellway Homes are a five-star house builder who prides itself on delivering high quality contemporary development that its customers are proud to live in and understands that every site is unique and design the scheme accordingly, with the site in Wimblington being no different. He expressed the view that the development has been designed to draw on its traditional Fenland vernacular using a simple palette of high-quality materials that includes a variation of facing bricks, roof tiles, weather boarding and render with detailed fenestration and roofscapes.

Mr Conchie expressed the opinion that the design seeks to define the distinct character that responds sensitively to its location and connects the lower and high-density areas along March Road. He feels the exceptional landscaping plays an integral role in defining the appearance of the scheme, the tree-lined streets marking the main routes connecting to the new trees and the fantastic area of public open space to the north of the site, which includes an equipped play space, with the hard and soft landscaping creating a setting for the buildings and featuring a number of trees, shrubs and planting species and the existing arable field margins are retained to ensure the development delivers a biodiversity net gain.

Mr Conchie stated that the scheme has been designed to be sustainable and energy efficient and electric car charging points will be installed to every property. He expressed the view that throughout the determination of the application they have worked collaboratively with planning officers to make amendments to the scheme to improve its design as well as responding to comments from local residents, with changes to the scheme including significantly setting back the homes that front onto March Road that enable additional tree and shrub planting to be incorporated, windows have been inserted into the side elevation of these plots to address the public highway and provide a well-designed scheme that reflects the existing character along March Road.

Mr Conchie referred to the layout of the scheme and number 40 March Road, with the site containing a number of constraints which the scheme has been designed around such as a 6 metre wide surface water sewage easement that runs from the northwest corner of the site to the eastern boundary and a 9 metre wide maintenance access strip running along the eastern boundary, which has enabled them to deliver a generous amount of open space to the north which incorporates the sewage easement providing a green buffer to existing homes on the northern side

of Bridge Lane expanding the front to front relationship between properties as well as maintaining a separable step into the existing street. He stated that the open space is visible from Bridge Lane and March Road encouraging existing local residents to use it and in addition to the SUDs basin, which is located in the lowest part of the site in the south-eastern corner, the rest of the site is developed to deliver the 88 new homes, 22 of which are affordable.

Mr Conchie stated that thought has been given to the location of these new homes which have been offset from the southern boundary by a significant distance as well as being staggered from No.40 and the newly constructed Matthew Homes development all of which are side on to this southern boundary. He expressed the opinion that the proposed layout plus additional tree planting to the southern boundary at the request of officers provides some additional green space and protects the residential amenity of existing occupants of No.40 and the other families residing in the Matthew Homes development.

Mr Conchie stated that Bellway Homes are well aware of the previous discussion of the committee at the outline stage in relation to flood risk and drainage matters and wants to ensure that this development does not have or does not suffer from any flooding or drainage issues whatsoever and a detailed drainage strategy report has been prepared to accompany this application and demonstrates that infiltration is not possible due to the clay rich soil, therefore, an appropriately sized attenuation basin has been provided to the southeast corner of the site in addition to the provision of underground storage crates to deal with any worst case storm event, with the controlled release of the stored surface water then being discharged into the existing ditch in the southeast corner. He made the point that the foul and surface water drainage strategy has been reviewed and approved by Cambridgeshire County Council and Anglian Water and in addition Condition 11 to the outline planning permission requires an independent survey of the surface water drainage to be undertaken once it has been constructed to ensure that it has been built in accordance with the approved drainage scheme before it is adopted.

Mr Conchie expressed the view that enhancements to the bus stop were agreed as part of the outline application and Conditions 18 and 19 to the outline consent require these details to be submitted and approved separately. He stated that Bellway Homes are really excited to provide a beautiful development for families to enjoy and thrive and hopes members would support the officer's recommendation.

Members asked questions of Mr Conchie as follows:

- Councillor Cornwell asked if there is dyke along the main road. Mr Conchie responded that there is a ditch along March Road. Councillor Cornwell asked whose responsibility is it? Mr Conchie responded that this falls within public highway land. Councillor Cornwell asked about the southern boundary as there is a dyke along here. Mr Conchie responded that there is drainage ditch along the southern boundary and that is the responsibility of Bellway Homes. Councillor Cornwell asked if each of those properties whose gardens are along this boundary will be made aware of their riparian responsibilities? Mr Conchie responded that it would be covered by the management company and there is a 3-metre easement along that southern boundary to provide access. Councillor Cornwell stated that what the management company does with each householder is up to them as long as somebody takes responsibility for it and the one on the western side he knows is a drainage board ditch and he sees there is the usual access strip so his concern was the southern dyke as there have been previous difficult experiences.
- Councillor Connor referred to the Parish Council being rightly concerned about the positioning of the bus stop because the driver refuses to stop there as he considers it too dangerous but he does stop further up the road and asked if Bellway Homes would liaise with the Parish Council about finding an alternative location for the bus stop. Mr Conchie responded in the affirmative making the point that within the Section 106 on the outline permission there is a financial contribution of £30,000 and conditions 18 and 19 requires them to agree and discharge details of the north bound bus stop as well as the south bound

bus stop so they are happy for it to be located wherever it is wanted.

- Councillor Connor requested a wheel wash and a sweeper at all times during construction and reconstruction to prevent mud on the road and asked for assurances that this will happen as there are nasty bends in the vicinity and the last thing that is wanted is skidding and vehicles coming off the road. Mr Conchie responded that Bellway Homes is a considerate contractor and it does have a construction environment management plan so it is more than happy to ensure that vehicles are wheel washed and the roads are maintained in a safe manner including the provision of a sweeper.

Members asked questions of officers as follows:

- Councillor Mrs French stated that she is a member of six drainage boards and she does know there was problems with drainage on another development but there is no mention of drainage boards within the application and assumes that they have not responded. Graham Smith responded that this was correct.

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

- Councillor Purser stated that he has a few concerns about this application, with the first concern being that he feels it is massively overdeveloped with there already being oversubscribed doctors, schools and dentists and one of the big things when he was a lad was that Wimblington bends were very dangerous, it was a race track in this area and with the entrance where it is he is concerned that having 66 more dwellings coming out onto that quite a blind dangerous bend it could be a nasty accident waiting to happen.
- Councillor Mrs French made the point that this is a Reserved Matters application and members cannot consider issues that have already been considered.

**Proposed by Councillor Mrs French, seconded by Councillor Mrs Mayor and agreed that the application be GRANTED as per the officer's recommendation to include the requests for a wheel wash and sweeper.**

*(Councillor Mrs Davis declared that she was pre-determined in relation to this application and took no part in the discussion and voting thereon)*

*(Councillor Sutton declared an interest, by virtue that his nephew works for Bellway Homes, and on advice from the Legal Officer took no part in the discussion and voting thereon)*

*(All members present declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)*

**P104/22      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**

Danielle Brooke 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.

Peter Humphrey, the agent, had registered to speak under the public participation procedures but indicated that he supported the officer's recommendation and would answer any questions members had.

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

- Councillor Mrs French stated that she knows the site well, and whilst she knows there is nothing that can be done about it the proposal has no parking on the site and it will be interesting to see what happens when civil parking is eventually brought in.



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

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

*(Councillor Meekins had left the meeting prior to determination of this application and the remaining agenda items)*

**P105/22      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**

Danielle Brooke 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.

Peter Humphrey, the Agent, had registered to speak under the public participation procedures but indicated that he did not wish to exercise this right and would answer any questions members had.

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

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

**P106/22      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)**

Danielle Brooke presented the report to members and drew their attention to the update report that had been circulated.

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

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent, and Mr Grainger, the applicant. Mr Humphrey referred to the current Local Plan where it was alluded that there would be freedom, a bit more tolerance, a bit more allowance of discretion for members and agents and no village boundaries but unfortunately, in his opinion, officers are more stringent, which then leads this site to being the perfect site as the Local

Plan was written for in 2014. He feels it is a perfect edge of village development site, it has a main County drain opposite which, in his opinion, is clearly not only the County boundary but the boundary for the village, with there being houses beyond this site.

Mr Humphrey stated the sequential test carried out was village wide only, unfortunately there is no specific guidance on the sequential test so it is up to the discretion of the planning officers on whether it should be a district-wide or a village-wide test. He stated that the application site is within Flood Zones 1, 2 and 3, which for a very flat site he feels is ironic but that is the way that the Environment Agency have allocated it.

Mr Humphrey notes from Parish Council correspondence that they are looking for up to 7 more houses within the village and this proposal could offer two or three. He stated that all highway issues have been agreed with highways and, in his view, the site is adjacent to the built form of the village and when you look at the site plan that the officer displayed members will see it is adjacent to an existing bungalow.

Mr Humphrey expressed the view that there have been footpaths/walkways that his client owns linking these plots to the middle of the village which is within comfortable walking distance to the church, shop and more importantly the public house with also the golf course within walking distance in the other direction so this proposal is more accessible to most village amenities than most of the village. He added that the description for this application is for the erection of up to 3 houses so it could be 2 but it has been shown that the site will accommodate 3 and requested that members considered this application in accordance with spirit of the 2014 Local Plan when it was first written.

Mr Grainger stated that the view that members saw when you approach Cats Lane was not the view that used to be there it was just literally an overgrown mess and dumping site so the work that has been undertaken has been done by his family.

Members asked questions of Mr Humphrey and Mr Grainger as follows:

- Councillor Mrs French asked Mr Humphrey if he said the Parish Council supported the proposal? Mr Humphrey responded no, it has listed that it wants 7 new dwellings for the village.
- Councillor Sutton referred to Mr Humphrey saying that there was not any guidance in terms of the sequential test but feels he either did not get it or something went wrong as he is sure the sequential test guidance went out and elsewhere locations which this is according to officers would have to be subject to a District-wide test but if it is a village location it would be village-wide. Mr Humphrey responded that he understands this but he believes these 2-3 plots are within the village form so it is a matter of discretion and interpretation.

Members asked officers questions as follows:

- Councillor Mrs Davis asked for clarification regarding the situation around the sequential test. David Rowen responded that the view of officers is that this is not a site within the built form of the village and therefore it does not comply with the settlement hierarchy of a small village where infill within the existing built form would be acceptable rather than an extension consequently the sequential test as set out in the adopted guidance that Councillor Sutton was alluding to would require the test to be District-wide rather than village based.

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

- Councillor Sutton expressed the view that it is a question of whether the committee feels this site is in an elsewhere location, there have been several other places where members have disagreed with officer's opinion but he feels that this decision is right and he does not think it can be regarded as being within the village boundary.
- Councillor Mrs Davis expressed the opinion that members should take into account what the

Parish Council is saying, whilst it is saying they want 7 houses they are saying not here as it is not sustainable and that should be taken into account.

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

*(All members present declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)*

**P107/22      TPO/04/2022**

Danielle Brooke presented the report to members in respect of confirmation of a Tree Preservation Order (TPO) and drew members attention to the update report that had been circulated.

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

Members asked questions of officers as follows:

- Councillor Marks referred to there being two trees of different varieties, with one not being native to the UK and asked if the TPO could be split so one could be confirmed and not two? David Rowen responded that it is unusual but if members wanted to make different decisions on different trees they could do this. Councillor Marks stated that he can understand protecting an Oak, but he does not see why a Norway Maple needs to be protected as it is not a native species. Nick Harding responded that the TPO legislation does not make any distinction between native and non-native species, it is all about what the condition and life expectancy is of a tree and whether or not that tree is beneficial to public amenity.
- Councillor Skoulding referred to the tree that is closest to the house and asked if there is any problems with the roots and the foundations of the house? David Rowen responded that the request for the TPO has come from the owners of the property and when assessing the potential for a TPO the Arboricultural Officer will look at issues such as potential future implications of the roots on foundations and the recommendation of the Arboricultural Officer is that the tree should be protected.

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

- Councillor Connor made the point that officers think these trees are worthy of a TPO and he thinks it would be silly if this advice was not taken.

**Proposed by Councillor Connor, seconded by Councillor Skoulding and agreed that TPO 04/2022 be CONFIRMED in respect of 1 No. Norway Maple and 1 No. Oak.**

*(All members present declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this item)*

**P108/22      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**

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 Garnett, the agent. Mr Garnett thanked the planning and conservation officers for working proactively with them to achieve a scheme that is recommended for approval and where they have been able to address in full all technical planning matters that have been raised by consultees. He stated that this site is a prominent location in the heart of the town centre and Wisbech Conservation Area, with the former post office being Grade II Listed and the former telephone exchange having been vacant for some years, some parts since 2009, and, in his opinion, this proposal represents an opportunity to bring the buildings back into beneficial use.

Mr Garnett expressed the view that there is an increasing number of vacant buildings in central Wisbech reflecting low property values and the economic impacts since the Covid-19 pandemic. He stated that his client specialises in the refurbishment and conversion of historic buildings and this project represents a substantial investment in the town, contributing to the vitality and viability of the town centre through the retained commercial element and increasing the number of people living in the town centre and relying on the local services.

Mr Garnett expressed the opinion that the key planning issues are clearly set out in the officer's report, namely the principle of development, the impacts on a heritage asset, residential amenity, parking, highways and flood risk. He made the point that this is a brownfield site in one of Fenland's main towns where the Local Plan seeks to focus housing development and to achieve the efficient use of land.

Mr Garnett stated that officers conclude that the change of use is acceptable as a matter of principle, there will be no harm to the Listed Building or Conservation Area as evidenced by the comprehensive comments made by the Conservation specialist who notes the public benefits of the scheme. He stated that a number of detailed points have been addressed raised by the Wisbech Society about the historic fabric of the building and officers conclude that the level of residential amenity will be acceptable for future residents.

Mr Garnett noted some consultee comments about the preference for two and three bedroom apartments but the economic reality is that such a scheme would not be financially viable when resultant values are compared to the cost of conversion and made the point that the Council does not have any minimum space standards in either its existing or emerging Local Plan and in Paragraph 13.37 of the draft Local Plan it states there is strong evidence to indicate that the viability of development would be compromised if such standards were imposed on development. He expressed the view that the scheme will provide good quality accommodation delivered through a high quality three million pound conversion scheme and his client has asked him to stress that the development will be well managed through a resident on-site manager to relay any fears in this regard, which will assist the maintenance of the building as well as helping residents with any issues.

Mr Garnett referred to parking provision where officers conclude that given the very sustainable town centre location this is not required and there are no objections on flood risk grounds. He concluded that this is a scheme that is fully policy compliant and recommended for approval by officers, bringing a vacant and neglected building back into use helping the much needed regeneration of Wisbech town centre and asked committee to approve the scheme.

Members asked questions of Mr Garnett as follows:

- Councillor Mrs French referred to the proposal being to turn part into two commercial units in Use Class E and asked if he had any idea what these might be? Mr Garnett responded

that it is very flexible now since the use classes have changed but there is no one in line to occupy these units at present.

Members asked officers questions as follows:

- Councillor Mrs Mayor referred to the mention that some of the units are below minimum size requirements and asked how many units this was? David Rowen responded that it is set out at Page 159 of the agenda, Paragraph 3.4, with the standard space requirement being 37 square metres and 10 would be under this.

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

- Councillor Mrs French stated that she feels like Councillor Mrs Mayor the space is a bit tight but this is a Grade II Listed Building, which has been empty for many years and she feels it is good that someone wants to invest in Wisbech so she will be supporting it.
- Councillor Murphy agreed with Councillor Mrs French and he would personally like to congratulate the applicant for keeping the building as it is, it is a wonderful building and it also has a very large bin store which is normally put in a small tight space and also a cycle store to get cycles off the street. He feels it is a terrific application and he will support it.
- Councillor Cornwell agreed, it has been an empty property for too long, this proposal brings it back into use and hopefully it serves a purpose, with it not being an HMO. He stated that although some of the flats are slightly small, he feels the applicant should be congratulated on the proposals for the building.
- Councillor Sutton agreed with what members were saying, it is nice to see that somebody is coming along to make good this building rather than wait for them to fall down. He referred to parking and expressed surprise that this has not risen its head, he used to go in the building when he was a member of a group called Fenland Links several years ago and he would guess those two buildings would have quite considerably more than 33 people working in them so in terms of parking it is probably less than it would be if they were commercial buildings.

**F/YR22/0768/F**

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

**F/YR22/0769/LB**

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

**P109/22**

**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**

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 David Harrison, an objector. Mr Harrison stated that he lives at 89 Upwell Road so this application concerns him more than most people and from Cavalry Drive roundabout to this site the majority of properties on Upwell Road are bungalows, on the south side there are 20 and on the north side there are 16 and there is Upwell Park which are bungalows at the back of some other bungalows

so he queried how the applicant can think there can be houses behind bungalows. He expressed the view that it is going to affect his wife and himself for the rest of their lives if these properties are allowed to be built as if they look out of their back windows or are in their garden all they are going to see is a 25 foot brick wall, which can oversee the neighbours gardens as well as his and also the property opposite, Plot 1, will be able to look into his garden so he will have no privacy at all.

Mr Harrison expressed the opinion that with all the surrounding bungalows it would be a better option for this proposal to be bungalows, which would enable him to keep his privacy.

Members asked questions to Mr Harrison as follows:

- Councillor Marks asked Mr Harrison to confirm what number property he lived at. Mr Harrison responded 89 and when he put plans in for his property, which is an H shape bungalow, the middle of the trusses on the roof were supposed to have been higher but the Council told him that he had got to have this the same as the outside of the roof so his had to be lower which this proposal for houses now contradicts what he had to do.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey made the point that the site has an existing outline planning permission granted in July 2021 for 6 dwellings, a Reserved Matters application was put in and changed during the course of the application due to the attenuation pond being outside the boundary although it was included in the outline planning permission and from discussions with the officer it was felt the best way forward was to amend the application from a Reserved Matters to a Full application. He reiterated that the site has valid outline permission and lies in Flood Zone 1 in a town centre location, with March Town Council recommending approval and Highways, Environmental Services, Environmental Health, Natural England and the Wildlife Officer having no objection.

Mr Humphrey referred to a late letter from the Lead Local Flood Authority (LLFA) on 19 January which has been sent to their consultants and feels they have come back sending a letter to officers today with some response on the concerns from the LLFA, which he feels can be agreed by condition. He stated that this proposal has been discussed with officers and they were led to believe it was going in the right direction only for the last minute check with the Development Manager who all of sudden said it was not being supported so he feels a bit aggrieved that they had been negotiating and then told that it was going to committee with a recommendation for refusal so there has been no chance to discuss or negotiate this.

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

- Councillor Mrs French stated that she knows this site exceptionally well, with Upwell Road on 23 December 2020 being flooded, along with the majority of March, and further down Upwell Road there are 9 properties where a riparian dyke has been filled in with garages and sheds and enforcement has been out from Cambridgeshire County Council, as this is her County Council division, and unfortunately the people who have put these structures on and covered up the dyke are going to be requested to remove them and dig it out. She made the point that if you read the report from LLFA it has to be taken seriously as she has been working on the flood group since December 2020 with March being the only place in the whole of County that has now had everything mapped so she cannot support this application as it would possibly cause a problem, with the biggest problem being the owners of the dykes who are at fault.
- Councillor Purser agreed with the comments of Councillor Mrs French and stated that he cannot support this application, he thinks the officers are right to refuse as it is a bad flood plain basin.
- Councillor Sutton stated that he takes on board what Councillor Mrs French says about the ditch and quite rightly that needs to be addressed one way or another, but to suggest that this proposal is going to make that particular problem worse when there is a proposal for a flood scheme is unproven. He stated that he does take on board Mr Harrison's point about

having two-storey dwellings against single-storey so if the proposal had been for single-storey and recommended for refusal he would probably had a different opinion but feels this application has several factors going against it.

- Councillor Mrs Mayor stated that irrespective of the flooding issues, which she sympathises with anyone who has this issue especially when there is a riparian drain involved, 11.3 of the officer's report does mention about the size of the dwellings and she acknowledges that there is outline planning permission but she also has an issue in her ward in Whittlesey where houses have been built and are overlooking into bungalow gardens and the residents cannot actually be in their property because the houses can see in their windows. She expressed the view that had proposal been for 6 bungalows she may have looked at the application slightly different and she appreciates that bungalows take a bigger footprint than a house so if there are only 4 bungalows so what as, in her opinion, the properties should be bungalows backing onto the existing bungalows.
- Councillor Cornwell agreed that single-storey properties on this site, subject to a suitable drainage condition, would be far more acceptable. He queried whether it is the idea of the pond draining into a dyke is into the same dyke that that has been filled in and if so the water will not get away anyway. Councillor Mrs French indicated this to be the case. Councillor Cornwell stated that this put a different emphasis on it which is why the LLFA have made their comments but if the dyke is not a dyke or a complete dyke then how is the water going to drain away but even if there was a solution to this he feels that single-storey dwellings in this location to match the other single-storey dwellings is preferable.
- Councillor Mrs French clarified that this Council has a cemetery in the vicinity and last year the Council had to clean part of its dyke as it was flooding and all the water goes into the same dyke that does not drain away properly and members will be aware that when cemeteries flood graves lift.
- Councillor Murphy agreed with the comments of Mr Harrison, making the point that he lives in a bungalow which has a house behind with a very large extension and he has to shut his curtains early in the evening as they can look straight into his property so he does know what it feels like and would not wish it on anyone else.
- Councillor Sutton made the point that there was some surface water flooding on the site when it was visited so there clearly is a drainage issue on this site.

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

*(Councillor Skoulding declared an interest, by virtue of owning land beside this application site, and took no part in the discussion and voting thereon)*

*(Councillors Connor, Mrs French and Purser registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were members of March Town Council but take no part in planning)*

*(Councillor Benney left the meeting after this item and was not present for the remaining agenda items)*

**P110/22      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**

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 Ian Gowler, the agent. Mr Gowler referred to the slide on the presentation screen which shows on the top picture an image of the proposed street scene and the bottom picture is taken directly opposite the entrance to the proposed site. He expressed the view that the artist impression matches the street scene provided within the application, with the image at the bottom taken opposite showing that the proposal is not at odds with the street scene which is the first reason for refusal.

Mr Gowler referred to the second slide which shows the same dwellings opposite and their relationship in an aerial view, with the bungalow on the left with three cars parking at an angle has what appears to be a very large single-storey extension to the rear very close to boundary and it extends some distance past the wall of the bungalow and although this has a flat roof the wall height would be the same as this proposal using the chalet bungalow style they have. He made the point that there are two chalet bungalows in the picture with very large side dormer windows overlooking and, in his opinion, this proposed chalet has been carefully designed so that these are not required.

Mr Gowler referred to this third slide which indicates houses opposite slightly further along the road approximately 50 metres along Wimblington Road, which shows how extremely close and large some properties are along this stretch of road and whilst it is appreciated that there are no windows affected this does show, in his view, the street scene along this part of the road. He expressed the view that on the final slide the side plan on the left is shown at roof level and the right-hand side is shown at ground floor, which he feels show the better separation between the two proposed dwellings.

Mr Gowler stated that the officer's report refers to 1.7 metres separation, however, in his view, the dimensions shown on the right-hand side show there is actually much more when you do not take into account the roof overhangs. He expressed the opinion that the dwelling has been purposely designed to be a chalet bungalow style to avoid any large expanse of brickwork next to both neighbours, the left-hand side being owned by the applicant and the bungalow to the south has no windows in the elevation facing the proposed site and there will be no loss of light to the garden due to the orientation of north-south.

Mr Gowler stated that although the proposed dwelling extends beyond the existing bungalow on the right it is on the northern side and, in his opinion, the sun will not shade this property. He stated that the existing applicant's chalet bungalow on the left hand side does have windows in this elevation, however the proposal has been stepped to allow more light into the rear window and this bungalow has a very large rear window and front windows to the room that are affected and as the applicant currently lives in this bungalow these windows could if needed or wanted to be blocked up without any permission, however, it is felt that the separation of the galley design of the roof will not affect these windows.

Mr Gowler concluded that the site is at low risk of flooding, has sufficient parking and turning so cars can exit in forward gear, it has a very large garden store at the back, there are no objections to the application and he feels the proposed design does satisfy the policies noted for refusal. He hoped the committee would look favourably on the application.

Members asked questions of Mr Gowler as follows:

- Councillor Sutton referred to Mr Gowler helpfully showing some images of the surrounding area and whilst he would have thought that everybody would agree they are not ideal he would suggest that two wrongs do not make a right and this is a reason to support this application and asked Mr Gowler if he agreed. Mr Gowler responded that it may be so and the example given was to show that the first reason for refusal is that the proposal does not fit in with the street scene but, in his view, it does even though that might not be ideal the opposite side of the road is a mirror image.



- Councillor Cornwell asked Mr Gowler if he would accept that where you tend to get older properties that they were traditionally built much closer together but this does not mean that it has to be replicated under modern conditions. He stated that he asks because he lives in a house that is 33 centimetres from his neighbour, a position which was made worse by a planning decision last year. Mr Gowler responded that this is a leading question, obviously as an agent he watches these applications goes through not just the committee but what gets approved online, agents look at the characteristics of an area when giving advice to clients and the example of the first slide is that it does match the opposite side of the road but whether that is two wrongs does not make a right that is not his decision and in his view it does fit in with the street scene.

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

- Councillor Sutton stated that he alluded to the problems with this proposal in his question, two wrongs do not make a right, and he could go around the whole District questioning how developments happened. He does not feel that the proposal fits in with that side of the road where it is a nice spacious plot and removes a garage so he will be supporting officer's recommendation.
- Councillor Cornwell expressed the opinion that the proposal is too crammed in and is trying to get a "quart into a pint pot". He feels it is a thin plot that is going to back up onto a large development of 1200 houses and, in his view, does not fit in.
- Councillor Murphy agreed with the comments of Councillor Sutton.
- Councillor Mrs French agreed with the comments of the other councillors, she made the point that this is the 21<sup>st</sup> Century and people need some space.

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

*(Councillor Benney had left the meeting prior to determination of this application and the remaining agenda items)*

**P111/22      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)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that this is an outline application with all matters reserved following an earlier committee decision to approve the application which comes back to committee following points made by Councillor Sutton. He expressed the opinion that the application being to replace two holiday lets that have an extant permission with no restrictions so could be occupied all year, which were to be single-storey structure of a temporary nature in Flood Zone 3 and formed part of the previous owner's farm diversification.

Mr Edwards advised that the proposal is for two-storey dwellings, which will have sleeping accommodation on the first floor along with safe refuge which is not the case with the holiday accommodation so, in his view, provides a betterment. He stated that the applicant purchased the farm with the extant permission along with the agricultural land, farmhouse and buildings to expand the farming enterprise for both themselves and family and are continually looking at various forms of additional businesses and opportunities to diversify and expand.

Mr Edwards stated that as the report states the applicant has two daughters that are solely employed in the applicant's family businesses along with himself and his wife, with one daughter along with her husband and child living at Allenby Farm with the applicant and the other daughter

lives within Fenland but travels to the farm daily. He stated that the applicant's proposal is that each daughter is to be gifted a plot to self-build their own family home so they have independent living that is close to the family farm and farming enterprise as they look again to expand this part of the business along with further diversification and as everyone will be aware that if you stand still in the business world you are going backwards.

Mr Edwards reiterated that it is the intention for the daughters to self-build their dwelling as their principal residence as is the case for many individual plots in the area due to the rise in land, labour and material costs this has proven to be a popular choice, although from previous experience not necessarily the quickest option. He referred to a number of points being made since committee's earlier approval of the application that the report outlines, with various toing and froing of communications and it is not known who has made these points but in essence these are dwellings to be occupied by the applicant's daughters who are an intrinsic part of the running of the applicant's businesses for now and very much for the future.

Mr Edwards stated they are not solely employed in agriculture but are in the family businesses that operate largely from Allenby Farm but have other locations in Fenland. He made the point that the applicant is with him today should members have any points they wish to clarify on the family businesses and proposals in front of them but to successfully run a number of businesses, in his view, requires shared responsibilities and who better than your own family to share both the highs and lows.

Mr Edwards concluded that these houses are to be the principal residences of the applicant's daughters to self-build their homes for them and their families, it provides betterment in terms of flood risk as sleeping accommodation is to be on the first-floor and it is a permanent dwelling not temporary, it will allow the daughters to be closer to the family farm and enterprise as it expands along with the other family businesses, the applicant has answered the various points raised since the last application and they ask that the committee approves this application for two dwellings which should you want to condition that they are to be self-build the applicant is happy for this as this is the intention and financially the only real option.

Members asked questions of Mr Edwards and Mr Hopkin as follows:

- Councillor Marks referred to Mr Edwards making great play on family businesses and asked what percentage these two children are employed in agriculture compared to other business and what are the other businesses? Mr Hopkin responded that the other businesses are utilities and construction type of businesses and they undertake a lot of soil and concrete crushing so his daughters are involved on a day-to-day basis with this. Councillor Marks questioned whether there was a need for them to live on the farm? Mr Hopkin responded that they work on the farm as well. Councillor Marks reiterated what percentage? Mr Hopkin responded that this varies due to the time of the year, through the Summer it is probably 80-90 percent but this time of the year very little going into a busier period during the Spring. Councillor Marks asked if there was livestock or was it just arable? Mr Hopkin stated that the plan is to bring livestock into the business.

Members asked questions of officers as follows:

- Councillor Cornwell stated that he was not present in August when this application was first heard and asked if it is being said the whole thing is hinging on whether there is an agricultural case for these two properties or not? Nick Harding responded that yes this is fundamental to the determination of the application. Councillor Cornwell asked has the applicant actually given enough information to prove that they meet that requirement? Nick Harding responded that they have not.

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

- Councillor Mrs French made the point that committee spent a lot of time on this application when it was heard previously when members overturned the recommendation of officers to

refuse the application and it is disappointing that it is back before committee without the information required.

- Councillor Marks agreed with Councillor Mrs French, members did consider this application for a long time previously and members have seen other applications such as one in Coates where it was approved because information was provided, and the information is not available on this application which is required and he feels officers have got the decision correct.
- Councillor Mrs Mayor stated that the committee did consider this application for a long time previously and members were trying to determine what sort of and what percentage of agriculture was involved, whether livestock or arable, and she does not feel that satisfactory answers were forthcoming then. She feels the officer's recommendation is correct.
- Councillor Mrs Davis stated that she was at committee for consideration of the previous application and if other members that were there recall the two daughters living in the properties was dropped in at the actual meeting and was not part of the original information that members had for the application that is why it ensued into such a long debate and members are back considering an application again with the same debate. She feels officers have got the recommendation right and they need more information if they want to come back.
- Councillor Sutton stated that he received some confidential information on this proposal and it is his duty to take on the concerns of residents and pass onto officers whilst maintaining this confidentiality.

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

*(Councillor Sutton declared that it might be perceived that he is pre-determined on this application so took no part in the voting on this application)*

## **P112/22      ADOPTION OF PLANNING VALIDATION REQUIREMENTS**

David Rowen presented the updated Council's Local Validation List.

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

- Councillor Cornwell stated that this has been raised before but asked at 2.1 where it refers to identifying features on location plans to include a road name could it also include a postcode. He made the point that whilst the last item was being debated he looked at Google Maps to find Broad Drove West to get a better idea of where it is but was unable to find it so it would help and he believes members have asked previously for postcodes on the Site Inspection visits.
- Councillor Connor endorsed these comments as it would be better to include a postcode, it is used for other things so why can it not be used on planning applications.
- Councillor Marks made the point about Three Words, which is used on the Council's website when flytipping etc is reported, so why cannot this be used as it puts the location to within 3 metres whereas a postcode covers quite a big area.
- Councillor Mrs Davis agreed with Councillor Marks as many times she has driven somewhere with her Sat Nav just using a postcode and it says you have reached your destination and you can be about 5 miles away so postcodes can be very vast but Three Words marks the location. She stated that if you have ever gone out on your own to do a site visit and you are driving up and down the road because you cannot find the actual plot you wish someone would tell you exactly where it is.
- David Rowen stated that it is fully accepted that a postcode or What Three Words would make identifying sites a lot easier, however, that is not something that can be asked for on a submitted location plan as part of a planning application. He explained that the plan has to be ordnance survey based, with the purpose being the red line boundary identifying the land in question and the point of having a road name on the plan is to provide a little bit further

clarity from the OS base so issues around postcodes or What Three Words cannot really be incorporated onto a site location plan.

- Councillor Sutton reminded members that Councillor Mrs Bligh did ask the Portfolio Holder at Full Council if What Three Words could be looked into and she did say she would look into it but nothing has been heard since.
- Councillor Mrs Davis stated that listening to what David Rowen has just said she understands that it cannot be part of the validation requirements so she wonders whether when officers draw up their reports What Three Words could be used in this, which would assist members greatly.

**Proposed by Councillor Mrs Davis, seconded by Councillor Mrs French and agreed that the new Local Validation List be adopted with effect from 1 April 2023.**

7.50 pm

Chairman

**F/YR21/1360/O**

**Applicant: Showfields Ltd**

**Agent : Mr Adam Tuck  
Cheffins**

**Land North East Of 3-31, Hemmerley Drive, Whittlesey, Cambridgeshire**

**Erect up to 58 no dwellings (outline application with matters committed in respect of access)**

**Officer recommendation: Grant subject to completion of S106 agreement**

**Reason for Committee: Town Council comments and number of representations received contrary to Officer recommendation.**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks Outline planning permission (with all matters save access reserved) for up to 58 dwellings.
- 1.2 The site lies adjacent to the built form of Whittlesey comprising an area of land previously partly cultivated as a market garden, adjacent land to the east is currently being developed.
- 1.3 The principle of developing this site is supported by Policy LP3 and LP4 which seeks to direct growth to the main Market Towns in the district.
- 1.4 The indicative access and layout of the development is considered acceptable having regard to the general character of the area.
- 1.5 The proposal is not considered to have a significant detrimental impact on the surrounding properties and raises no technical issues, albeit most technical matters would need to be considered at future reserved matters stages.
- 1.6 The application is recommended for approval subject to completion of a S106 agreement.

## **2 SITE DESCRIPTION**

- 2.1 The site is currently a 1.8 ha greenfield site currently owned by Showfields Ltd, abutting the current Persimmon Homes site on East Delph.
- 2.2 The overall site area is 1.8 ha (4.45 acres). The site is generally flat and comprises open grass fields and scrub land. The high point of the site is a plateau that is at circa 6m AOD and is within the south-eastern part of the site. The lowest part of the site is the north-western boundary that lies within flood zone 3 at circa 4.8m AOD. All development is situated above the 5m level.

- 2.3 The site itself is surrounded by residential development with the Persimmon site to the east, from which the site access is taken. This adjacent site was previously owned by Showfields Ltd prior to being purchased by Persimmon Homes in 2020 and work to implement the consent referred to in the history section below is underway.
- 2.4 To the north of the site is open space that is associated with the adjacent housing site, to the south is existing residential development on Hemmerley Drive and to the west is existing residential development on East Delph and Wash Lane.
- 2.5 The site is separated from the adjacent site by a hedgerow and trees along the eastern boundary and the submission indicates that these will be retained where possible.
- 2.6 The application site is within a Minerals Safeguarding Area (MSA) for sand and gravel in the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) where its Policy 5 seeks to safeguard minerals of local and/or national importance. In this instance, the County Council has determined that the proposed development will not be resisted as extraction will not be possible due to the proximity of the site to existing residential properties.

### **3 PROPOSAL**

- 3.1 The application is submitted in outline form with access committed and an illustrative site layout accompanies the submission detailing 58 dwellings with associated access, car parking and landscaping.
- 3.2 The Design and Access statement identifies that this equates to a net density of 32 dwellings per hectare with the anticipated residential mix providing for a range of dwelling sizes from 1-bedroom to 4-bedrooms.
- 3.3 All dwellings shown on the indicative masterplan are 2-storey, however within the Design and Access statement this is caveated that 'at reserved matters stage limited use of 2.5-storey or 3-storey development may be appropriate for legibility, feature buildings and termination of key vistas'. The layout shows a mixture of detached, semi-detached and short terraces of housing with on plot parking.
- 3.4 Access to the site is proposed from the adjacent new housing site via an extension to an existing turning head. The submission notes that '*the whole of that scheme, including the estate roads, the spine road, and the junction on East Delph, have been designed to also serve this further development land and the relevant roads have already been approved via the outline consent and subsequent detailed reserved matters submission*'.
- 3.5 A new area of public open space including a wet/dry balancing pond to serve the new housing for surface water drainage purposes is indicated along the north-eastern boundary.
- 3.6 Full plans and associated documents for this application can be found at: [F/YR21/1360/O | Erect up to 58 no dwellings \(outline application with matters committed in respect of access\) | Land North East Of 3-31 Hemmerley Drive Whittlesey Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/development/outline-application/3-31-hemmerley-drive)

## 4 SITE PLANNING HISTORY

### Application Site

No planning history.

### Relevant planning history of adjacent land.

F/YR19/0158/RM	Reserved Matters application for 220 dwellings.	Approved 13.09.2019
F/YR17/1231/VOC	Removal or variation of conditions of planning permission F/YR15/0134/O.	Granted 25.01.2019
F/YR15/0134/O	Hybrid application: Outline application for the erection of 220 dwellings (max) and full application for vehicular access road.	Granted 29.02.2016
F/YR13/0714/O	Erection of 249 no dwellings with associated infrastructure, vehicular and pedestrian access, public open space and associated flood mitigation works	Refused 20.12.2013 Appeal dismissed.

## 5 CONSULTATIONS

### 5.1 **Whittlesey Town Council (14.12.2021)**

*'The Town Council recommend refusal of the above development on the following grounds:*

- 1. This site was not included in the Local plan for development. (FDC 6-year land supply).*
- 2. This was originally one site with planning for a maximum of 249 dwellings which is the site limit, the site has now been split 220 on the existing site and further 58 on this part, therefore making a total of 278 dwellings, far more than the site can accommodate.*
- 3. The site is not suitable due to its low level, there will be more water that will need to run off to an area that already floods, however should FDC be minded approving this application an essential condition must be enforced, and that be NO build-up of the existing site as this will create issues in the adjoining properties.*
- 4. There will be significant additional pressure put on the junction at the exit of Hartley Grange on the B1040 and in turn East Delph. Once again if FDC approve this application, a condition must be put in place that the developers build a roundabout.*
- 5. The developers are trying to squeeze so many properties into a constricted site and there is no doubt that this will cause significant overlooking issues to existing properties.*

6. *FDC passed a declaration that there will be no additional building north of the town and this extends past the building line to the North and is after the development of the showfield site.*
7. *Should the development be approved, further archaeology needs to be carried out as initial test pits revealed items of interest.'*

**Whittlesey Town Council (05.05.2022)**

*'Cllr Boden advised members he believed the applicant on this planning application is connected to a company that he rents from, but this has not affected his recommendation on this application in any way.*

*Cllr Boden advised members that the site was not allocated for housing in the 2014 Local Plan and 20 % of the area is in flood zone 3, and under the new emerging local plan this site is not allocated for housing before 2040.*

*The Town Council recommended refusal on the grounds detailed above, Cllr Mrs Mayor abstained from the vote.'*

**5.2 Ward Councillor (Bassenhally) - Councillor Chris Boden  
Objects to the Planning Application**

- Access
- Density/Over development
- Drainage
- Flooding
- Traffic or Highways

*As one of the District Councillors for the area which contains the application site, I write to object to this planning application. I request, if Officers are inclined to approve this application under delegated powers, that the application instead be submitted for determination to the Full Planning Committee.*

*I have seven principal reasons for my objection:*

1. *The site is not within the area identified in the current Local Plan as being designated for residential development, and there is no local shortage of other sites in the area to meet future local housing need.*
2. *This site was previously part of a larger plot, part of which has subsequently received planning permission for residential development (Hartley Grange). The combined number of houses for the two parts of that original plot exceeds the number of houses which may be built under the current Local Plan's 'windfall' exception. That limit should not be allowed to be exceeded by stealth by dividing the original land area into two.*
3. *The Applicant's site does not have satisfactory road access - the Hartley Grange access to the B1040 is going to be full to capacity just serving the needs of the Hartley Grange development.*
4. *The Applicant's site is known to flood, and insufficient alleviation is provided by the applicant, leading to the danger that properties on the site and neighbouring properties would suffer flooding if this development were to go ahead.*
5. *The development is very cramped as too many houses are proposed within the site's area. There is overdevelopment.*



6. *Many existing neighbouring properties to the site are bungalows. The development of this site with two-storey houses will be inappropriate and will lead to problems of overlooking.*
7. *Drainage issues are well-known in the area and this development would exacerbate an already difficult problem’.*

**5.3 Cambridgeshire County Council Highways Authority (Strategic Transport) (10.01.2022)**

*Undertook an assessment of Transport Statement Revision A dated August 2021 produced by JPP Consulting Limited and requested the following updated/ additional information:*

- *‘It should be investigated whether the walking and cycling distance to key facilities and amenities within Whittlesey can be further reduced rather than having to route through the consented adjacent development as proposed.’*
- *The applicant should demonstrate that the baseline counts obtained for Junctions 1 and 2 are representative of pre-Covid baseline counts. An uplift to baseline turning counts may be required at Junctions 1 and 2 to consider the impact of Covid should this be demonstrated to be required.*
- *The committed development traffic flows used within the assessment are not agreed. In addition to the committed developments currently included within the assessment, the Highway Authority are aware of the following developments which may impact onto the study area and should be considered:*
  - *F/YR21/0654/F - Land North of Gildenburgh Water, Whittlesey (203 dwellings)*
  - *F/YR21/1028/F - Land South of Eastrea Road, Whittlesey (1,315sqm retail foodstore)*

*It was noted that ‘the junction capacity assessments cannot be reviewed until such a time as the additional information requested has been submitted for review. Capacity assessments should be undertaken using Junctions 9 and LinSig software where appropriate. The Junctions 9 models should use the DIRECT profile as this provides the most accurate results and does not rely on assumptions to be made. Furthermore, the provision of figures showing the geometric measurements input into the models is required in order for the models to be checked. The baseline queue length survey data should also be appended to the Transport Statement for review so the base model calibration can be checked.’*

*In conclusion the TA team advised: ‘The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application. The Highway Authority therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.’*

**Cambridgeshire County Council Highways Authority (05.04.2022)**

**‘Background**

The document reviewed is the Technical Note dated April 2022 produced by JPP Consulting Limited. The proposals comprise the erection of up to 58 dwellings on the land northeast of 3-31 Hemmerley Drive, Whittlesey.

## **Transport Statement Review**

### **Site Access**

Vehicular access into the site is proposed to form an extension to one of the internal roads taken off the main spine road of the consented adjacent residential development. Vehicular access into the adjacent development is taken off Teal Road and East Delph. It is noted footways will be provided on both sides of the vehicular access into the site. Such footways will be of minimum 2m in width. It is noted pedestrian and cycle access will be provided via the approved pedestrian facilities through the adjacent residential development. Site access and servicing details should be agreed with Highways Development Management who will provide separate comments.

### **Trip Generation**

The development is anticipated to generate 47 new vehicle trips in the AM peak and 40 new vehicle trips in the PM peak. The development is also anticipated to generate 3 walking, 2 cycling, and 3 public transport trips in the peak periods.

### **Traffic Impact**

The following junctions included within the junction capacity assessments are agreed:

- o J1 - Site Access/B1040 East Delph (S)/B1040 East Delph (N) junction
- o J2 - B1040 East Delph/Bassenhally Road/Broad Street/Stonald Road signal junction
- o J3 - Orchard Street/A605 Syers Lane/Broad Street/A605 West End roundabout

The revised junction capacity assessments undertaken are acceptable for use within this assessment. Junction 1 and Junction 2 are both anticipated to operate within capacity during all future year assessment scenarios.

Junction 3 is anticipated to operate over capacity during all assessment year scenarios. The development, however, is not anticipated to cause severe detriment to the operation of the junction adding a maximum 3 additional vehicles to queues. The Highway Authority are aware that the operation of Junction 3 functioning over capacity is a strategic issue and as per the NPPF (2021), it is not reasonable for this development to fix this issue.

### **Mitigation**

The developer should produce and deliver Welcome Travel Packs to the first occupants of each residential dwelling. Such Welcome Packs should include incentives such as bus taster tickets and/or cycle discount vouchers to promote sustainable travel. The Welcome Travel Packs will be subject to a condition should approval be given.

### **Conclusion**

The Highway Authority do not object to the proposals subject to the following:  
Condition

1. *Prior to first occupation, 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 be provided to the first occupants of each residential dwelling and shall include the provision of bus taster tickets and/or cycle discount vouchers.'*

Also confirmed that their comments dated 5th April located on the planning portal relate to the Technical Note on the planning portal dated 22nd April.

#### 5.4 **Cambridgeshire County Council Highways Authority (Development Management)**

(21/12/2021) *'The site will be accessed via the adjacent site granted planning permission for the layout under F/YR19/0158/RM - access for this site having been determined by the associated outline applications.'*

*The main issue that needs to be addressed within this application is the number of dwellings accessed off a single point of access. The part of the site under 19/0158 between plots 31 and 36 already serves 99 dwellings and the 58 dwellings proposed will take this part of the site over 100 and therefore requiring a second point of access (emergency link) as set out in 4.4.2 vi - "Highway Development Management, General Principles for Development, CCC (May 2021)."*

*[..] Layout is a reserved matter but I make the following general comment for information on the indicative layout.*

1. *The layout is showing visitor parking spaces which should be removed from the future layout as CCC do not accept these within an adoptable layout. Please consult with me when the revised plans are received.'*

#### 5.5 **Environment Agency**

(22.12.2021) 'Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) for proposed Development At Land Adjacent to B1040 (East Delph), Whittlesey, prepared by JPP Consulted dated August 2021, REF: R-FRA-22292-01-A, Revision A: August 2021, which states

- Development to be outside of the Whittlessey/Nene washes extent and below the 5m contour, as stated in section 3.1.4 of the FRA

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

Sequential test - advice to LPA regarding the application of the sequential test

(29.04.2022) 'We have reviewed the amendments submitted and have no further comment to make'.

#### 5.6 **CCC (Lead Local Flood Authority)**

(23.12.2021) Initially objected to the scheme raising issues relating to (1) Flow Control and (2) Impermeable Area, noting that in respect of (2) the attenuation basin should be classed as impermeable as any water stored within the basin will prevent any subsequent rainfall from infiltrating, and therefore increase the volume of water that is required to be attenuated.

Requires hydraulic calculations to that include the area of the attenuation basin in the impermeable area. Provides informatives relating to Ordinary Watercourse Consent and Pollution Control.

**CCC (Lead Local Flood Authority) (06.05.2022)**

Following review of 'Flood Risk Assessment, JPP Consulting Ltd, Ref: R-FRA-22292-01-D, Dated: April 2022' advised that they were '*able to remove our objection to the proposed development*'. Noting that:

*'The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and an attenuation basin, restricting surface water discharge to 1.7 l/s.*

*The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. The proposed attenuation basin will also provide surface water treatment, amenity, and biodiversity benefits.*

*The proposed outfall from the attenuation basin will consist of an orifice plate protected by a perforated riser to minimise the risk of blockage by litter and debris.*

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

The LLFA requested **conditions** requiring:

- (a) The submission of a detailed design of the surface water drainage of the site
- (b) Details of measures indicating how additional surface water run-off from the site will be avoided during the construction works
- (c) An inspection of the surface water drainage system to demonstrate that it had been constructed in accordance with the approved details.

and requested **informatives** regarding:

- (a) Ordinary watercourse consent, noting that the council does not regulate ordinary watercourses in Internal Drainage Board areas.
- (b) Pollution Control

**5.7 Anglian Water Services Ltd**

Originally noted that there were 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 and asked for text relating to this be included in any decision issued. However, the latest consultation response (05.05.2022) advises that no assets were affected; as the remainder of the consultation response duplicated the earlier comments only the latest iteration is detailed below:

### Section 1 – Assets affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Whittlesey Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

### Section 3 - Used Water Network

This response has been based on the following submitted documents: Drainage Strategy The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

### Section 4 – Surface water disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. [..]

#### 5.8 **North Level Internal Drainage Board (13.12.2021)**

*'My Board objects to the above application as the surface water is proposed to be discharged to a riparian drain running to the north-east of the site boundary. As with the adjoining site, I would prefer to see the surface water discharged into a Board maintained watercourse rather than a riparian drain which ensure the year of year maintenance of the receiving watercourse.'*

*'My suggestion is to join the surface water into the existing surface water system serving the neighbouring Showfields site.'*

*'A formal Land drainage application will be required for any new outfall created and a development levy in accordance with the enclosed will be payable for dealing with the additional run-off from the site.'*

#### 5.9 **Leisure Services (FDC)**

*(27.01.2022) 'From an open spaces perspective, it is clear that the development has limited open space made available, particularly due to the necessary attenuation site. As this development is some distance from a play area, I would expect to see a limited number of pieces of informal play equipment added into one of the open spaces to allow local children and families to play close to home.'*

#### 5.10 **Wildlife Officer**

(08.12.2021) *'Recommendation: The application scheme is acceptable but only if conditions are imposed.*

*Assessment/Comment:*

*This site presents several ecological constraints in the form of reptiles and no net loss issues that are material concerns for the Local Planning Authority.*

*These concerns however have been adequately answered through suitable survey and methods with the above conditions clearing up further ongoing concerns. For example the new area of grassland is welcome however nowhere is the ongoing management and establishment methodology discussed.*

*A few questions still remain however which have likely already been answered within the application for the previous phase of this development:*

- *The site partly lies within Coastal and Floodplain Grazing Marsh Priority Habitat for the Nene Washes according to the DEFRA MAGIC website. While it is clear that this habitat is not actually present has the possibility that this site is used by over wintering birds been considered in the first phase?*
- *The area lies within the SSSI Impact Risk Zone for several sites. Has potential impact been discounted in the previous application?*

*The conditions recommended above aim to protect the potential ecological constraints that are present and ensure that the proposed development will result in a no net loss of biodiversity as a minimum.'*

#### 5.11 **Arboricultural Officer (FDC)**

(26/01/22) Refuse: The proposed development is to erect up to 58 no dwellings (outline application with matters committed in respect of access) on Land North East Of 3-31 Hemmerley Drive Whittlesey.

The applicant has submitted an Arboricultural Impact Assessment and Method Statement detailing the likely impact on the existing tree population and methods for the protection of retained trees during construction.

I have no objection to the findings of the reports and they are a fair representation of the quality of the existing vegetation.

The Peterborough Wildlife Officer has made comprehensive requirements regarding ecological mitigation and management of the proposed offsite habitat.

I have concerns regarding the lack of proposed screening to existing properties, particularly on the south and west boundaries.

The Indicative Masterplan (drawing RDC1156-101) shows some proposed planting but nothing that would address screening issues.

#### 5.12 **The Wildlife Trust**

(17.12.2021) *'Thank you for consulting with the Wildlife Trust BCN on the above application. I have discussed with Rowan Rumball at PCC as I can see he has already provided input and comments on the ecological aspects of this application to Fenland DC. In my role at the Wildlife Trust I will be restricting my*

*comments on this particular application to the Wash Road Pollard Willows County Wildlife Site (CWS)[...]*

*This CWS appears to overlap the location for vehicular access to the proposed development site. I would therefore request that, if you are minded to grant approval for this application, that a Construction Environmental Management Plan (CEMP) be included as part of a planning condition and that this CEMP include specific reference to the Wash Road Pollard Willows CWS with accompanying appropriate measures to ensure no damage occurs during the construction phase. Consideration should also be given to whether there is potential for any impacts to this CWS once the site is built and occupied (operational impacts) with appropriate mitigation measures set out, if needed'.*

**5.13 Natural England**

(13.12.2021) 'Thank you for your consultation on the above dated 02 December 2021 which was received by Natural England on 02 December 2021. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Please refer to Natural England's letter dated 12 July 2019 (copy attached) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI) Natural England's generic advice on other natural environment issues is set out at Annex A.

**Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us'.

**5.14 Cambridgeshire County Council (Growth & Economy)**

Table 1 below summarises the contributions requested by the County Council

	Contribution	Project	Indexation date	Trigger
Early Years	£225,566*	Additional Early Years places at New Road Primary school	1Q2019	50% prior to commencement 50% prior to occupation of 50% of the scheme

Primary	£492,144*	Additional primary school places at New Road Primary school	1Q2019	
Secondary	£360,195*	Expansion of Sir Harry Smith Community College	1Q2019	
Libraries	£8,410	Enhancement of Whittlesey Library	1Q2020	100% prior to occupation of 50% of the development
Strategic Waste	N/A			
* indicative contribution				

Detailed comments are available on public access, together with further comments in respect of the Education Needs Assessment commissioned by the applicant to challenge the contributions listed above.

5.15 **County Development, Minerals & Waste Planning Group:** The County Council has accepted the applicant's position as detailed in its Minerals Safeguarding Assessment (GWP Consultants 26 January 2022) that owing to the size of the site, the depth of the sand and gravel and the constraints presented by proximity to residential properties it would not be practical to extract the sand and gravel as a stand-alone operation. However, the County Council supports the proposal that suitable sand and gravel excavated during the construction phase be retained for use on the site.

5.16 **Senior Archaeologist (CCC)**

*'This site that was subject to archaeological evaluation in 2013 Historic Environment Record number ECB4099 owing to the presence of archaeological assets within the scheme area. The report of this work can be found in this link: [https://archaeologydataservice.ac.uk/archiveDS/archiveDownload?t=arch-822-1/dissemination/pdf/cambridq3-166934\\_1.pdf](https://archaeologydataservice.ac.uk/archiveDS/archiveDownload?t=arch-822-1/dissemination/pdf/cambridq3-166934_1.pdf)*

*Figures 5, 6 and 9 of the report show that the evaluation trenches contained evidence of Roman activity in the western half of the field. This was defined as 'Site 1' and we provided advice regarding the need for excavation of these remains in planning consultation responses in 2014 for F/YR13/0714/O.*

*Excavations concluded last year for a large development to the east of this current application area (planning permission F/YR17/1231/VOC (Removal or variation of conditions of planning permission F/YR15/0134/O (Hybrid application: erection of 220 dwellings and associated works/infrastructure) at Land North Of Whittlesey East Of East Delph Whittlesey, Cambridgeshire), finding extensive remains of Iron Age to Roman settlement - roughly 600 years of settlement evidence (HER ref ECB6143). The analysis phase for that work is currently in progress.*



*While the zone of known archaeological evidence within the current application area suggests a discrete area of activity outside the main Roman settlement, perhaps denoting a task site or that it had a specific land use at that time, it is necessary that appropriate mitigation of these remains takes place in advance of development.*

#### *Recommendation*

*We do not object to this development but advise the use of the following condition on any planning consent given to the scheme to secure an appropriate archaeological investigation programme:*

#### *Archaeology Condition*

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

- a. The statement of archaeological significance and research objectives;*
- b. The programme, methodology and timetable of fieldwork and the nomination of a competent person(s) or organisation to undertake the agreed works;*
- c. Implementation of fieldwork;*
- d. A post-excavation assessment report to be submitted within six months of the completion of fieldwork;*
- e. An analytical archive report to be completed within two years of the completion of fieldwork and submission of a draft publication report (as necessary);*
- f. Preparation of the physical and digital archaeological archives for deposition at accredited stores approved by the Local Planning Authority.*

*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 and the continuation of the post-fieldwork components of the WSI. Part e) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.*

*Archaeological programmes of work are led by archaeological briefs issued by Cambridgeshire County Council's Historic Environment Team.'*

#### **5.17 Designing Out Crime Officers**

*(13.12.2021) 'Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime and completed a search of the Constabulary crime and incident systems for the Hemmerley Drive, and surrounding streets covering the last 12 months. I consider this to be an area of low vulnerability to crime.'*

*It is encouraging to read the documents and note the comments of the NPPF, Paragraph 130f (previously 127f) "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" is being considered for this proposed development, along with the Fenland Local Plan, LP17 - Community Safety (Page 14 - 3.25).*

*The proposed layout appears to be acceptable in relation to crime prevention and the fear of crime providing good levels of natural surveillance from neighbouring properties with many of the homes facing each other. Pedestrian and vehicle routes are aligned together, well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents. Most of the vehicle parking is in-curtilage between and to the side of properties, some are to the front but do not appear to dominate the street scene, and most homes have been provided with some defensible space to their front.*

*It would appear some measures have been considered. However, I do have the following comments: -*

- I would like to see an external lighting plan when available, our recommendation is that all adopted and un-adopted roads, private roads and parking areas should be lit by columns to BS5489:1 2020. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens.*
- Plots 16/17, 21/22 & 41/42 – Any footpaths to the rear of properties should be gated as close as possible to the front building line, shared gates should be fitted with self-closers, private gates fitted with self-closers and lockable from both sides*
- Plot 14 & 28 - Consideration should be given to reducing the height of rear fence to 1.5m with 300mm of trellis to increase surveillance over their parking spaces.*
- Consideration should be given to the planting of trees close to fencing as they can also act as a climbing aid to gain entry to rear gardens. It is also important to ensure that any landscaping to soften the on-street parking is maintained and the tree crown is raised above 2m in height to allow for natural surveillance.*

*Our office would be happy to discuss Secured by Design, which I believe could be achieved with consultation and measures to reduce the risk to vulnerability to crime'.*

## **5.18 Housing Strategy (FDC)**

*(07.12.2021) 'Since this planning application proposes the provision of 58 number of dwellings, we would expect a contribution of 15 affordable dwellings in this instance.*

*The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 11 affordable rented homes and 4 shared ownership in this instance.*

*I can see from the Design & Access Statement submitted as part of this application, that 25% affordable housing in accordance to policy LP5 above is already being considered. I also note that a proposed indicative mix has been provided in the D&A below:*

*2 x 1b2p maisonette GF  
2 x 1b2p maisonette FF  
7 x 2b4p houses  
4 x 3b5p houses*

*I am happy to have further in detail discussions about a housing or tenure mix at a later date, if required. However, initial thoughts on the above would be that I am happy to support this mix.'*

**5.19 NHS England (East) (16<sup>th</sup> November 2021)**

- 1. 'Thank you for consulting East of England Ambulance Service NHS Trust (EEAST) on the above planning application.*
- 2. Further to a review of the application details the following comments are made in regard to the provision of ambulance services.*
- 3. Existing Healthcare including Emergency Ambulance Service Provision Proximate to the Planning Application Site*
  - 3.1 Any new housing development requires assessment of the suitability of existing ambulance station(s) within the locality, with potential to redevelop or extend and in certain instances relocate to a more suitable location.*
  - 3.2 The proposed development, combined with others in the Fenland area, is highly likely to have an impact on EEAST providing service nationally set response times for accident and emergency services around the geographical area associated with the proposed application site. EEAST does not have capacity to meet the additional growth resulting from this development and cumulative development growth in the area.*
  - 3.3 Non-emergency patient transport services are commissioned by Cambridgeshire and Peterborough CCG to take patients who meet set eligibility criteria from their usual place of residence to hospital for appointments (which may be provided in a hospital, diagnostic hub or primary care setting) in sufficient time for their appointment and then returned to their usual place of residence. As with emergency services, location and siting of PTS sites is important to meet the needs of the population.*
  - 3.4 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of emergency and non-emergency healthcare service provision within this area and specifically within the health catchment of the development. EEAST would therefore expect these impacts to be fully assessed and mitigated.*

#### 4. Review of Planning Application

- 4.1 This additional housing will impact on emergency ambulance services.
- 4.2 EEAST acknowledges the planning application includes a Health Impact Assessment (HIA) and supports the comments made. However, the HIA did not consider the impact of this development has on both emergency and non-emergency ambulance services. Fenland ranks as the 4th least healthy district in the Eastern Region and around 2,500 people in Fenland in receipt of Carer's Allowance (well above the regional average).
- 4.3 The HIA states the site is in Flood Zone 1 at low risk of flooding. EEAST would request the developer reviews the potential to include water re-use systems such as water butts at each dwelling. In addition, ensuring sufficient green space curtilage and alongside residential roads helps reduce localised flooding. Planting local flora would encourage wildlife around the attenuation basin which also supports future residents' sense of community, physical and mental health and well-being. In addition, exploration of living green roofs on appropriate structures further supports any potential localised flooding.
- 4.4 EEAST would request the developer consider the impact of COVID-19 and the increased likelihood of at least one resident in each dwelling working from home at least one day per week and that appropriate space should be made available to enable comfortable working conditions which supports both physical and mental health and well-being. An opportunity to encourage a sense of community by exploring the potential of creating a community garden and/or seating in the planned open spaces would be welcomed.

#### 5. Transport, Design and Access Assessment of Development Impact on Existing Healthcare Provision

- 5.1 EEAST notes the Transport Statement and has no further comments.

#### 6 Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision

- 6.1 EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed development combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained ambulance services and blue light response times.
- 6.2 Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £10,449.

*Table 1 Capital Cost calculation of additional health services arising from the development Proposal*

<i>Additional Population Growth</i>	<i>Rate 2</i>	<i>Ambulance</i>	<i>Total</i>
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<i>(43 dwellings)<sup>1</sup> (excludes social housing)</i>		<i>cost <sup>3</sup></i>	
103	0.15	£675	£10,449

*<sup>1</sup> Calculated assuming 2.4 persons for each dwelling average household 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).*

*<sup>2</sup> Calculated using per head of population in Cambridgeshire & Peterborough 1996 of 0.9m and emergency activity volume in 2018/19 (131,363)*

*<sup>3</sup> Calculated from EEAST ambulance data*

6.3 *EEAST therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission.*

## 7 Conclusion

7.1 *In its capacity as a healthcare and emergency service EEAST has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from this development in addition to other proposed developments in the local area.*

7.2 *The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development.'*

## 5.20 **NHS Cambridgeshire and Peterborough Clinical Commissioning Group** (20.01.2022)

### 1.0 Introduction

1.1 *Thank you for consulting Cambridgeshire and Peterborough Clinical Commissioning Group (CAPCCG) on the above planning application.*

1.2 *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 Cambridgeshire and Peterborough Clinical Commissioning Group (CAPCCG).*

### 2.0 Existing Healthcare Position Proximate to the Planning Application Site

2.1 *The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application site, Lakeside Healthcare, Whittlesey. Upon reviewing the existing estate footprint and registered patients, this practice does not have existing capacity to support this development.*

### 3.0 Review of Planning Application

3.1 *CAPCCG acknowledge planning application does include a Health Impact Assessment (HIA)*

3.2 *The HIA acknowledges that healthcare contributions would be a consideration to support and address health and wellbeing matters.*

### 4.0 Assessment of Development Impact on Existing Healthcare Provision

- 4.1 *The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development would generate approximately 139 residents and subsequently increased the demand and healthcare pressures upon the existing services..*
- 4.2 *The primary healthcare services directly impacted by the proposed development and the current capacity position is shown in Table 1.*

*Table 1: Summary position for primary healthcare services closest to the proposed development*

<i>Premises</i>	<i>Weighted list size <sup>1</sup></i>	<i>NIA (m2) <sup>2</sup></i>	<i>No of GPs <sup>3</sup></i>	<i>Patients per GP <sup>4</sup></i>
<i>Lakeside Healthcare Whittlesey</i>	<i>20,018.82</i>	<i>1258</i>	<i>6.5</i>	<i>3,079.8</i>

*1. The weighted list size of the GP Practice (as of 1st April 2021) based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.*

*2. Current Net Internal Area occupied by the Practice*

*3. General Practice Workforce 30 November 2021. NHS Digital: digital.nhs.uk*

*4. Based on existing weighted list size*

- 4.3 *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, to be considered under the ‘presumption in favour of sustainable development’ advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.*

#### *5.0 Healthcare Needs Arising From the Proposed Development*

- 5.1 *The intention of CAPCCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.*
- 5.2 *The development would give rise to a need for improvements to capacity, in line with emerging STP estates strategy; by way of improvements to, reconfiguration of, redevelopment of, or extension or providing additional resource to support residents of this development.*
- 5.3 *Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.*

*Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposal*

<i>Premises</i>	<i>Additional Population Growth <sup>5</sup></i>	<i>Occupancy Multiple for Fenland x2.4 <sup>6</sup></i>	<i>Total Mitigation Required £</i>
<i>Lakeside Healthcare Whittlesey</i>	<i>139</i>	<i>£864 per dwelling</i>	<i>£50,112</i>

*Notes:*

*5. Calculated using the Fenland District average household size of 2.4 taken from the 2011 Census: Rooms,*

bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).  
6. Applying NHS PS methodology of Occupancy x number of units x Based on standard m<sup>2</sup> cost multiplier for primary healthcare in the East Anglia Region from the Building Cost Information Service (BCIS), Public Sector Q1 2020 price and cost Index, adjusted for professional fees, fit out and contingencies budget (£3,652/m<sup>2</sup>), rounded to nearest £100.

5.4 *A developer contribution will be required to mitigate the impacts of this proposal. CAPCCG calculates the level of contribution required, in this instance to be £50,112 .Payment should be made before the development commences.*

5.5 *CAPCCG 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.*

## 6.0 *Conclusions*

6.1 *In its capacity as the healthcare provider, CAPCCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.*

6.2 *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.*

6.3 *Assuming the above is considered in conjunction with the current application process, CAPCCG 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.*

6.4 *The terms set out above are those that CAPCCG deem appropriate having regard to the formulated needs arising from the development.*

6.5 *CAPCCG is 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.*

6.6 *CAPCCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter'.*

## 5.21 **FDC Environmental Health**

*(23.12.2021) 'I confirm that I have received a copy of the above application for the development of 58 dwellings and would advise that the following conditions should be attached to any planning consent granted.*

*National and local planning policy states that new developments should "identify, manage and mitigate against any existing or proposed risks from sources of noise, emissions, pollution, contamination, odour and dust." Works to implement this application have the potential to cause nuisance over a considerable period from all the above sources to nearby residents .*

### 1. *Demolition and Construction Environmental Management Plan (DCEMP)*

*No development, including demolition, shall commence until a site wide Demolition and Construction Environmental Management Plan (DCEMP) has been submitted to and approved in writing by the Local Planning Authority.*

*The DCEMP shall include the consideration of the following aspects of demolition and construction:*

- a) Demolition, construction and phasing programme.*
- b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.*
- c) Construction/Demolition hours which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation.*
- d) Delivery times and collections / dispatches for construction/demolition purposes shall be carried out between 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the Local Planning Authority*
- e) Soil Management Strategy having particular regard to potential contaminated land and the reuse and recycling of soil on site, the importation and storage of soil and materials including audit trails.*
- f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228-1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites.*
- g) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate.*
- h) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition – Greater Cambridge supplementary planning guidance 2020.*
- i) Use of concrete crushers.*
- j) Prohibition of the burning of waste on site during demolition/construction.*
- k) Site artificial lighting including hours of operation, position and impact on neighbouring properties.*
- l) Drainage control measures including the use of settling tanks, oil interceptors and bunds.*
- m) Screening and hoarding details.*
- n) Access and protection arrangements around the site for pedestrians, cyclists and other road users.*
- o) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.*
- p) External safety and information signing and notices.*
- q) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures.*
- r) Membership of the Considerate Contractors Scheme.*

*Development shall be carried out in accordance with the approved DCEMP.*

*Reason: To protect the amenity of the adjoining properties.*



*I note that the previous land use includes that of a nursery which gives rise to the potential for agricultural contaminants to exist*

## **2. Contaminated Land**

*No development shall commence until the landowner commissions an investigation and assessment of the site, including the findings of a site walkover, to ascertain the nature and extent of potential land contamination arising as a consequence of the former use(s) and a Phase 1 report detailing the findings of the this investigation and assessment, shall be submitted to and approved in writing by the Local Planning Authority.*

*Reason: To mitigate any risk to the public, buildings and the natural environment and to ensure the land is suitable for its intended land use.*

*The provision of 58 houses provides an opportunity to provide infrastructure and power generation which will mitigate the production of pollutants to air from traffic movement and the heating of homes.*

## **3. Low Emission Strategy (LES)**

*No development shall commence until a site-based Low Emission Strategy is submitted to and approved in writing by the Local Planning Authority. The LES shall include the following:*

- a. Provision of Electric Vehicle Charging Points for all dwellings with on-site parking*
- b. An implementation plan for each of the above measures. The details to be provided shall include location of charging unit, capacity, charge rate, details of model, location of cabling and electric infrastructure drawings.*

*The development shall be carried out in accordance with the approved LES and retained as such.*

*Reason: In the interests of reducing impacts of developments on local air quality and encouraging sustainable forms of transport in accordance with the Health and Wellbeing Strategy 2018-2021 and the Air Quality Action Plan 2018.*

## **4. Emission Ratings (Boilers & Combined Heat and Power System)**

- a. No gas fired combustion appliances shall be installed until details demonstrating the use of low Nitrogen Oxide (NOx) combustion boilers, (i.e., individual gas fired boilers that meet a dry NOx emission rating of  $\leq 40\text{mg/kWh}$ ), have been submitted to and approved in writing by the local planning authority.*
- b. If the proposals include any gas fired Combined Heat and Power (CHP) System, the details shall demonstrate that the system meets the following emissions standards for various engines types:
  - (i) Spark ignition engine: less than or equal to 150 mg NOx/Nm<sup>3</sup>*
  - (ii) Compression ignition engine: less than 400 mg NOx/Nm<sup>3</sup>*
  - (iii) Gas turbine: less than 50 mg NOx/Nm<sup>3</sup>**
- c. The details shall include a manufacturers Nitrogen Oxides (NOx) emission test certificate or other evidence to demonstrate that every appliance installed meets the emissions standards above.*
- d. The approved appliances shall be fully installed and operational before the development is occupied or the use is commenced and retained as such.*

*Reason: To protect local air quality and human health by ensuring that the production of air pollutants such as nitrogen dioxide and particulate matter are*

kept to a minimum during the lifetime of the development in accordance with the Health and Wellbeing Strategy 2018-2021 and the Air Quality Action Plan 2018

**5.22 Cambridgeshire Fire & Rescue Service (01.12.2021)**

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

*The position of fire hydrants are generally agreed upon when the Water Authority submits plans to: Water & Planning Manager, Community Fire Safety Group [..]*

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

*The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.*

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

**5.23 Royal Society for the Protection of Birds**

“Thank you for consulting the RSPB on the above application. We have no objections to the proposal, but do wish to make the below comment regarding the Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ) associated with the Nene Washes. The Nene Washes holds SSSI, Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar status. The SSSI/SPA designations are of particular note to this application, with the designated area providing habitat for nationally and internationally important assemblages of wintering and breeding wetland species and waterfowl, for example Bewick’s Swan, which feed on functionally-linked fields in the surrounding farmland. Whilst we agree the development site is unlikely to be suitable to support these bird assemblages, it was noted that the SSSI IRZ was not mentioned in the Preliminary Ecological Appraisal dated June 2021. IRZs were developed by Natural England to flag areas where development could impact on the interest features of particular sites. In this case this could include potential disturbance impacts of increased recreation activity from the new development. The proposed site lies within approx. 0.5km of the Nene Washes and within the IRZ. Along with Natural England’s IRZ update letters, dated July 2019 and December 2021, and the Wildlife Officer queries, dated December 2021, we believe this planning application should fully consider any direct or indirect impacts on the SSSI. This will ensure protection and enhancement is in line with the National Planning Policy Framework (NPPF) and development plan policies.

We will be happy to answer any queries in relation to this.”

## 5.24 Local Residents/Interested Parties

The original consultation prompted 26 letters of objection from 23 households (1x Broad Street, 1 x Bassenhally Road, 3 x East Delph, 1 x Elm Park, 1 x Larkspur Way, 1 x Low Cross, 6 x Hemmerly Drive, 1 x Moorhen Road, 1 x Pinewood Avenue, 1 x Ramsey Road, 1 x Snowley Park, 2 x Wash Lane (3 letters) , 1 West Delph, 1 x Willow Lane and 1 x Whiteacres) these may be summarised as follows:

### Character, appearance and residential amenity

- Density/Over development: adjacent development has a lower density reducing numbers would lessen negative impacts.
- *'The application appears to be focused on maximum housing density rather than sympathetic integration with the existing surrounding homes'*.
- Design/Appearance.
- Proximity to property.
- Visual Impact
- Shadowing/loss of light
- Will impact on the character of the town.
- Out of character/not in keep with area.
- Overlooking/loss of privacy; noting all the houses in Wash Lane are bungalows.
- Loss of view/outlook, Light pollution and noise generated by new houses.
- The layout of dwellings on Drawing RDC1156- 101 indicate very close proximity and overlooking in Hemmerley Drive which would cause [...] a reduction in quality of life for residents.
- Development inappropriate for a historic market town and revisions should be sought if LPA are in favour of the principle of development to reduce numbers and bring them away from existing properties. First floor windows should be conditioned as obscure glazed.
- Noise, smell, waste and litter; note that residents have already experienced disruption from existing construction activity.
- There will be additional pollution, congestion and traffic noise on local roads at the detriment to the health of residents.

### Policy Considerations

- Scheme reneges on earlier decisions and exceeds the number of properties originally applied for (249) to 278 which contradicts the original refusal by the Planning Inspectorate.
- Combining the approved scheme of 220 dwellings and that now proposed 58 results flouts the decision of the Planning Inspectorate noting that large scale developments i.e. 250 or more should be directed to the broad locations for growth identified in Policy LP11
- *'WTC Neighbourhood Plan clearly states 'No Further Development to the North of Whittlesey'*
- *'Given the Council are engaged in producing a new Local Plan it is considered that the current application is premature and that rather than pursuing this site as a windfall development, the applicants should submit the site for consideration as part of the new Local Plan review process where it can be assessed against other sites in the district and the most appropriate locations for development can then be allocated.'*

### Access, Traffic, Highways and parking arrangements

- Access is from Teal Road which is already significantly congested at school times with a volume of traffic and parked cars which result an increasingly dangerous environment for primary school children. The road calming scheme and traffic control measures in place were introduced to ensure that road users would feel safer and encourage more parents to walk to school, with their children, whilst these measures appear to have had a limited impact, more traffic is highly likely to have a detrimental impact on road safety.
- The B1040 is prone to flooding and when the entrance to Wetland Way is under water vehicles will have to use the Teal Road entrance - this development will create further pressure on Teal Road
- The B1040, although 30 miles per hour at the Junction with Wetland Way, vehicles frequently do not abide by the speed limit and the additional amount of vehicles coming in and out of this junction will create a hazard for motorists.
- Will generate additional traffic on roads that already are unable to cope, replicating what has happened in Peterborough Road with the new developments there
- Alternate access is via the B1040 which will be closed for periods of time due to flooding, it must therefore be assumed that all traffic will use Teal Road, which as highlighted is not capable of accommodating additional traffic flow safely
- Traffic access especially when b1040 floods
- *'The Council's attention is drawn to the traffic congestion in Whittlesey. From living in Whittlesey, there is already significant traffic congestion at the B1040/A605 roundabout and the junction of the B1040 to Stonald and Bassenhally road which would be exacerbated by the proposed. The junction forming the Hartley Grange exit onto the B1040 will also add to this congested, thus creating delays and compromising highway safety'.*
- Construction work currently on the outskirts at Whittlesey Green for 158 residential dwellings (Taylor Wimpey), will add further pressure on the town, so to add 58 more is just too much.

#### Flooding/Drainage

- The area is part of the flood defence system and the additional run off will create a pressure of the existing flood management area.
- Why build on/right near flood plains putting so many peoples properties at jeopardy increasing the risk of flooding. Last year was bad enough I'm dreading this year and with the climate changing and more rain each year it's scary. If we get flooded what will the council actually do to help or rectify it. Last winter alone we had at least 4 Floodline warnings and it scares me what we will have to face in future.
- More and more development in this region is bound to affect the flood plain which not only caters for our locality but also, we are impacted by the developments taking place in Northamptonshire. We have suffered from flood surges in the recent past brought about by all the hard surface runoff that you get from housing/road developments that the powers that be seem to overlook during their planning decision making!.
- The local water table will definitely be influenced by such developments
- We were told the land adjacent to us would never be built on as it lays low. Last year we had water up to our fence, our concern is of flooding with more houses, hard landscaping and surface water.

- *'We are very concerned about the flooding issue on the B1040, as earlier this year the flood water came up to Huntley Grange entrance, (Persimmon Housing) closing the B1040 for some considerable time, adding extra housing to the site will increase water runoff, thereby exacerbating an already serious problem'.*

#### Wildlife concerns/Trees/Environmental Concerns

- Also, a large proportion of wild land was destroyed by the estate being built, the last remaining part being destroyed by this planned work.
- There is a lack of areas for wildlife and for walkers to take exercise. This development will encroach on habitat and will remove a local community resource
- We have lost the wildlife that use to visit the garden when they cleared the land for the planting of wildflowers which never happened but would of encouraged the birds back

#### Other matters:

- Devaluing property
- Precedent
- *'The building work granted for F/YR15/0134/O planning permission is still in full swing and will take several months yet before being fully complete. As such there has not been any significant time allowed for Whittlesey to adjust / recover/ embrace the additional 220 dwellings within its infrastructure, before any further additional planning requests at this site can be sensibly considered'.*
- Local services/schools unable to cope – *'The infrastructure in the town is currently under pressure; more houses will create undue pressure on roads, dentists, doctors and school'*
- *'Whittlesey is becoming/has become over-populated and is need of investment in its infrastructure not more housing'*
- No consultation or engagement with residents, lack of consultation by FDC for those who live along the road
- Planning permission for the current estate was justified by it NOT being next to Wash Lane/Willow Lane. The estate isn't even finished yet and the deal has already been compromised
- It would be interesting to understand how the council plan to recompense residents for the effect on their houses both in quality of life and financial value of their property. We bought a house in the countryside for a reason and it's not acceptable to turn it into a housing estate
- Three residents in Hemmerley Drive have questioned the boundary as shown, noting that the site includes land within their ownership/control; as has a resident of Wash Lane who considers a tree shown within the application site is within their boundary.
- Agricultural land
- Access road is unsuitable to cater for hundreds of cars via what is a quiet lane – will cause huge traffic problems for those that live on the lane and huge traffic turning out onto what is already a busy unsafe road - owners on Wash Lane were given an agreement that a field would be left empty between them and the new houses already built by permission - the opposite is now being said, loss of wildlife and local greenery - houses over looked
- We have already endured several periods of road works for drainage and gas pipes, and just recently the pavement work, without once ever being informed of the work taking place prior to workmen arriving and digging

directly outside our property. On several occasions lorry's have tried to drive up Wash Lane to the development and then needed to back out onto the B1040 which is extremely hazardous due to the curve in the road and the speed of traffic. Both Wash and Willow Lanes are unmade, single track, unlit access road to the existing properties and are not suitable for access to this development. There is no pavement or room to make a pavement in either Lane, however as the pavement that has been put in on the B1040 does not have a drop curb at the Wash Lane end it is not useable for people in wheelchairs or with prams and therefore they will likely use Willow Lane to get into town. This creates a hazard for pedestrians.

In response to the re-consultation further representations have been received from 4 households in Hemmerley Drive (Nos 3, 5, 19 & 31) and from 31 Low Cross reiterating their earlier comments and providing updated comments on the revised/additional information submitted:

- Whilst the revisions seek to address a number of technical issues they do not remove or reduce the fundamental objection relating to large scale housing on the edge of Market towns
- Agree with FDC Tree Officer comments relating to lack of screening for existing properties.
- Notes that the junction counts contained in the TA although taken when there were no official Covid restrictions in place were at a time when a significant number of residents were working from home – this represents a potential risk to highway capacity in the future.
- Existing issues (Junction 3 roundabout from Syers Lane) should be addressed before the expansion of the town is permitted.
- Note that CCC Highways have dropped the requirement for a second emergency access to be provided to the dwellings – concern that public safety is being ignored.
- Maintain that the site boundaries are incorrect and consider the application should not be entertained as a consequence of this.
- Reiterate that there is a lack of infrastructure in the town.
- Should not be considering double the number of houses originally refused on this site.
- Consider more trees should be planted instead to offset the carbon. emissions from 220 houses which you allowed to be built on partial flood plain.
- Care should be taken regarding loss of light to existing properties.
- Development at the adjacent site has illustrated drainage issues in the locality, concerns regarding where the water has gone to, suggest that it is into these fields and queries what will happen when this build commences.
- Concern re potential flooding
- If the development is permitted, please ensure our house isn't abutted by three houses and garages and the scheme incorporates a green border.
- Consideration should be given to the fact that the B1040 is closed at times due to flooding and the traffic on the A605 will flow non-stop to the roundabout junction with the B1040 causing gridlock at peak hours due to the new railway bridge.

Together with additional objections received from 31 Low Cross and 17 Hemmerley Drive on the grounds of

- Density/Over development
- Lack of infrastructure within the town

- Access roads within the town already struggle with volume of traffic, Whittlesey needs a bypass in addition to the long-awaited railway bridge
- Previously concern has been expressed by the Council regarding access onto Teal Road and the formation of a cut through from the B1040 (East Delph) to Teal Road and therefore the only proposed access to and egress from this Site is to be from the existing adjoining Persimmon Development and therefore all the traffic will be onto the B1040 (East Delph) which is already a busy road with vehicles travelling in excess of 30 miles per hour despite the traffic restriction,
- The Site is not within an area identified in the current Local Plan as being designated for residential development indeed it is not allocated for development, and it is understood that Fenland District Council have already resolved that there should be no additional development north of Whittlesey because of the risk of flooding
- The new draft local plan until 2040 does not allocate the site for housing
- It is a known fact that the Site floods in the winter months and retains standing water for much of the winter even more so since the current development of the adjoining site
- The Site was previously included in an application as part of a larger site, part of which has subsequently received planning permission for residential development and is currently being developed but the number of dwellings applied for were subsequently reduced as a condition of that approval. The application to develop this Site seeks to increase that number of dwellings to a level which was deemed unacceptable by Fenland District Council in the previous application. That limit set by Fenland District Council should not be exceeded by stealth by dividing the original application into two sites. A further 58 dwellings would amount to overdevelopment.

## **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. 7 – The purpose of the planning system is to contribute to the achievement of sustainable development.

Para. 8 – Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental)

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

Para. 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. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning

authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Para. 29 – Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Footnote: Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

Para. 30 - Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

Para. 34 – Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure)

Para. 37 - Neighbourhood plans must meet certain 'basic conditions' and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

Para. 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Para. 39 - Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

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

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);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

Para. 55 - Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.



Para. 56 - Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Para. 58 - Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.

Chapter 5. Delivering a sufficient supply of homes

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.

Chapter 11 - Making effective use of land

Para. 124 –Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Chapter 12 - Achieving well-designed places

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

Chapter 15 - Conserving and enhancing the natural environment

Para. 212 - Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

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

## 7.3 **National Design Guide 2021**

Context: C1 Understand and relate well to the site, its 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;

I3 Create character and identity Built Form:

B1 Compact form of development;

B2 Appropriate building types and forms Movement:

M2 A clear structure and hierarchy of connected streets;

M3 Wellconsidered parking, servicing and utilities infrastructure for all users

Nature:

N1 Provide high quality, green open spaces with a variety of landscapes and activities, including play;

N3 Support rich and varied biodiversity Public Spaces:

P2 Provide well-designed spaces that are safe Uses:

U2 A mix of home tenures, types and sizes;

U3 Socially inclusive Homes and Buildings:

H1 Healthy, comfortable and safe internal and external environment;

H3 Attention to detail: storage, waste, servicing and utilities Lifespan:

L3 A sense of ownership

## 7.4 **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP5 – Meeting Housing Need  
LP11 – Whittlesey  
LP13 – Supporting and Managing the Impact of a Growing District  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP17 – Community Safety  
LP19 – The Natural Environment

7.5 **Delivering and Protecting High Quality Environments SPD**  
Policy DM2

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

7.7 **The Whittlesey Draft Neighbourhood Plan 2021-2040**

This neighbourhood plan has been through independent examination and found to meet the basic conditions required by legislation subject to the incorporation of the examiners recommended modifications. The plan was successful at referendum on 23rd February 2023 and therefore carries full weight.

The following policies of the plan are of relevance to this application:

Policy 1 – Spatial Planning  
Policy 2 – Local Housing Need.  
Policy 4 – Open Space  
Policy 7 – Design Quality  
Policy 12 – Delivering Sustainable Transport

8 **KEY ISSUES**

- **Principle of Development**
- **Character and visual amenity**
- **Residential amenity**
- **Flood risk**
- **Highways**
- **Biodiversity**
- **Planning Obligations**
- **Viability**
- **Other matters-resident comments**

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## 9 BACKGROUND

- 9.1 A Hybrid planning permission was granted to Showfields Limited for up to 220 dwellings under F/YR15/0134/O for development of Land North Of Whittlesey East Of, East Delph, Whittlesey; this being land immediately to the east of the site currently under consideration.
- 9.2 This adjacent site had previously been the subject of an appeal relating to an earlier outline planning application for up to 249 dwellings with associated works (including land compensation works) (F/YR13/0714/O). This earlier application was refused on the basis of there being insufficient information at that time in relation to: flood risk; landscape and highway safety matters. In the lead up to the Public Inquiry the Council withdrew, following the receipt of additional details, its objections in relation to highways and landscape matters and, therefore the appeal was contested by the Council solely on flood risk grounds.
- 9.2 The appeal proposals included some housing within the functional floodplain (Flood Zone 3b) and the appeal was dismissed in November 2014 on the basis that the appellant had not undertaken a sequential based assessment of other sites, at lower risk of flooding, where the housing could be located.
- 9.3 In response to the appeal the 2015 submission submitted in Hybrid form (a combination of Outline and Full details) reduced the proposal to a maximum of 220 dwellings. That submission sought full planning permission for engineering works in order to facilitate the vehicular access from the B1040 (East Delph) with outline planning permission, with all matters reserved except for the access, for up to 220 dwellings.
- 9.4 All of the proposed dwellings were shown to be situated within Flood Zone 1 and were therefore on land which is at the lowest risk of flooding. As part of the appeal the Council contended that the sequential approach is only engaged for housing that was not within Flood Zone 1; the Inspector agreed with this approach. The sequential approach was therefore not engaged for the purposes of the application. The remaining planning considerations were, except for the access details on to East Delph and Teal Road, submitted in indicative form at that time and a series of planning conditions were considered necessary in order to ensure that any future reserved matters submissions adhered to the principles of the masterplan.
- 9.5 Subsequent to the approval of F/YR15/0134/O there has been a reserved matters submission relating to detailed matters of layout, scale, appearance and landscaping pursuant to the outline permission (F/YR19/0158/RM) and a number of supplementary submissions relating to conditions discharge; together with an application under S73 of the Town and Country Planning Act which sought to vary the conditions of the extant consent F/YR15/0134/O in terms of adopting a phased approach to the development whilst also making a viability case, with both these elements having been accepted by the LPA. The consequences relating to viability were a reduced affordable housing offer but with all other contributions e.g. educational and transport being secured. Additionally, the commuted sum towards the Internal Drainage Board was deleted as the applicant proposed to secure a Management Company to oversee the management and maintenance of drainage and open space which

is considered to be acceptable. The reduced affordable housing offer was 9% across the site (i.e. 20 units in total)

- 9.6 It should be noted that although representations made in respect of this proposal indicate that the site currently put forward formed part of the original refused scheme this is not correct. Whilst the land was detailed to be 'land within the applicants ownership/control', i.e. blue land, it did not form part of that submission.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The development proposes up to 58 houses on the edge of the market town of Whittlesey, accordingly it must be assessed under policies LP3 and LP4.
- 10.2 In respect of the Whittlesey Neighbourhood Plan it is accepted that full weight must be given to this development plan; however, it must be noted that Policy 1 ("Significant new housing development should be located predominantly east of the town"....) could be viewed as potentially in conflict with the FLP which allows for windfall development of up to 250 houses on the edges of towns under Policy LP4 (Part B).
- 10.3 There is nothing within LP4 (B) that indicates proposals with contiguous boundaries should be viewed cumulatively and this follow-on, yet stand-alone scheme, enacts the same policy considerations of the earlier proposal yet it is unaffected by the earlier grant of planning permission which is in the process of being implemented.
- 10.4 Furthermore there is no direct reference in either development plan document which categorically embargoes development to the north of Whittlesey.
- 10.5 It is considered that the scheme as presented should be considered under LP4 (B) and as a development of under 250 houses on the edge of a market town the principle of the scheme is acceptable, subject to technical considerations relating to flood risk, highways, biodiversity and amenity.

### **Character and visual amenity**

- 10.6 As already described, the site comprises a parcel of land previously used as a market garden which abuts established housing to the west and south, and new development to the east. There is therefore a transition between the urban (south) and rural (north) with the application site contained between the two characteristics.
- 10.7 In terms of character and visual impact it is important to note the following with regards to the proposed scheme;
- It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland; and
  - The proposal is of a scale and in a location that is in keeping with the core shape and relates well to the existing built up area, and will not adversely harm its character and appearance; and

- The site retains and respects natural boundaries such as trees, hedgerows, embankments and drainage ditches; and
  - Biodiversity is respected and enhanced.
- 10.8 The development of this site when viewed in the context of the larger development allowed to its east is not considered to adversely affect the character or visual amenity of the area.
- 10.9 Given the larger development, and incursion past the urban fringe, permitted originally under F/YR15/0134/O, and that the current proposals merely form an infill between the western boundary of that development and existing dwellings the earlier assessment of the impact on the landscape is a material consideration.
- 10.10 The principle of the larger development in terms of impact on visual amenity and landscape was acceptable and it is notable that the associated appeal was not contested on this basis. In essence that development was sufficiently well screened to render the visual impacts acceptable. Set against this context, where the current proposal is significantly smaller in size with little or no incursion into the rural north it must also hold that visual impacts cannot be significant.
- 10.11 In summary, the proposal is not considered to result in significant adverse impact to the character and appearance of the area, although it will result in the gap between existing development and that approved under F/YR15/0134/O being infilled. The proposal will be harmful in the sense that arguably all new development result in change and harm, but the benefits of the scheme are on balance considered to outweigh any harm when assessed against the objectives of the development plan.

### **Residential amenity**

- 10.12 Again it must be accepted that the detailed elements of the layout and design of dwellings would come forward for reserved matters approval should outline planning permission be granted.
- 10.13 Given that only access is committed, potential impacts on existing residents e.g. loss of light, overlooking, overbearing, noise and light pollution cannot be fully considered. However, the indicative layout sufficiently indicates that a scheme could likely be secured which would not result in significant harm to the residential amenity of existing neighbouring properties in accordance with Policy LP16.

### **Flood risk**

- 10.14 It is noted within the submission that within the site all housing development is to be located above the 5m contour and therefore in Flood Zone 1. Whilst the main access onto East Delph does lie within the Nene Washes flood storage area and it is noted that under F/YR17/1231/VOC a signed warning system is to be installed.
- 10.15 Given that this site links into the adjacent sites approved road network in the event that East Delph is flooded vehicular access can be obtained via Teal Road

- 10.16 As part of the earlier appeal it was contended that the sequential approach is only engaged for housing that was not within Flood Zone 1; the Inspector agreed with this approach. The sequential approach is not therefore engaged for the purposes of this application.
- 10.17 It is noted that representations have been received from the Town Council, the Ward Councillor and neighbouring occupiers indicating that the site is not suitable for development and that there will be more water that will need to run off to an area that already floods.
- 10.18 There is nothing within the drainage strategy or wider proposals that suggest the site will be raised being within Flood Zone 1, nonetheless a condition is recommended which requires details of finished floor levels of all buildings and associated external ground levels to be submitted as part of reserved matters.
- 10.19 Both the Environment Agency and the LLFA have accepted the submitted FRA and raise no objection to the scheme. Whilst the NLIDB have raised objection to the use of the riparian drain this appears largely driven by concerns relating to ongoing maintenance. Their preference for a connection into the adjoining approved housing development system and for discharge into the Board maintained watercourse is noted it must be acknowledged that the LPA has to consider the scheme as submitted and as this has been found to be acceptable by the LLFA, the statutory consultee, there would be no grounds to resist the scheme on this basis.

## Highways

- 10.20 Policies LP15 and LP16 of the FLP seek to ensure that development can be served by adequate highways infrastructure – avoiding identified risks, maximising accessibility and helping to increase the use of non-car modes by giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. Paragraph 110 of the NPPF (July 2021) requires development to take account of opportunities for sustainable transport modes, provide safe and suitable access for all people and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.21 Access to the site will be taken from the adjacent new housing site via an extension to an existing turning head.
- 10.22 The submitted Transport Statement has been accepted by the CCC Transport Assessment team and there would be no technical grounds to withhold consent.
- 10.23 It is accepted within the CCC TA review of the Transport Statement that the Orchard Street/A605 Syers Lane/Broad Street/A605 West End roundabout will operate over capacity during all assessment year scenarios. However, it is noted by the CCC TA team that this is not anticipated to cause severe detriment to the operation of the junction adding a maximum 3 additional vehicles to queues. Furthermore, it is noted within the consultation response of the Highway Authority that they are aware that the operation of this junction functioning over capacity is a strategic issue and as per the NPPF (2021), it is not reasonable for this development to fix this issue.

- 10.24 Both the Town Council and Ward Councillor have indicated that they consider that *'there will be significant additional pressure put on the junction at the exit of Hartley Grange on the B1040 and in turn East Delph'* and requests that should permission be granted a roundabout should be conditioned. It is noted that the CCC TA team have not raised this junction as an issue, nor sought such provision, as such there would be no justification for the same.
- 10.25 During the consideration of the application initial feedback from the Highways Development Management team was that the total quantum of development exceeded 100 units and would therefore require a secondary access. The agent responded to highlight that it was their understanding that *'the adjacent Persimmon development approved under RM application (F/YR19/0158/RM – 220 units) are duty bound to provide two vehicular access points. The first and main vehicular access point will form onto East Delph Road, and the secondary access point onto Teal Road.'* It was also highlighted that *'a Phasing Plan prepared by Persimmon, in respect of the above application, confirms at what stage the access each of the access points will be provided. As such, the current application for 58 units directly interfaces with an approved application and will duly be afforded with the benefit of two vehicular access points serving the external highway network.'*
- 10.26 In response the LHA advised that *'the point on the Teal Road and East Delph Road is noted but to get to the development you have to pass through the section of the Persimmon site which has 99 dwellings on it. Adding the development of 58 means that there will essentially be a 157 dwelling Cul de sac which was the reason I made the comment requiring an emergency link'*.
- 10.27 Highways sought advice from the fire service [CFRS] following comments received from the agent however no direct response was received; supplementary comments were provided by Highways as follows:
- 'Ultimately the requirement for a second emergency access is based on prior advice we've received from the Fire & Rescue Service so strictly speaking you could argue that this is their requirement rather than ours. I will try again but if [CFRS] doesn't wish to raise any objection after a reasonable timeframe than I think we may have to progress on the basis that the single access is ok.'*
- 10.28 It is noted that CFRS had been consulted on the scheme and that they had responded solely to request the provision of fire hydrants and caveated their comments to advise that *'access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access'*. In addition, Highways confirmed that CFRS had not responded to the LHA team in this regard and as such they considered *'it can be safely assumed that this is not an issue which is overly contentious'* going on to state that *'in light of everything, I think that while a second emergency access is preferable, it is not essential. Therefore, if the applicant is insistent that they cannot/won't provide a secondary emergency access I don't believe that in isolation provides sufficient grounds for an objection'*.
- 10.29 The concerns of local stakeholders are noted with regard to traffic generation and the likely impact of a further 58 dwellings in this location. However, it must be noted that the LPA relies on the LHA to provide specialist input in relation to such matters in order to consider matters including potential traffic congestion and analysis of accident data. Whilst it is understandable that local residents raise concerns, as clearly this proposal will create additional traffic, the 'severe'

threshold as detailed within paragraph 111 of the NPPF is not considered to be breached and accordingly there would be no grounds to withhold consent in this regard.

## **Biodiversity**

- 10.30 The proposal is supported by a reptile survey, arboricultural assessment, landscape management plan, preliminary ecological appraisal and biodiversity report (additional information), in-line with policy LP16 and LP19.
- 10.31 The application site is about 0.4km to the south of the Nene Washes, and 1.4km to the west of Bessenhally Pits. The RSPB and Natural England have not objected but refer to direct and indirect impacts on these sensitive sites and the need to ensure their protection and enhancement.
- 10.32 With regards to biodiversity the development of this site needs to be viewed in conjunction with the development allowed on land immediately adjacent and to the east (F/YR15/0134/O & F/YR17/1231/VOC) which provides for up to 220 dwellings on land covering some 15 ha.
- 10.33 F/YR15/0134/O is subject to a requirement for an ecological mitigation and enhancement strategy and the accompanying S106 stipulates the provision of a minimum of 3.6ha on site as public open space. It is notable that neither the RSPB nor Natural England objected to F/YR15/0134/O.
- 10.34 The open space provision provided under F/YR15/0134/O creates a sizable buffer zone around that development, and between and beyond this proposal. Arguably, this buffer zone provides the protection and enhancement sought for the sensitive sites, and caters for additional recreational needs generated by this development. Furthermore, any extra pressures generated by the proposal for 58 houses will be marginal when seen in the context of the 220 dwellings approved to the east, and insignificant when set against the context of Whittlesea's population of around 13,000.
- 10.35 The open space provision for this application, and that for the neighbouring development, has been assessed and found to be adequate for the purposes of the local plan and it is considered that the proposed development should not adversely affect the conservation objectives of the Nene washes, or Bessenhally Pit.
- 10.36 The supporting ecological information concludes as follows:
- A low population of reptiles is present in one field. It is recommended that these are trapped and relocated to neighbouring land.
  - There are no significant arboricultural impacts associated with the proposed development, subject to the implementation of mitigation planting and tree protection measures and working method statements set out.
  - A schedule of annual maintenance and a 20-year management plan for the proposed open spaces continuing the previously approved management regime for the earlier phase.
  - The habitat creation which forms part of Phase 1 will provide a significant contribution to habitat enhancement in the north Whittlesey area.
- 10.37 The Wildlife Officer finds the scheme acceptable subject to conditions relating to:



- Implementation of the recommendations of the Reptile Survey.
- Requirements for a Construction Environmental Management Plan (CEMP: Biodiversity).
- Method Statement for the establishment and management of the proposed 9.72 ha of off site habitat.
- Scheme of soft landscaping.
- Local native species to be used in the local habitats.
- Installation of mammal holes.

10.38 It is concluded that the development, if designed similarly to the indicative layout but with the above enhancements, would respect ecological and biodiversity features in-line with FLP policy LP16 (b) and LP19, and that the necessary enhancements can be reasonably secured by conditions and obligations.

## **Planning Obligations**

10.39 Policy LP5 of the FLP seeks to secure appropriate housing to meet the needs of the district including affordable housing as well as meeting the particular needs of all sectors of the community. Policy LP13 sets out the Council's approach to securing appropriate infrastructure to mitigate the impact of development and a growing district. LP15 seeks to ensure that all development contributes to the delivery of transport related infrastructure. LP16(g) seeks to ensure that development provides publicly accessible open space and access to nature.

10.40 It is noted that Policy LP5 Part B indicates that if a scheme is followed by an 'obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then if the combined total of dwellings provided by the first scheme and the second or subsequent scheme provides 5 or more dwellings, then the above thresholds will apply cumulatively. The precise level of affordable housing to be provided will be 'back dated' to include the first scheme.

10.41 It is noted that the adjoining development whilst on land originally owned by the applicant for this current scheme is being delivered by a separate developer. Whilst the developer has retained rights to deliver the access to the adjoining site there is nothing to suggest that they are obviously linked.

10.42 Officers have undertaken consultation with Cambridgeshire County Council's Education, Waste and Transport teams, NHS England, the Council's Housing team and the Developer Contributions SPD; which amongst other things sets out open space and outdoor sports contributions.

10.43 The following contributions have been agreed and will be subject of the S106.

### Affordable housing

The applicant has agreed to provide 25% affordable housing on the site with tenure mix to be agreed. On a scheme of 55 dwellings 15 units will be affordable (although 13.75 units are required as a percentile). The over-provision must be viewed in the context that the Local Plan Viability report which indicates that south of the A47 20% affordable housing delivery would usually be the viable and acceptable level of delivery.

The local plan refers to the application of thresholds cumulatively if an original

scheme did not require the provision of affordable housing but was then followed by a 'linked' scheme within 5 years. It would be unreasonable to consider the application site and that adjacent (Persimmon) as 'linked' even though they were once under the same ownership. This is because the earlier scheme attracted considerable infrastructure costs which rendered it unviable, and as the current scheme overprovides in the context of the Viability Report.

Education: £1,077,905

Open Space Provision/Contribution/Maintenance

Contribution/Management of off site habitat

East of England Ambulance Service: £10,449,

NHS Cambridgeshire & Peterborough CCG: £50,112

Library Provision: £8,410

Surface Water Drainage (Adoption/Management).

Transport Improvement Contribution.

Waste Management Contribution.

## **Other matters**

- 10.44 **Education Contributions:** The applicant considers that the level of education contributions required in total by the County Council to be excessive and not based on falling registers. Nonetheless, to resolve an impasse, the applicant has agreed the contributions sought for education and libraries (£1,086,318) as detailed under para 5.14 above, but will stipulate a clause in the S106 which will make the final contributions dependent on final numbers and types of dwellings and updated school attendance figures.
- 10.45 **Land ownership:** Matters relating to the boundaries of the site and encroachment have been raised with the agent for the scheme on several occasions with the agent revisiting this aspect and they have confirmed that they own the site as shown. Whilst this continues to be an issue for local residents the LPA have used their best endeavours to resolve this matter. That said the granting of any consent does not override such matters from a legal perspective and this would be a civil matter for the affected householders to take forward.
- 10.46 **Archaeology:** CCC Archaeology have requested a condition be imposed to secure archaeological investigation on this site and their recommended condition is included in the recommendation below. Such a stance accords with Policy LP19 of the FLP (2014) and the requirements of the NPPF (2021).
- 10.47 **Minerals and Waste:** The County Council has accepted the applicant's position as detailed in its Minerals Safeguarding Assessment (GWP Consultants 26 January 2022) that owing to the size of the site, the depth of the sand and gravel and the constraints presented by proximity to residential properties it would not be practical to extract the sand and gravel as a stand-alone operation. However,

the County Council supports the proposal that suitable sand and gravel excavated during the construction phase be retained for use on the site.

- 10.48 **Informal Play Equipment:** The request by Leisure Services for informal play equipment to be added to one of the open spaces could potentially be dealt with under the S106 agreement. However, on sites of under 2ha there is no policy requirement for the delivery of on-site play provision.
- 10.49 **Arboricultural Officer:** Concerns expressed about lack of screening on the south and west boundaries can be addressed when considering the detailed scheme which would be submitted at the Reserved Matters stage.
- 10.50 **Duration of consent:**  
It was indicated within the submission that in order to tie in with the Persimmon build programme a longer duration within which to secure reserved matters approval would be sought, i.e. 4 years. However, noting that there has been some slippage with the application given the need to address consultee responses this no longer appears necessary or warranted.
- 10.51 **Representations:**  
Considerable comment has been received about detailed matters such as density, design, separation distances, loss of light and privacy etc. These issues are more appropriately addressed at reserved matters when the requisite detail is presented for assessment and approval.
- 10.52 A tranche of objections raise concerns about disturbance through noise and dust arising from the construction phase. Such adverse impacts will be addressed through a construction management plan secured by condition, but are also subject to controls in legislation administered by the Council's Environmental Protection team. Such issues, would, however, not be grounds on which a planning application could be reasonably refused.
- 10.53 A volume of representation refer to the proposal being contrary to policy with particular reference to the Whittlesey Neighbourhood Plan. It is accepted that there could be a possible conflict interpreted between the Neighbourhood Plan and the Local Plan in terms of where development is preferred to be sited. However, Policy LP4 of the Local Plan allows up to 250 dwellings on edge of town locations and this limit is not predicated on exceedance being cumulative. Furthermore, in circumstances where precedence has been set in allowing development to the east there are no technical reasons to resist development which essentially represents infill. Therefore, there are no sustainable policy or development management reasons to resist the proposal.

## 11 CONCLUSIONS

- 11.1 It is considered that the site meets with strategic settlement hierarchy set out under Policies L3 and LP4 of the Local Plan which seek to focus growth in and around the market towns and in that it adjoins the continuous built settlement.
- 11.2 In respect of the application site and its suitability for housing development, the site has a number of factors in its favour in terms of potential suitability for residential development as it:

- Dwellings are sited within flood zone 1, the lowest risk category for fluvial flooding and that to which the NPPF directs residential development in preference,
- can be served by safe and effective access,
- is accessible to green space, and play space thereby promoting leisure and health opportunities,
- historic and proposed biodiversity impacts will be mitigated so as not to result in substantial harm
- is in suitable proximity of local services which can be accessed on foot, cycle and via public transport,
- is of sufficient scale to incorporate affordable housing within the site.

11.3 The proposal would increase the supply of housing - including a 25% provision of affordable housing, this has substantial social benefits.

## 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 contributions as detailed in this report, application F/YR21/1360/O be granted.
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.

## 13 PROPOSED CONDITIONS

The initially proposed conditions are as follows;

1	<p>Approval of the details of:</p> <ol style="list-style-type: none"> <li>i. the layout of the site;</li> <li>ii. the scale of the building(s);</li> <li>iii. the external appearance of the building(s);</li> <li>iv. the landscaping (hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).</li> </ol> <p>Reason: To enable the Local Planning Authority to control the development hereby permitted.</p>
2	<p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development to which this permission relates shall be begun no later than the expiration of two years from the final approval of the reserved matters.</p> <p>Reason: To enable the Local Planning Authority to control the</p>

	development in detail and to comply with Section 92 of the Town & Country Planning Act 1990.
3	<p>The development shall not exceed 58 dwellings (Use Class C3).</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
4	<p>The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Reptile Survey (Green Environmental Consultants, June 2021 (Report Number:844/7) which details the methods for maintaining the conservation status of Grass Snakes and Slow Worms, unless otherwise approved in writing by the local planning authority.</p> <p>Reason - In the interests of protecting and enhancing biodiversity in and around the site in accordance with policy LP16(b) and LP19 of the Fenland Local Plan, 2014.</p>
5	<p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following: 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.</p> <p>Reason: To ensure that the recommended mitigation and compensation suggested in section 6 of the Preliminary Ecological Appraisal (Green Environmental Consultants, June 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan 2014.</p>
6	<p>The details required by condition1 shall include 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; 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</p>

	<p>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.</p> <p>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.</p> <p>Reason: To ensure that the recommended mitigation and compensation suggested in section 6 of the Preliminary Ecological Appraisal (Green Environmental Consultants, June 2021) and the Note covering the Fenland Biodiversity Checklist (Green Environmental Consultants, November 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan 2014.</p>
7	<p>The development hereby permitted shall not be occupied until at least 10 bird boxes and 10 bat boxes have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds and Bat Conservation Trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority.</p> <p>Reason - In the interests of protecting and enhancing biodiversity in and around the site in accordance with policy LP16(b) and LP19 of the Fenland Local Plan, 2014.</p>
8	<p>No development, including demolition, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the consideration of the following aspects of construction: a) Construction and phasing programme. b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures. c) Construction hours which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. d) Delivery times and collections / dispatches for construction/demolition purposes shall be carried out between 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the Local Planning Authority e) Soil Management Strategy having particular regard to potential contaminated land and the reuse and recycling of soil on site, the importation and storage of soil and materials including audit trails. f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228-1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. g) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-</p>

	<p>2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate. h) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction - Greater Cambridge supplementary planning guidance 2020. j) Prohibition of the burning of waste on site during construction. k) Site artificial lighting including hours of operation, position and impact on neighbouring properties. l) Drainage control measures including the use of settling tanks, oil interceptors and bunds. m) Screening and hoarding details. n) Access and protection arrangements around the site for pedestrians, cyclists and other road users. o) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures. p) External safety and information signing and notices. q) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures. r) Membership of the Considerate Contractors Scheme. Development shall be carried out in accordance with the approved CEMP.</p> <p>Reason: In the interests of residential amenity protection and highway safety in accordance with polices LP15 and LP16 of the Fenland Local Plan, 2014.</p>
9	<p>No development shall commence until an investigation and assessment of the site, including the findings of a site walkover, to ascertain the nature and extent of potential land contamination arising as a consequence of the former use(s) and a Phase 1 report detailing the findings of the investigation and assessment, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of residential amenity protection and highway safety in accordance with polices LP15 and LP16 of the Fenland Local Plan, 2014.</p>
10	<p>Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply and access arrangements for the fire and rescue service shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be; implemented, made available for use and the Local Planning Authority notified in writing of its completion, all prior to the occupation of the first dwelling.</p> <p>Reason: In the interests of the safety of the occupiers in accordance with policy LP2 and to ensure there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.</p>
11	<p>The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) for proposed Development At Land Adjacent to B1040 (East Delph), Whittlesey, prepared by JPP Consulting dated August 2021, REF: R-FRA-22292-01-A, Revision A; August 2021, which states:</p>

	<ul style="list-style-type: none"> <li>• Development to be outside of the Whittlesey/Nene washes extent and below the 5m contour, as stated in section 3.1.4. of the FRA</li> </ul> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy LP14 of the Local Plan.</p>
12	<p>Prior to the commencement of any development, a scheme and timetable for the provision and implementation of foul water drainage shall be submitted and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.</p> <p>Reason - To prevent environmental and amenity problems arising from flooding and in accordance with Policy LP14 of the Local Plan.</p>
13	<p>The details required under condition 1 shall also include details of a detailed design of the surface water drainage of the site.</p> <p>Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.</p> <p>The scheme shall be based upon the principles within the agreed Flood Risk Assessment prepared by JPP Consulting Ltd (ref: R-FRA-22292-01-D) dated April 2022 and shall also include:</p> <ol style="list-style-type: none"> <li>Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;</li> <li>Full results of the Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;</li> <li>Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);</li> <li>Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);</li> <li>Site Investigation and test results to confirm infiltration rates;</li> <li>Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;</li> <li>Demonstration that the surface water drainage of the site is in accordance with DEFRA non_statutory technical standards for sustainable drainage systems;</li> <li>Full details of the maintenance/adoption of the surface water</li> </ol>

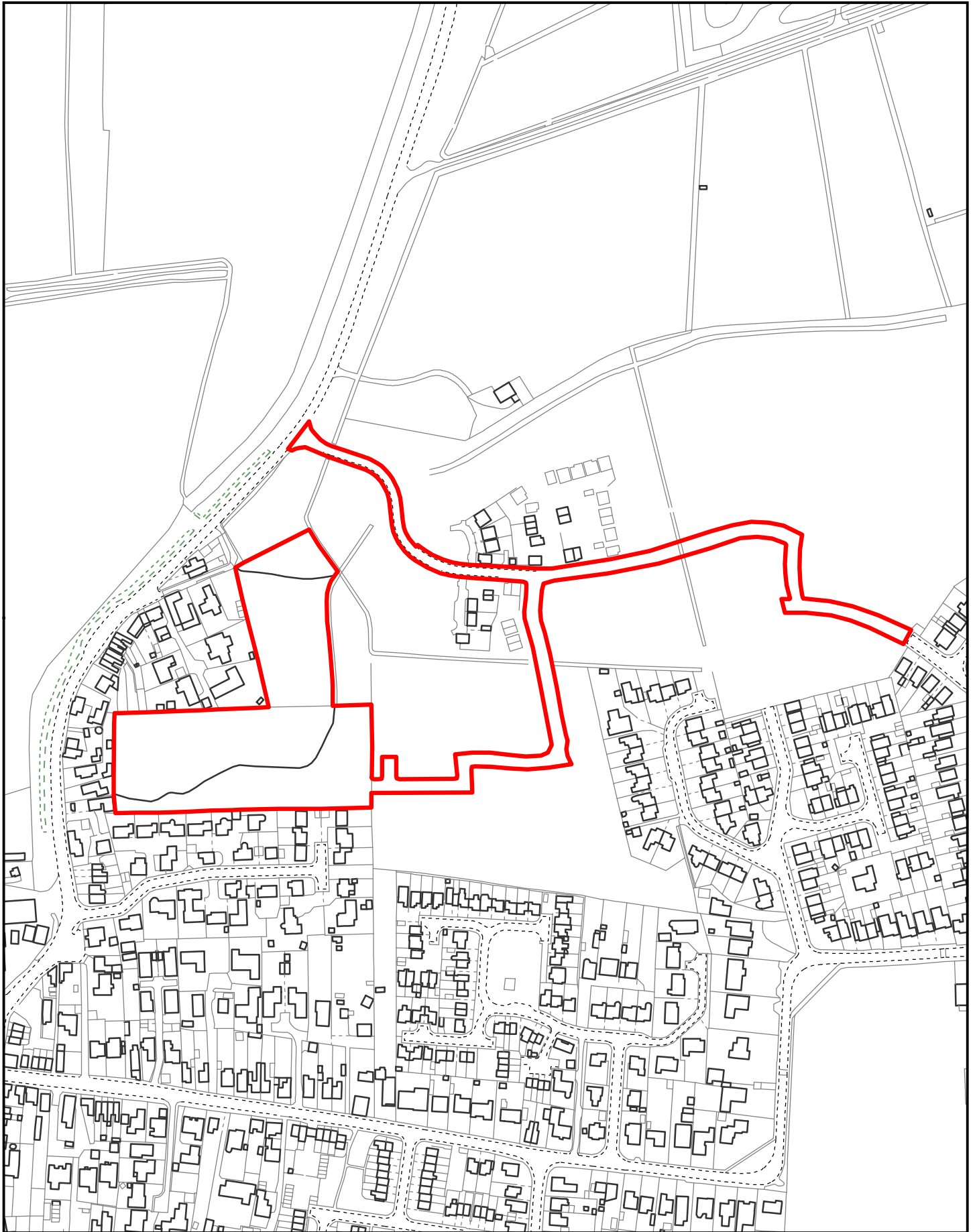


	<p>drainage system;  i) Permissions to connect to a receiving watercourse or sewer;  j) Measures taken to prevent pollution of the receiving groundwater and/or surface water</p> <p>Reason - To prevent the increased risk of flooding on and off the site and in accordance with Policy LP14 of the Local Plan.</p>
14	<p>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.</p> <p>Reason - To prevent the increased risk of flooding on and off the site and in accordance with Policy LP14 of the Local Plan.</p>
15	<p>Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; 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.</p> <p>Reason - To ensure the effective operation of the surface water drainage scheme following construction of the development and to prevent the increased risk of flooding on and off the site and in accordance with Policy LP14 of the Local Plan.</p>
16	<p>Prior to first occupation, 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 be provided to the first occupiers of each residential dwelling and shall include the provision of bus taster tickets and/or cycle discount vouchers.</p> <p>Reason: In the interests of encouraging sustainable transport modes in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
17	<p>No development shall commence until the applicant has implemented a programme of archaeological work that has been secured in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved by the Local Planning Authority in</p>

	<p>writing. For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ul style="list-style-type: none"> <li>a. The statement of archaeological significance and research objectives;</li> <li>b. The programme, methodology and timetable of fieldwork and the nomination of a competent person(s) or organisation to undertake the agreed works;</li> <li>c. Implementation of fieldwork;</li> <li>d. A post-excavation assessment report to be submitted within six months of the completion of fieldwork;</li> <li>e. An analytical archive report to be completed within two years of the completion of fieldwork and submission of a draft publication report (as necessary);</li> <li>f. Preparation of the physical and digital archaeological archives for deposition at accredited stores approved by the Local Planning Authority.</li> </ul> <p>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).</p>
18	<p>All gates serving private rear gardens to dwellings shall be self-closing and lockable, the details of which shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any dwelling.</p> <p>Reason: In the interests of visual appearance, privacy and security in accordance with policy LP16 of the Fenland Local Plan</p>
19	<p>The details required under condition 1 shall also include details of the finished floor level of all buildings and associated external ground levels.</p> <p>Reason: In the interests of visual and residential amenity in accordance with policy LP16 of the Fenland Local Plan, 2014.</p>
20	<p>The details required under condition 1 shall also include a scheme, including dimensioned plans for the protection of retained trees and hedges, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:</p> <ul style="list-style-type: none"> <li>(a) a layout plan which shows the position, crown spread and Root Protection Area (section 4.6 of BS5837:2012) of all trees to be retained and which also shows those proposed to be removed;</li> <li>(b) a Tree/ hedge Constraints Plan showing the Root Protection Area/s (RPA) and the crown radius in relation to the proposed development layout;</li> <li>(c) a schedule of works for those trees/ hedges to be retained, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons;</li> </ul>

	<p>(d) the location, alignment and specification of tree/ hedge protective barriers, the extent and type of ground protection, and any other physical protection measures. The protection measures must be erected/ installed prior to work commencing with that plot or phase and shall remain in place for the duration of construction works;</p> <p>(e) details of the alignment and positions of underground service runs;</p> <p>(f) any proposed alteration to existing ground levels, and of the position of any proposed excavations, that occurs within the root protection area of any retained tree/ hedge.</p> <p>The development shall be undertaken in accordance with the approved details.</p> <p>Reason: In the interests of visual amenity and environmental quality in accordance with policy LP16 and LP19 of the Fenland Local Plan, 2014.</p>
21	<p>The details required under condition 1 shall also include details of the proposed arrangements for future adoption, management and maintenance of the proposed streets within the development.</p> <p>The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 198 and/ or a Private Management and Maintenance Company has been established.</p> <p>Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
22	<p>Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining highway.</p> <p>Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy LP15 of the Fenland Local Plan, 2014.</p>
23	<p>Prior to the commencement of any development, a scheme for the provision, implementation and long-term management and maintenance of surface water drainage shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained and maintained in perpetuity.</p> <p>Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of pollution to controlled waters in accordance with the National Planning Policy Framework and Policy LP14 of the Fenland Local Plan 2014.</p>
24	<p>The development hereby permitted shall be carried out in accordance with the following approved plans</p>

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Created on: 02/12/2021

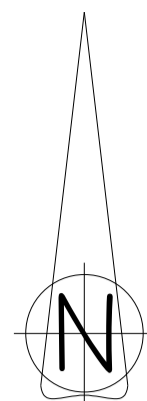
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**F/YR21/1360/O**

Scale = 1:3,500







5.2m



5m contour  
Equals to maximum flood  
level of Whittlesey/Nene  
washes storage area.

Flow restriction to 1.5 l/s  
IL = 3.17m

Outfall to adjacent ditch  
Approx. IL of ditch = 2.95m  
Approx. IL of outfall = 3.10m

Top of Bank = 5.00m

Top of Bank = 5.06m

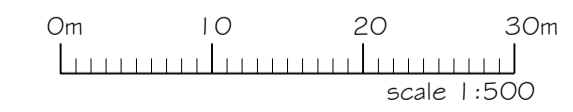
Surface Water Attenuation  
1 in 100 year = 40% climate  
change event  
Drained area = 8,731m<sup>2</sup>  
10% urban creep (to residential  
areas) = 608m<sup>2</sup>  
Total drained area = 9,339m<sup>2</sup>

Online detention basin:  
Top of bank = 5.4m  
Depth of freeboard = 0.4m  
Maximum water level = 5.00m  
Depth of storage = 1.5m  
IL = 3.50m  
Volume provided = 993m<sup>3</sup>

Low flow channel and  
micropool to be provided.

Highways details approved under Reserved Matters  
Persimmon FYR 19/0158/RM and associated  
conditions discharge.

Foul water outfall to foul  
water network within  
adjacent Persimmon site  
(currently under  
construction).



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Project:  
**Land off of East Delph  
Whittlesey**

Client:  
**Showfields**

Drawing:  
**Indicative Masterplan**

Scale:  
**1:500@A1**

Drawing No:  
**RDC1156-101**

Revision:  
-  
Date:  
**14.07.21**

Drawn By:  
**MA**  
Checked By:  
**SC**  
Cad Ref:

Rev. No.	Date	Amendment	Initial



F/YR22/0967/FDL

**Applicant: Fenland Future Ltd**

**Agent : Mr David Marjoram  
ELG Planning**

**Land East Of, The Elms, Chatteris, Cambridgeshire**

**Erect up to 80 x dwellings (outline application with matters committed in respect of access)**

**Officer recommendation: Grant Subject to Prior Completion of Legal Agreement**

**Reason for Committee: Town Council comments and number of representations received contrary to Officer recommendation**

## **1 EXECUTIVE SUMMARY**

- 1.1 An outline application with matters committed in respect of access, on Fenland District Council owned land for up to 80 dwellings submitted by Fenland Future Ltd. Fenland Future is a wholly owned subsidiary of FDC which has the objective of, amongst other things, maximising the return to the Council as shareholder from its asset portfolio and exploiting opportunities for acquisitions, development and commercial return from assets and to create a delivery model that operates with a degree of commerciality in line with aspirations that mirror the Council's Business Plans and Commercial Investment Strategy.
- 1.2 The application site is within the East Chatteris Strategic Allocation in the adopted Local Plan for which a Broad Concept Plan (BCP) has been produced and adopted. The proposal is to access the site from The Elms contrary to the BCP. However, no application has come forward to develop the land immediately to the south of the site in the BCP area. The significant issue therefore is whether the bringing forward of this site, accessible from the Elms would result in significant harm.
- 1.3 The Local Highway Authority does not identify severe harm to the highway network or any reason on which to refuse on highway grounds.
- 1.4 The application is considered against the relevant national and local planning policies. The balanced recommendation considers the proposal would not result in substantial harm, subject to conditions and the receipt of an acceptable Unilateral Agreement.

## **2 SITE DESCRIPTION**

- 2.1 The 3.59 hectares site is at the eastern edge of Chatteris within Flood Zone 1. It is currently informal grassland located east of The Elms (cul-de-sac) and south of Green Park, residential areas to the north and west of the site. The land to the south and - beyond the A142 - east are similarly undeveloped, to the south comprised of largely open pasture/meadow land. The site includes an informal

kick-about area and a drain (Birch Fen awarded watercourse) that diagonally crosses the site.

- 2.2 The site forms the northern part of the East Chatteris Strategic Allocation in the adopted local plan. A Broad Concept Plan was adopted by the Planning Committee in June 2017. This covered a 26hectare site north of Wenny Road and west of the A142. The adopted BCP identified overall potential for up to 350 dwellings.

### **3 PROPOSAL**

- 3.1 The outline application is for up to 80 dwellings with all matters, apart from point of access, reserved for future consideration. It includes an access from the end of a spur of 'The Elms', with emergency access located between 63 and 65 Green Park. The indicative plans include pedestrian/cycleway access into the neighbouring site to the south however these plans are indicative only.
- 3.2 The proposal includes provision of 20% affordable units and provision of a total of £2,000 per dwelling accordance with the Council's own viability assessment part of the evidence base of the emerging plan. The provision will be proportioned between the infrastructure requirements respectively. The contributions and affordable housing will be safeguarded by provision of a unilateral agreement.
- 3.3 Full plans and associated documents for this application including representations received can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=RG4YSCHE06P00>

### **4 SITE PLANNING HISTORY (Strategic Allocation site history)**

F/YR10/0022/SC Screening Opinion: Residential (up to 600 dwellings) with associated landscaping, open space and infrastructure Land East of Wenny Road, Chatteris Further info Required 09.03.2010

F/YR16/0093/SC Screening Opinion: Residential development (350 dwellings max) with associated landscaping, open space, and infrastructure Land East of Wenny Road, Chatteris Further info not required 21.03.2016.

EAST CHATTERIS STRATEGIC ALLOCATION -BROAD CONCEPT PLAN  
Adopted 21<sup>st</sup> June 2017 by Planning Committee.

A separate application for development of 93 dwellings at Land North of Wenny Estate F/YR21/0981/F is currently being considered by the Council.

### **5 CONSULTATION**

#### **5.1 Designing Out Crime Officer**

The Designing out crime officer considers this to be an area of low risk to the vulnerability to crime. There is no information regarding security and crime prevention in the Design and Access Statement, it is important that these measures are considered and discussed at the earliest opportunity, our office



would be happy to discuss Secured by Design and measures to reduce the risk to vulnerability to crime. At this time, there are limited detailed drawings and therefore reserves comments until the reserved matters stage. The Designing out crime officer considers this to be an area of low risk to the vulnerability to crime. There is no information regarding security and crime prevention in the Design and Access Statement, it is important that these measures are considered and discussed at the earliest opportunity, our office would be happy to discuss Secured by Design and measures to reduce the risk to vulnerability to crime. At this time, there are limited detailed drawings and therefore reserves comments until the reserved matters stage.

## **5.2 Anglian Water Services Ltd**

*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 text be included within the decision notice should permission be granted. The foul drainage from this development is in the catchment of Chatteris-Nightlayer Fen Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. The sewerage system at present has available capacity for these flows via gravity regime. If the developer wishes to connect to the sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991 in order to identify the most suitable point of connection.*

**5.3 Surface Water Disposal-** No comment as the proposal does not relate to Anglian Water. No planning conditions are requested by Anglian Water.

## **5.4 Housing Strategy**

Fenland Local Plan Policy LP5 Requirements seeks 25% affordable housing on developments where 10 or more homes will be provided. To inform the preparation of Fenland's emerging Local Plan, a Viability Assessment was undertaken which looked at the cost of building new homes and the costs associated with the policies in this Local Plan. This report concluded that viability in Fenland is marginal and varies between localities in the district. The assessment indicates that 20% affordable housing is likely to be the maximum level of provision that can be achieved through planning obligations. In response to the report, the Council has confirmed that finding of the viability assessment will be taken into account when determining planning applications from May 2020 onwards. Consequently, while the Council it is acknowledged that a reduced percentage of affordable housing via planning obligations to a maximum of 20%, will be achievable in most instances. Since this planning application proposes the provision of 80 number of dwellings, our policy seeks to secure a contribution of 20 affordable dwellings. Based on the provision of 20% affordable housing provision we would seek a contribution of 16 affordable dwellings in this instance. The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 11 affordable rented homes and 5 shared ownership based on the provision of 20% affordable housing.

## **5.5 CCC (Lead Local Flood Authority)**

Thank you for your consultation which we received on 22nd August 2022. At present we object to the grant of planning permission for the following reasons:

1. *Discharge Rate*

*As outlined in paragraph 6.3.6 of the SPD, all new developments on greenfield land are required to discharge the runoff from impermeable areas at the same greenfield runoff rate, or less than, if locally agreed with an appropriate authority or as detailed within the local planning policies of the District Council. It is currently proposed that surface water will discharge from the site at a rate of 1.59 l/s, this is greater than the 0.45 l/s QBAR rate calculated. The discharge rate should be as close to QBAR as feasibly possible, without increasing the risk of blockage to the system. For reference, the LLFA supports the use of minimum orifice diameters of 20mm for closed systems, such as permeable paving and underdrainage swales, or 75mm for open SuDS systems, such as attenuation basins. The applicant has not demonstrated that the peak discharge rate for all events up to and including the 1% Annual Exceedance Probability (AEP) critical storm event, including an appropriate allowance for climate change, will not exceed that of the existing site. This may increase the flood risk on site and in surrounding areas, and therefore the LLFA is unable to support this application.*

2. *Interception Source Control*

*It is proposed that surface water will be managed through the use of swales and attenuation basin, and this is supported by the LLFA. However, Section 6.3.7 of the Cambridgeshire Flood and Water SPD states that source control methods must be implemented across sites to provide effective pre-treatment of surface water. It is stated that permeable paving may be possible within the development, however as the applicant has not shown how the proposed permeable paving will be incorporated within the development, the LLFA is unable to understand the extent or use of this source control structure. The LLFA therefore requires that preliminary source control, such as the permeable paving, is included within the drainage layout for the development. As outlined in Section 6 of the Flood and Water Supplementary Planning Document the variety of source control techniques available means that virtually any development should be able to include a scheme based around these principles. The presence of low permeability soils, some forms of contamination and flat topography will not be accepted as reasons not to include source control.*

After an amended FRA the LLFA commented further:

*Thank you for your re-consultation which we received on 5th January 2023. The LLFA acknowledges that the proposed layout for the development has been altered to ensure that all drainage features, and the outfall, are located within the red line boundary of the site. However, at present we maintain our objection to the grant of planning permission for the following reasons:*

1. *Hydraulic Calculations*

*The LLFA acknowledges that this application relates to an outline permission, however we require demonstration that the proposed drainage strategy has sufficient capacity to manage surface water within the site. Hydraulic calculations are required to demonstrate the performance of the drainage system with regards to discharge rates, attenuation volumes, and peak discharge volumes for rainfall events up to and including the 1% AEP event +40% climate change. There should be no surcharging in the 100% AEP storm and no water outside the system within the 3.3% AEP storm plus a 35%*

*climate change allowance. If there is any exceedance within the 1% AEP storm + 40% allowance for climate change, this must be managed within the red line boundary without increasing the risk of flooding to any surrounding land or property. Finished floor levels of any properties near exceedance routes should be raised to 300mm above surrounding ground levels to protect them from internal flooding.*

*In accordance with the latest climate change peak rainfall intensity allowances, a climate change allowance should be incorporated into the surface water management scheme for the 3.3% annual exceedance probability rainfall event. The allowance used should be based on the lifetime of the development. The proposals are within the Cam and Ely Ouse Management Catchment and therefore should include a 35% climate change allowance on the 3.3% AEP hydraulic calculations.*

*The LLFA acknowledges that the actual soil type within the site may not be consistent with the default determined by the QBAR calculation tool, and therefore Soil Type 2 has been used instead of Soil Type 1. However, the LLFA requires clarity to be provided in relation to the following:*

- a) Total discharge rate for the site, for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP) rainfall event +40% climate change*
- b) Proposed orifice diameter for each of the outfalls from the site.*

*Until the above information is confirmed, the LLFA is unable to appropriately review this application.*

The applicant has updated the FRA and further comments from the LLFA are as follows:

*We have reviewed the following documents:*

- Flood Risk Assessment & Drainage Strategy, Tetra Tech Limited, Ref: 784-B030853, Dated: February 2023*

*Based on these, as Lead Local Flood Authority (LLFA) we are able to remove our objection to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving, and attenuation basins within 2 distinct catchments. The rate of surface water discharge will be restricted to 0.9l/s in the west catchment, 1.3l/s in the east catchment, for a combined discharge rate of 2.2 l/s. The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. The use of attenuation basins is also supported as in addition to the benefits provided by permeable paving, amenity and biodiversity benefits are also provided. Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.*

*We request the following conditions are imposed:*

*Condition 1 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment & Drainage Strategy prepared by Tetra Tech Limited (ref: 784-B030853) dated February 2023 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.*

*Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.*

*Condition 2 Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.*

*Reason To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.*

*Condition 3 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.*

*Condition 4 Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; 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.*

## **5.6 NHS England**

The following comments are with regard to the primary healthcare provision on behalf of Cambridgeshire and Peterborough Integrated Care System (CAPICS):

*The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application site George Clare Surgery. This practice has a registered patient list weighted list size of 12,114 and this development of 80 dwellings would see an increase patient pressure of 192 new residents which would require additional GP/Nurse / (Admin support) workforce to*

*support increase in appointments. 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 £48,081.19. 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 the request is not addressed.*

#### **5.7 Chatteris Town Council**

*Whilst Councillors do not object to the development of the site per se they strongly object to the access from 'The Elms' and request the applicant consider an alternative access. The original plan was for the development area off Wenny Road (including this site) to be accessed via a feeder road from a roundabout at the junction of Wenny Road and the A142. When the access to the site was left at The Elms there was considerably less traffic in St Martin's Road, Birch Avenue and The Elms. Additional vehicles include school traffic for Glebelands School. The roads leading to the site are unsuitable for yet more traffic, including construction vehicles, and will become congested.*

#### **5.8 Arboricultural Officer (FDC)**

With reference to the submitted arboricultural reports no objections to the findings relating to the condition and value of the vegetation on site. The indicative proposed layout suggests that the boundary vegetation may be selectively retained and the vegetation along the existing ditch enhanced. There is potential for significant planting, and welcome boundary screening to existing properties incorporating existing vegetation where possible. The ditch in the middle of the site provides opportunities for a significant landscape feature, e.g. an avenue of trees. The site can be developed with some potential impact on low quality trees but would require a comprehensive landscape scheme with significant tree planting including within individual plots and internal roads.

#### **5.9 Cambridgeshire Fire & Rescue Service**

*The Fire Authority would ask provision to be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.*

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

The application site has been identified as having pastoral or agricultural previous use. The Environmental Health Team are unlikely to object to the principle of any development where a high quality and sustainable living environment is to be created. From an environmental health standpoint this will be subject to the satisfactory attention being given towards mitigating against the potential for environmental pollution during the development process, satisfactory conclusions being reached that show the site is free from contamination and that such a

scheme positively contributes towards improving the health and wellbeing of people in support of sustainable and better ways to live and travel. This service therefore welcomes the range of information submitted in support of this application that include Air Quality, Noise Impact and Ground Contamination assessments being provided.

The EHO does not object and requests planning conditions be attached regarding Noise mitigation, provision of a Construction Environmental Management Plan (CEMP), a phase 2 Contamination ground investigation and informative regarding the latest building regulations for sustainable construction elements.

#### **5.11 Environmental Services (FDC)**

As an outline application only the Environmental Services Operations Manager has no comments other than refers to the current guidance for the detailed submission.

#### **5.12 Definitive Map Team**

*Public Footpath No. 1, Chatteris runs within the site. The Planning Statement at 5.29 states "A Public Right of Way (PRoW) runs across the site in the form of a trodden route. As is normal practice, any diversion of this would be processed under Section 257 of the Town and Country Planning Act after planning permission is confirmed". Should the Council be minded to grant planning permission then we would be grateful that that the following condition is included:*

*Prior to the commencement of development, a Public Rights of Way scheme shall be submitted to and approved by the LPA in partnership with the Highway Authority. Such scheme shall include provision for:*

- a) the design of public rights of way routes, their surfacing, widths, gradients, landscaping and structures.*
- b) any proposals for diversion and closure of public rights of way and alternative route provision*

#### **5.13 Cambridgeshire County Council Highways Authority**

*Background - The document reviewed is the Transport Assessment Addendum dated September 2022 prepared by Tetra Tech to accompany the planning application for the development of up to 80 homes on land off The Elms, Chatteris.*

*Transport Assessment Review - Public Rights of Way*

*It is noted Public Footpath 45/1 routes through the site. The public footpath will be diverted and formalised to follow footways and footpaths between The Elms and the A142 as part of the proposals. The proposed diversion and upgrade of Public Footpath 45/1 should be agreed in principle with CCC PROW Team prior to determination of this application.*

*CCC PROW Team can be contacted via:*

*[HighwaysAssetManagement@cambridgeshire.gov.uk](mailto:HighwaysAssetManagement@cambridgeshire.gov.uk).*

*Traffic Surveys The turning count and queue length surveys undertaken during the AM peak and PM peak periods on Tuesday 10th May 2022 at the following junctions are acceptable for use:*

- East Park Street/St Martins Road priority junction*
  - B1050 Park Street/East Park Street priority junction*
- Vehicle Access*

*It is noted vehicular site access will comprise an extension of the existing carriageway off The Elms. Within the East Chatteris BCP (2017), vehicular access for the East Chatteris site is proposed to be taken off Wenny Road. There is no road link proposed to other BCP land which could facilitate future access via Wenny Road from this site. It is up to Fenland District Council as the Local Planning Authority to consider this.*

*Site access, servicing, and internal layout details should be agreed with Highways Development Management who will provide separate comments.*

#### *Multi-Modal Trip Generation*

*Multi-modal trip generation for the development is agreed. The proposed development is anticipated to generate 64 vehicle trips in the AM peak and 53 vehicle trips in the PM peak. The development is also anticipated to generate 7 pedestrian trips, 3 cycle trips, and 2 bus trips in the AM peak, and 5 pedestrian trips, 3 cycle trips, and 2 bus trips in the PM peak.*

#### *Traffic Impact Assessment*

*The junction geometries included within the capacity assessments are agreed. The East Park Street/St Martins Road priority junction and B1050 Park Street/East Park Street priority junction are both anticipated to operate within capacity under all future year with development scenarios.*

#### *Mitigation*

*The provision of Welcome Travel Packs to the first occupants of each dwelling is welcomed. It is noted such Travel Packs will include 4-weeks free bus travel and cycle discount vouchers. Welcome Travel Packs will be subject to a planning condition should approval be given.*

*A shared use pedestrian and cycle connection will be provided to the south of the site as part of the proposals. Due to third party land ownership constraints, the shared use footway/cycleway link within the site is not proposed to connect to the consented Wenny Road development to the south of the site (F/YR21/0981/F) which also forms part of the wider BCP allocation. A direct pedestrian and cycle link from the site to Wenny Road is anticipated to be provided as the delivery of future BCP development sites come forward. A plan of the proposed shared use connection to the land south of the site should be provided for review. The shared use footway/cycleway link should be of minimum 3m in width as per the consented Wenny Road development. Such link will be secured by planning condition should approval be given.*

*In addition to the above, plans should be provided for review detailing the proposed pedestrian links out of the site onto The Elms and Green Park via the site access and emergency access respectively. The plan of the pedestrian and emergency access link should detail how pedestrian access onto Green Park will be achieved without encroaching onto the carriageway, and also detail how the emergency access will prevent vehicles using this access as a secondary site access i.e. the provision of bollards. The plans will need to be agreed in principle prior to determination of this application.*

*Conclusion The application as submitted does not include sufficient information. Were the above issues addressed the Highway Authority would reconsider the application. The Highway Authority therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.*

The Development Management section of CCC Highways confirmed on 13<sup>th</sup> October as follows:

*The access off Elms Road is a little concerning. The access should follow the same alignment as existing rather than the curve proposed. Therefore, the proposed alignment should be pushed further south. If the reason the proposed access alignment has been designed due to any highway concern. Highway has checked the boundaries and are sure that the re-design can be achieved. Furthermore, we are aware that this is an outline but note that the number of residential units serving a single access is 100. However, the emergency services should also be consulted on this matter. This scheme should also consider an emergency access, preferably using one of the pedestrian accesses north of the development. One of the pedestrian accesses can be widened to enable emergency services access.*

Following discussions with the applicant on the 6th January the TA section stated the following:

*Access must not be treated as a Reserved Matter and must be determined as part of any Outline planning application stage. This enables the development implications to be properly assessed, and also ensures that access can be secured into the site that is safe for all users and meets all the necessary standards. Therefore, the access and emergency access layouts should be agreed prior to determination of this application. No such plans have been submitted at this stage for us to review. Access design should consider the CCC Highway Development Management General Principles for Development (May 2021).*

*The access and emergency access plans should detail the layout of the accesses and show the visibility splays and footway/carriageway widths. With regards to the emergency access, the layout drawing should illustrate how regular vehicles will be prevented from using this emergency access i.e. provision of bollards, and should demonstrate that pedestrian access will not route onto the Green Park carriageway i.e. will directly link to the existing provision on Green Park.*

The Development Management section of CCC Highways confirmed on 17th Jan its view as follows: *The redesign of the main access is okay from a Highways perspective.*

The Transport Assessment Team then confirmed as follows:

*Further to this, I am now satisfied with the proposals subject to a Condition regarding the provision of Welcome Travel Packs. Such condition wording can be as follows:*

*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.*

#### **5.14 Senior Archaeologist (CCC)**

As the results of earlier yielded insignificant archaeological evidence we do not recommend further work and have no comment or archaeological requirements for the proposed development.

#### **5.15 Cambridgeshire County Council (Growth & Economy)**



Requested education contributions as follows:

Early Years - £21,774 per place New 1FE primary school, with 2FE core and purpose-build early years accommodation)

Primary - £21,774 per place New 1FE primary school, with 2FE core and purpose-build early years accommodation

Secondary - £25,253 per place 1FE expansion to Cromwell Community College

Libraries £11,800 Remodel Chatteris Library to increasing the floor space available to the community. Monitoring £150

#### 5.16 **Wildlife Officer**

31st August 2022 comments as follows:

Recommend refusal of application on grounds that there is insufficient information about the potential negative impacts of the proposal on material biodiversity concerns.

Recommended condition(s)/Reason(s) for refusal: The proposal documents submitted under F/YR22/0957/F do not provide sufficient information to ensure that the development will result in new negative impact on protected species, in this case bats. The application has been submitted with an Ecological Appraisal (Tetra Tech, August 2021) that identified features within the site boundary which will require further survey to establish if protected species are present. At this stage without further information on the habitats and species potentially using the site the Local Planning Authority cannot make a decision on the application without risking contravening the NPPF, Local Plan and the Wildlife and Countryside Act 1989. Please note the presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

Required amendments/information: I would therefore recommend that:

- All recommended surveys and subsequent recommendations are incorporated into the site design. The survey reports should then be submitted to Fenlands Council which can then be assured in the positive impact the proposal will have to the local species.

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

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

it is highly recommended that the recommended surveys are completed as soon as possible to avoid any significant delays to development. Please see the PEA and your consultant ecologist for survey timings.

Following submission of Protected species reports the Wildlife Officer submitted the following comments on 23rd January and sought requested conditions as follows:

*Reading through the survey reports that you provided suggested to me that the site has local value for bat foraging and a small population of reptiles. The reports go to great lengths recommending revisions to the landscaping documentation to ensure that negative impact is mitigated. The reptiles will need to be moved from the site.*

*As such I would be happy to have a reptile capture release methods statement, CEMP, landscaping documentation and sensitive lighting scheme conditioned and have no objection to the site being granted planning approval.*

*1.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.*

*2.No development shall take place (including any demolition, ground works, site clearance) until a method statement for reptile translation has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:*

*a) purpose and objectives for the proposed works;*

*b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);*

*c) extent and location of proposed works shown on appropriate scale maps and plans;*

*e) persons responsible for implementing the works;*

*f) initial aftercare and long-term maintenance, as applicable;*

*g) disposal of any wastes arising from works, as applicable.*

*The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.*

*3. 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.

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

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

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

-Boundary treatments.

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

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

## 5.17 Local Residents/Interested Parties

### Objectors

6 residents objected to the application (three from The Elms, two from Green Park and one from St Martins Road, all Chatteris) referring to the following issues:

- Drainage/flood risk,
- Environmental concerns,
- Overlooking and loss of privacy,
- Increased traffic and highway safety, taking increased vehicles through congested and narrow inadequate streets of the Elms estate off a cul-de-sac, resulting in poor access, (reference made to Doddington -Bevills Close refusal in October)
- Estate roads designed only for existing residents/visitors, will not cope with additional. Existing pinch points will suffer becoming impassable resulting in frustration and harm to existing amenity, needs re-routing away from St. Martins and the Elms,
- No reference made to construction vehicular access,
- Land contraction concerns during drought,
- Parking concerns

- Impact on wildlife
- Concern regarding subsidence regarding existing sewers,
- Insufficient services to accommodate more houses, Application is premature, should be part of strategic proposal,
- FDC has poor record of achieving infrastructure contributions
- Need green spaces
- Land ownership concern (Next to No 85 The Elms)
- Excessive density/overdevelopment, out of character,
- Loss of outlook/view,
- Increased noise
- Proximity to property,
- Profits ought to be shared with the local town council having once owned the site.

Representations from an agent on behalf of the neighbouring landowner referred to the following:

- The application ignores the remaining BCP land and should include road links into the neighbouring sites, is the Council moving the goal posts to suit itself?
- the application being made by Fenland Futures for which a conflict of interest occurs
- the application ought not be determined by Fenland District Council in the interests of transparency.

Following further consultation regarding amended details on the indicative layouts, an objection was received from the agent representing the neighbouring landowner regarding the following:

- Access
- Does not comply with policy
- Traffic or Highways

*While this application states that the only access available is from the Elms, this is not correct as I am advised that no contact has been made with the adjoining landowners to see if they would be amenable to any form of shared access over the adjoining land. I represent the Neighbouring landowners and have spoken with the other landowner who are both disappointed that FDC ( as Agent) did not consult with either of them to resolve a more comprehensive access for the area as a whole as requested in the current Local Plan! Hence as the application stands it is not policy compliant.*

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

## **National Design Guide 2021**

Context  
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  
LP6 – Employment, Tourism, Community Facilities and Retail  
LP7 – Urban Extensions  
LP10 – Chatteris  
LP13 – Supporting and Managing the Impact of a Growing District  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP17 – Community Safety  
LP18 – The Historic Environment  
LP19 – The Natural Environment

## **Emerging Local Plan**

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

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

## **8 KEY ISSUES**

- **Principle of Development**
- **Headings**
- **Health and wellbeing**
- **Economic Growth**
- **Affordable Housing**

- **Design**
- **Flood risk**
- **Infrastructure contributions**
- **Other**

## **9 BACKGROUND**

9.1 The East Chatteris (strategic allocation) refers in detail to the following:

*This area is identified on the Policies Map and it is expected will be predominantly a mix of open space and a high quality, relatively low density, residential area (around 300 dwellings). A substantial part of the historic former park and garden of the Manor House should be retained as informal open space as a focus for the community, and opportunities should be taken to link to the Recreation Ground. The most significant archaeological assets will be retained in situ and managed either for informal open space or by other means that will preserve their integrity in the long term. The Birch Fen Awarded water course which crosses this development area will require protection. Development should utilise the amenity value of the substantial number of protected trees in the area. Noise mitigation measures should be provided along the A142 as appropriate.*

9.2 Near to the site a current application for 93 dwellings is pending (Canon Kirk (UK Ltd (and others) as the main part of the BCP (App ref F/YR21/0981/F.)

9.3 The application is submitted by Fenland Future, which is a wholly owned subsidiary of FDC which has the objective of, amongst other things, maximising the return to the Council as shareholder from its asset portfolio and exploiting opportunities for acquisitions, development and commercial return from assets and to create a delivery model that operates with a degree of commerciality in line with aspirations that mirror the Council's Business Plans and Commercial Investment Strategy. The application site involves land owned by the District Council.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 The application is within the East Chatteris strategic allocation within the Local Plan. The Broad Concept Plan required by the policy relevant to such allocations has been produced and was adopted by the Council in 2017. Whilst limited weight is given to the emerging plan, this currently seeks to de-classify the wider allocation, however it seeks to allocate the site Land East of 80 the Elm (the application site the site for development) and seeks access off 'The Elms'.

10.2 The adopted BCP sets a framework for the delivery of the wider allocation which seeks to deliver a more comprehensive development and indicates the following key proposals for the site:

- Potentially up to 350 dwellings;
- Formal and informal open spaces areas;
- Retention of important landscape features including trees and hedgerows;
- Provision of new vehicular accesses into the site from Wenny Road;
- Provision of new and enhanced pedestrian and cycle ways within the development linking to existing facilities elsewhere within the town and surroundings.

10.3 Concern from objectors raise the issue that the principle should not be accepted due to the failure to come forward as part of a more comprehensive development for the BCP site as a whole. However, the applicants have agreed to provide an internal road and pedestrian and cycleway links to the southern boundary, (with no ransom strip) thereby largely in accordance with the aims of the Broad Concept Plan. This need not hinder delivery of the sites to the south. Given this is a housing development on a site allocated for housing, and broadly complies with the aims of the BCP, and subject to compliance with other relevant adopted policies, the principle of housing is therefore considered to be acceptable.

#### **Economic Growth**

10.4 This proposal will result in up to 80 new dwellings for Fenland's Housing Stock and will therefore support the economic growth of the district in the long term. In addition, the economic growth of Fenland will be supported in the short term via employment opportunities for local contractors during the construction phase. As such the proposal complies with Policy LP6 in this regard.

#### **Access and Highway Safety**

10.5 Perhaps the most significant issue is the proposed use of 'The Elms' as the access to the site. The BCP raised concerns (founded on the amenity of the residents of the Elms and the roads linking the Elms to the main highway network). This constitutes relatively narrow and bending routes approximately 1 km along the Elms, Birch Avenue, St Martins Road and Church Lane to access the B1050. These roads are narrow and often have parked vehicles leaving only single carriageways for access. This is clearly less than ideal. However, as the applicant points out, the LHA does not object or consider the proposal would result in severe harm to the operation of the highway network. The LHA does highlight that the proposal does not accord with the BCP which envisaged access coming through the main BCP allocation. However, the LHA considers this a matter for the LPA. The Council as a planning authority is not ideally placed to assess any traffic or highway safety issues regarding the use of The Elms. Consideration regarding compliance with the BCP is considered elsewhere. Therefore, the issue becomes more of residential amenity for existing residents experiencing increase in traffic generated by the development from the Elms.

10.6 As the proposed layout will be required to provide on-plot parking, i.e. the problem of exacerbation of parking difficulties in the Elms estate, is unlikely to be caused by this development. The issue is more likely to be that of increased movement through the 1km of access roads. Whilst this may result in some nuisance, i.e. noise or traffic, blockages due to parked cars and narrow roads, would the scale produced by an addition of 80 or less, houses result in identifiable noise, air quality concerns or traffic disruption to an identifiable difference? No objection is raised by the Environmental Health officer on these grounds. In this instance whilst perhaps far from ideal, without evidence to the contrary it is not considered likely by itself to warrant a refusal of the application.

10.7 Given the measures proposed regarding links between the sites, but being mindful of the lack of progress on the delivery of the BCP, and there being no Local Highway Authority supported highway grounds on which to oppose the application, the proposal is considered to accord with Policies LP10 and LP15.

#### **Health and wellbeing – Residential Amenity**

10.8 No detailed layout has been submitted. However, the application includes a drainage strategy that appears to indicate most separation standards could be achievable. As regards good design and in the interest of achieving a high-quality

development as proposed in the application documents, a planning condition is proposed requiring the submission of details (as part of condition No 1), includes an assessment against the recent National Design Guide. Particularly given that a nearby site as part of the BCP is pending in the interests of seeking high quality. This should ensure a high-quality submission of details in accordance with the aims of Policy LP16, the NPPF (Achieving good design) and the aims of the National Design Guide.

### **Quantum of development**

- 10.9 The only supporting information regarding the ability of the site to provide 80 dwellings has been an indicative drainage layout. Concerns regarding this layout were raised with the applicant including lack of play facility, excessive front of plot parking likely to lead to streets scenes dominated by parked cars, and the inclusion of existing trees/hedgerow within rear gardens, likely to lead in loss of trees/hedgerows in the long term. Given this and the need to provide an access to the south is likely to lead in a reduction in numbers of houses provided. Therefore, whilst up to 80 dwellings will remain, there is no guarantee that an acceptable layout will provide 80 dwellings remaining a matter for the detailed submission.

### **Design**

- 10.10 The application in outline form, includes no details. The Design and Access statement refers in its conclusion to the following '*We would encourage the local authority to approve the submission timeously and enable a high-quality development to be delivered to meet local needs.*' Therefore, to ensure that the submission of a detailed scheme meets that aspiration of high-quality development, a condition is attached seeking a document that clearly demonstrates compliance of the scheme in terms of layout, scale, appearance and landscaping, with the relevant sections for residential developments of the National design guide. This would also be in accordance with Policy LP16 of the Fenland Local Plan.

### **Affordable Housing**

- 10.11 The proposal is to provide 20% affordable and comply with the current position following the Council's own viability assessment. This should result in 11 affordable rented and 5 shared ownership homes to be included in the Unilateral Agreement. This is considered to accord with Policy LP5 of the Fenland Local Plan.

### **Flood Risk**

- 10.12 The application includes a Flood Risk Assessment and a Drainage Strategy which includes proposed swales and two attenuation areas. The LLFA has requested some additional flood storage calculations and amendments to be included in the drainage strategy. The LLFA have received further data and now confirm removal of its objection requesting 4 conditions be attached. Therefore, subject to the proposed conditions the proposal is considered to accord with Policy LP14 of the Fenland Local Plan.

### **Infrastructure contributions**

- 10.13 The NHS requested £48,081.19 towards resources at the George Clare Surgery. The CCC requested the following:  
Libraries £11,800 Remodel Chatteris Library to increasing the floor space  
Early Years £21,774 per place,  
Primary £21,774 per place  
Secondary £25,253 per place for expansion to Cromwell Community College



- 10.14 As the development can provide only £2,000 per plot (accepted viability in Fenland due to the evidence base viability study undertaken as part of the emerging plan) this excludes the library provision as proportionately would be a meaningless amount, the remaining proportionate contributions to be included in the Unilateral agreement are as follows:  
£5120 towards the George Clare Surgery.  
£31,360 Early Years provision in east Chatteris,  
£71,680 towards Primary school places in East Chatteris (Glebelands or Kingsfield primary schools)  
£51,840 towards Secondary school at Cromwell School

Total £160,000.

- 10.15 The Unilateral agreement shall also include provision and details of management and maintenance of the open space and LEAP, and 20% affordable housing subject to the final number of houses provided, a maximum of 11 affordable rented and 5 shared ownership homes.

### **Other Considerations**

#### **Archaeology**

- 10.16 No further work is requested by CCC Archaeology therefore no condition is attached.

#### **Biodiversity**

- 10.17 The applicant supplied survey data on reptiles, bats and water voles and a Great Crested Newt District Level provisional license including evidence of payment to Natural England, has been provided. Having received this further information the Wildlife Officer has no objection subject to the necessary conditions which are attached. The

#### **Appropriateness of the Council determining this application.**

- 10.18 Concerns have been raised of the appropriateness of the Council determining applications submitted by Fenland Futures a development company owned by Fenland District Council. However, providing the application is dealt with in the normal way that any application be dealt with, (i.e. appropriately publicised, and determined in accordance with the Development Plan unless material planning considerations indicate otherwise) and providing the committee determining the application has no land management function (the Planning Committee does not) then the council can determine the planning application. The report demonstrates that the application accords with the adopted Local Plan and the applicant will be required to comply with a significant amount of planning conditions including design quality and the provision of an access to the land to the south (with no ransom strip) to enable connectivity to the wider BCP, and a unilateral agreement (to be rigorously tested by the Council's legal support). Therefore, it is considered the determination of this application demonstrates normal local planning authority procedures have been followed regardless of the applicant being owned by the council. Therefore, it is appropriate to determine the application.
- 10.19 Concerns about failure to communicate between landowners and the proposal being premature raised by objectors, should be considered against the length of time the allocation in the adopted plan has been in place, i.e. over 8 years. This application includes measures put in place to ensure links to the land to the south be safeguarded should anyone wish to come forward with a development proposal from the south. Indeed, in progressing this application, perhaps this is more likely

to generate a wider interest to pursue development. Furthermore, the determination of this application need not prevent communication between landowners taking place.

## **11 CONCLUSIONS**

- 11.1 This site is on the edge of Chatteris a Main Settlement within the adopted Development Hierarchy. It is also within a strategic allocation within the Local Plan, with an adopted BCP, and as such the principle of development is acceptable. The critical concern is the compliance with the BCP. Whilst the current proposal will be accessed off The Elm (not envisaged by the BCP) this proposal will provide a potential link to adjoin with the BCP and will provide a pedestrian/cycleway link. Retention of trees highlighted on the BCP will be sought at the detailed stage and a play facility is sought to address BCP aims. Given that in this instance the development of land immediately to the south is yet to come forward, any resulting differences with the BCP are considered to be limited. However, the bulk of the proposal is considered to conform with the allocation. Therefore, in this instance the proposal is considered on the whole to accord with the adopted policy LP10.

The proposal is considered to accord with policies as follows:

LP4 – Housing

LP5 – Meeting Housing Need

LP7 – Urban Extensions

LP10 – Chatteris

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment.

## **12 RECOMMENDATION**

1. That the Committee delegates authority to finalise the planning conditions and terms of the S.106 unilateral agreement to the Head of Planning, and
2. Following completion of the S106 obligation to secure the necessary affordable housing and open space and infrastructure contributions as detailed in this report, F/YR22/0967/FDL application be granted

OR

3. Refuse the application in the event that the S.106 unilateral 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.

## **13 CONDITIONS**

The initially proposed conditions are as follows;

1	<p>Approval of the details of:</p> <ul style="list-style-type: none"> <li>i. the layout of the site</li> <li>ii. the scale of the building(s);</li> <li>iii. the external appearance of the building(s);</li> <li>iv. the landscaping</li> </ul> <p>(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development to which this permission relates shall be begun no later than the expiration of two years from the final approval of the reserved matters.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town &amp; Country Planning Act 1990.</p>
3	<p>The residential elements of the development shall be up to and no more than 80 dwellings (Use Class C3). 80 dwellings shall depend on submission of an acceptable layout at the submission of reserved matters stage, No layout of 80 dwellings has been accepted by the granting of this outline permission.</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
4	<p>Prior to the commencement of development, a Construction Environmental Management Plan (CMP), shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include the consideration of the following aspects of construction:</p> <ul style="list-style-type: none"> <li>a) Site wide construction programme.</li> <li>b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers,</li> <li>c) Construction hours and delivery times for construction purposes</li> <li>d) Maximum noise mitigation levels for construction equipment, plant and vehicles</li> <li>e) Dust suppression management including <ul style="list-style-type: none"> <li>1, identification of person responsible for air quality and dust issues,</li> <li>2, the recording of dust and air quality complaints</li> <li>3, to undertake appropriate measures to reduce emissions in a timely manner</li> <li>4, An agreement for dust deposition, dust flux, or real-time</li> </ul> </li> </ul>

	<p>particulate matter monitoring locations with the Local Authority including baseline monitoring before work commences,</p> <p>5, machinery and dust causing activities to be located away from receptors</p> <p>6, Wheel washing measures to prevent the deposition of debris on the highway and the general environment</p> <p>f) Site lighting</p> <p>g) Location of Contractors compound and method of moving materials, plant and equipment around the site.</p> <p>h) Details and locations of hoardings</p> <p>The Construction Environmental Management Plan shall be implemented in accordance with the agreed details unless minor variations are otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of safe operation of the highway and protection of residential amenity in accordance with policy LP15 and LP16 and LP19 of the Fenland Local Plan, 2014.</p>
5	<p>The submission of a detailed layout as required by condition No 1, shall include noise mitigation scheme. This shall be in accordance with details set out within the submitted noise assessment and shall have regard to the internal and external noise levels as stipulated in British standard 8223:2014 Guidance on sound insulation and noise reduction for buildings and the World Health Organisation (WHO) Guidelines for Community Noise.</p> <p>The noise mitigation scheme shall confirm 'final' details of:</p> <p>a) the façade mitigation performance having regard to the building fabric, glazing and ventilation</p> <p>b) mitigation measures to reduce the level of noise experienced externally</p> <p>The scheme shall be carried out as approved before the residential properties are occupied and shall be retained thereafter.</p> <p>Reason: In the interests of safeguarding the amenity of future residents of the dwellings and in accordance with Policy LP16(I).</p>
6	<p>Prior to the commencement of development, a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <p>a) A written method statement for the remediation of land and or groundwater contamination affecting the site. This shall be based upon the findings of phase 2 site investigation and results of the phase 1 risk assessment. This shall include the following:</p> <p>Assessing ground conditions to determine the contamination status at the site (particularly the north of the site);</p> <p>Carrying out groundwater and ground gas monitoring;</p> <p>Assessing ground conditions to inform foundation design, including the depth of the infilled pond;</p> <p>Assessing the presence or absence of shallow groundwater;</p> <p>Assessing potential suitability of the site for infiltration drainage; and</p> <p>Undertaking chemical characterisation of soils in the event they are to be reused or disposed of off-site (e.g., foundation arisings).</p>

	<p>b) No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. The</p> <p>c) The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraph 183 and Policy LP16 of the Fenland Local Plan 2014.</p>
7	<p>The submission of a detailed layout as required by condition No 1, shall include a vehicular access and cycleway/footpath which will abut the southern boundary of the site enabling a future link for development of land to the south within the East Chatteris BCP allocation.</p> <p>Reason: In accordance with Policy LP10 of the Fenland Local Plan adopted 2014, and the adopted East Chatteris BCP, and in the interests of comprehensive development.</p>
8	<p>The submission of a detailed layout as required by condition No 1, shall include as part of the reserved matters, the principal vehicular access into the site being from The Elms, with an emergency vehicle access provided from Green Park.</p> <p>Reason: For the avoidance of doubt and to ensure the reserved matters accords with the supporting Transport Assessment and supporting evidence within this outline planning permission and in accordance with Policy LP15 of the Fenland Local Plan (2014).</p>
9	<p>Prior to the commencement of development, a Public Rights of Way scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. Such scheme shall include provision for:</p> <p>a) the design of public rights of way routes, their surfacing, widths, gradients, landscaping and structures.</p> <p>b) any proposals for diversion and closure of public rights of way and alternative route provision</p> <p>Reason: In the interests of amenity and the safety of the public.</p>
10	<p>Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.</p> <p>Reason - To ensure a satisfactory form of development.</p>
11	<p>No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment &amp; Drainage Strategy prepared by Tetra Tech Limited (ref: 784-B030853) dated February 2023 has</p>

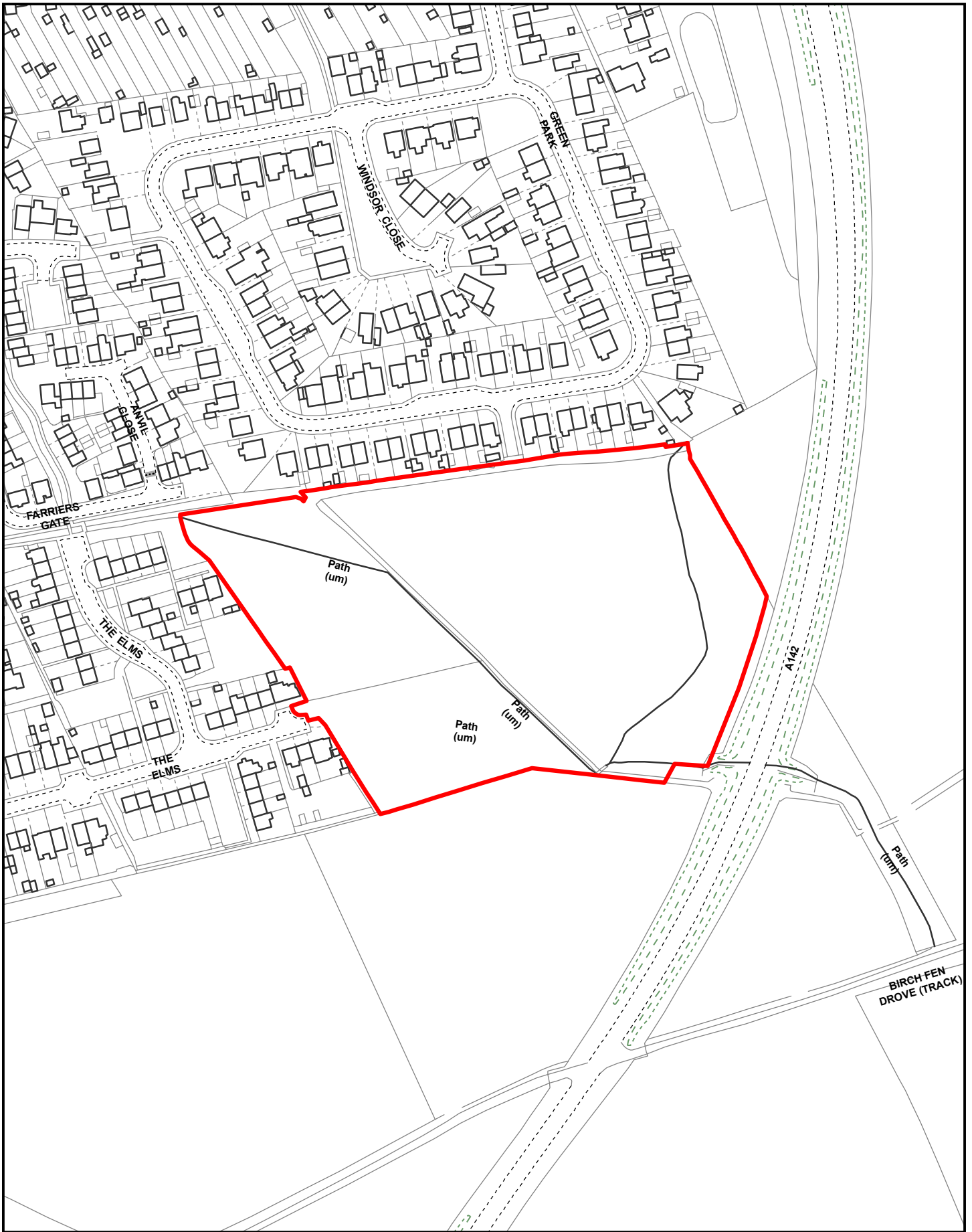
	<p>been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.</p> <p>Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity and in accordance with Policy LP14 of the Fenland Local Plan (2014).</p>
12	<p>Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.</p> <p>Reason: In the interest of satisfactory development and for the avoidance of flooding in accordance with Policy LP14 of the Fenland Local Plan (2014).</p>
13	<p>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.</p> <p>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 and in accordance with Policy LP14 of the Fenland Local Plan (2014).</p>
14	<p>Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; 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.</p> <p>Reason To ensure the effective operation of the surface water drainage scheme following construction of the development.</p>
15	<p>Notwithstanding the indicative layout submitted with the application, the</p>

	<p>submission of a detailed layout as required by condition No 1, shall include details of a LEAP to be provided. The submission shall include full details of specifications and layout of the play area, management and maintenance and a timetable for delivery. The development shall be carried out only in accordance with the approved details.</p> <p>Reason: In the interest of satisfactory development and in accordance with Policy LP16 of the Fenland Local Plan (2014).</p>
16	<p>No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> <li>a) Summary of potentially damaging activities.</li> <li>b) Identification of “biodiversity protection zones”.</li> <li>c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.</li> <li>d) The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>e) The times during construction when specialist ecologists need to be present on site to oversee works.</li> <li>f) Responsible persons and lines of communication.</li> <li>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</li> <li>h) Use of protective fences, exclusion barriers and warning signs.</li> </ul> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: In the interest of Biodiversity and the safeguarding of protected species and in accordance with Policy LP19 of the Fenland Local Plan (2014).</p>
17	<p>No development shall take place (including any demolition, ground works,) until a method statement for reptile translocation has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> <li>a) purpose and objectives for the proposed works;</li> <li>b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);</li> <li>c) extent and location of proposed works shown on appropriate scale maps and plans;</li> <li>e) persons responsible for implementing the works;</li> <li>f) initial aftercare and long-term maintenance, as applicable;</li> <li>g) disposal of any wastes arising from works, as applicable.</li> </ul> <p>The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.</p>

	<p>Reason: In the interest of Biodiversity and the safeguarding of protected species and in accordance with Policy LP19 of the Fenland Local Plan (2014).</p>
18	<p>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:</p> <p>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</p> <p>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.</p> <p>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.</p> <p>Reason: In the interest of Biodiversity and the safeguarding of protected species and in accordance with Policy LP19 of the Fenland Local Plan (2014).</p>
19	<p>Details to be included in accordance with condition 1 shall include the soft landscaping of the site. The scheme shall include the following details:</p> <p>a) Planting plans to all public areas including a tree lined avenue next to the watercourse, retained hedge and trees in accordance with the Arboricultural report, species, numbers, size and density of planting with screen planting adjacent to site boundaries for existing nearby residents.</p> <p>b) Placement, type and number of any recommended biodiversity enhancements.</p> <p>c) Management and maintenance details and a timetable for planting,</p> <p>Development shall be carried out in accordance with the submitted details.</p> <p>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.</p> <p>Reason: In the interest of amenity and biodiversity of the area and in accordance with Policies LP16 and LP19 of the Fenland Local Plan (2014).</p>



20	<p>Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover, measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.</p> <p>Reason - To ensure that retained trees are adequately protected.</p>
21	<p>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.</p> <p>Reason: In the interests of sustainable travel and in accordance with Policy LP15 of the Fenland Local Plan (2014)</p>
22	<p>Notwithstanding the indicative layout submitted with the application, the submission of a detailed layout as required by condition No 1, shall include an assessment of the layout, scale, appearance and landscaping against the sections within the National Design Guide (those relating to residential developments). This is in order to demonstrate and achieve high quality development in accordance with the conclusion within the Design and Access Statement submitted with this application.</p> <p>Reason: In the interest of satisfactory development and in accordance with Policy LP16 of the Fenland Local Plan (2014) and paragraphs 129-134 of the NPPF.</p>
23	<p>The details submitted in accordance with Condition 01 of this permission shall accord with the recommendations in the Tree Survey report (Recommendations section 5.0 – 5.3) and shall include submission of an Arboricultural Impact Assessment, a tree Protection Plan and Arboricultural Method Statement.</p> <p>Reason: To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
24	<p>The development hereby permitted shall be carried out in accordance with the approved plans and documents.</p>



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**F/YR22/0967/FDL**

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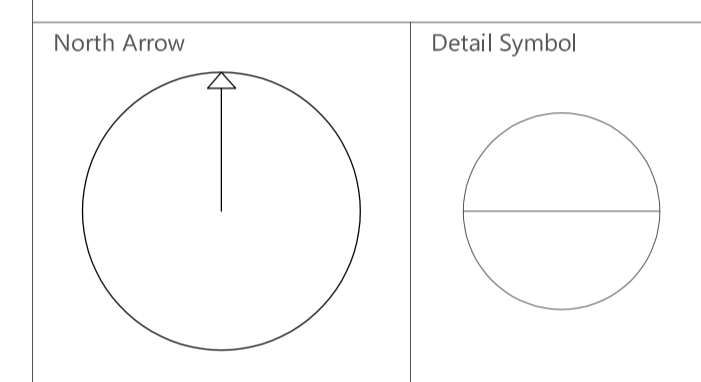




DATE	REVISION	REV	DRW	CHK
06.05.2022	FIRST ISSUE FOR COMMENT	A	ME	SB
10.05.2022	MINOR AMEND TO RED LINE	B	SB	LM
JULY 2022	UPDATED FOR PLANNING SUBMISSION	C	SB	LM
09.08.2022	RED LINE & DISCLAIMER AMENDED	D	LM	SB
29.11.2022	UPDATED LAYOUT / ADDITIONAL SUDS	E	LM	SB

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Keyplan



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Client  
**FENLAND FUTURE LTD**

Project  
**THE ELMS, CHATTERIS**  
**HOUSING DEVELOPMENT**

Drawing Title  
**PROPOSED SITE PLAN**  
**WITH ILLUSTRATIVE DEVELOPMENT**  
**ZONES**

Sheet Status  
**PLANNING**

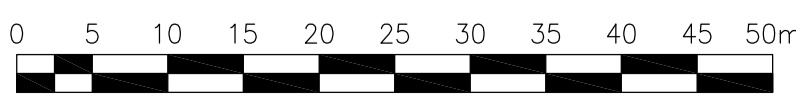
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**IANC 210089**

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**E**



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F/YR22/1153/F

**Applicant:** J Rudd And J Hewitt

**Agent :** Mr Martin Williams  
Anfoss Ltd

**Land West Of 241, High Road, Newton-In-The-Isle,**

**Erect 1 x dwelling (2-storey 4-bed) and a detached garage with hobby room above, including formation of a new access**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1. The application site is an area of land located west of the dwelling known as Clifton House, located at 241 High Road, Newton-in-the-Isle, Wisbech. The current land use is garden land associated with the host dwelling. The site lies predominately in Flood Zone 1, with a small segment to the west of the site in Flood Zone 2.
- 1.2. This application seeks full planning approval to erect a 2-storey, 4-bed detached dwelling and detached double garage with hobby room above on the land with a new access off High Road.
- 1.3. This application is a resubmission of an earlier application F/YR22/0166/F that was refused under delegated powers, in May 2022. The proposal in the current application is the same as the earlier refused scheme. The circumstances of the site and its surrounds have not changed since the previous refusal, however the application is before members merely due to the number of representations received contrary to officer recommendation.
- 1.4. The proposal within the current application remains contrary to Policies LP3 and LP12 owing to the proposed location of the site on garden land not within a continuous built up frontage. In addition, the proposed design, scale and position of the development will create an unduly dominant feature and would be an incongruous addition to the street scene, contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).
- 1.5. Therefore, in the interest of a consistent approach, the below assessment maintains the recommendation to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1. The application site is an area of land located west of the dwelling known as Clifton House, 241 High Road, Newton-in-the-Isle, Wisbech. The current land use is garden land associated with the host dwelling, predominately laid to lawn and bounded by laurel hedging to the north and west, and timber post and rail fencing with mature vegetation behind to the south. The land forms the corner of High Road to the north and Brewers Lane to the west of the site.

- 2.2. The site lies predominately in Flood Zone 1, with a small segment to the west of the site in Flood Zone 2.

### 3 PROPOSAL

- 3.1. This application seeks full planning approval to erect a 2-storey, 4-bed detached dwelling and detached double garage with hobby room above on the land with a new access off High Road.
- 3.2. The dwelling will be positioned to the centre of the site and comprises a 9.5m deep by 12.8m wide 2-storey dwelling, with a 5m deep by 9.38m wide single storey rear offshoot. The dwelling is proposed to include a gable roofline reaching 7.8m to the ridge and 5m to the eaves and will include a pilastered front porch reaching approximately 3.1m to the ridge. The rear offshoot is proposed to include flat roof at 3.3m high with roof lantern reaching a maximum height of 3.7m.
- 3.3. North of the proposed dwelling to the front of the site a detached double garage with hobby room above is proposed, positioned with its gable end to the highway. The garage will include a gable roofline reaching 6.2m to the ridge and 2.6m to the eaves.
- 3.4. Materials for the proposed development are to be agreed.
- 3.5. Full plans and associated documents for this application can be found at: [F/YR22/1153/F | Erect 1 x dwelling \(2-storey 4-bed\) and a detached garage with hobby room above, including formation of a new access | Land West Of 241 High Road Newton-In-The-Isle \(fenland.gov.uk\)](https://fenland.gov.uk/land-use-planning/development-appeals/F/YR22/1153/F)

### 4 SITE PLANNING HISTORY

F/YR22/0166/F	Erect 1 x dwelling (2-storey 4-bed) and a detached garage with hobby room above	Refused 09.05.2022
F/YR06/0667/F	Erection of a 15m high (hub height) domestic wind turbine with 5.5m diameter rotor	Granted 25.07.2006

### 5 CONSULTATIONS

#### 5.1. North Level Internal Drainage Board

*North Level District IDB have no comment to make with regard to the above application.*

#### 5.2. Newton-in-the-Isle Parish Council

*The Parish Council considered this application at its recent meeting. Members noted that they had previously supported this application under reference F/YR22/0166/F. They also noted that every one of the responses from the neighbours has been positive and the statutory consultees have not raised any insurmountable concerns in relation to either application. This part of the High Road is characterised by substantial individual detached dwellings and the proposed dwelling would sit well within this streetscape.*

*The plot is one of a number of sites in this part of the village identified by the Parish Council as suitable for infill development to unite the two halves of the*



village. The Parish Council has raised a number of concerns regarding the proposals set out in the Draft Local Plan and is awaiting an opportunity to discuss these with a senior planning officer.

Paragraph 6.7 of the Draft Plan states: “However, it is also recognised that smaller communities should benefit from an appropriate level of growth to ensure their long-term sustainability.” This statement is at odds with settlement proposals limiting growth in Newton-in-the-Isle to six dwellings over a period of eighteen years. The addition of individual dwellings on sites such as this will enhance the physical and social fabric of the village and contribute to its long-term sustainability.

The Parish Council resolved to offer this application its full support.

**5.3. 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.

**5.4. Environment Agency**

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

**5.5. Local Residents/Interested Parties**

Eight letters of support received (three from High Road, two from Franks Lane and Hogens Lane and one from Church Lane, Newton) on the following grounds:

- Development would sit well on the plot and not stand out as screened behind the existing laurel hedge, as it is currently part of an established garden;
- The new access will front onto High Road and would fit well into the existing environment and the applications recently approved along High Road/Mill Lane;
- The proposed development is set back from the road and shielded by a mature hedge and would be built to a very high standard and landscaped;
- Should be considered favourably, in view of recent developments in the Newton in the Isle area;
- An executive, well designed property that would enhance the village;
- Would not impact on neighbouring properties or surrounding countryside;
- Appear to be no statutory/technical objections;
- Additional income from council tax upon completion.

**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 80 – Development within the countryside;  
Para 110 – 112 – Promoting sustainable transport;  
Para 130 – Creation of high quality buildings;

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

## 7.3. **National Design Guide**

Context  
Built Form

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

LP1 - A presumption in favour of sustainable development  
LP2 - Facilitating health and wellbeing of Fenland residents  
LP3 - Spatial strategy, the settlement hierarchy and the countryside  
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  
LP7 – Design  
LP8 – Amenity Provision  
LP18 – Development in the Countryside  
LP20 – Accessibility and Transport  
LP22 – Parking Provision  
LP24 – Natural Environment  
LP32 – Flood and Water Management

## 8 **KEY ISSUES**

- **Principle of Development**
- **Design and impact on character**
- **Residential amenity**
- **Highway safety**
- **Flood risk**
- **Other matters**

## 9 **BACKGROUND**

9.1. This application is a resubmission of an earlier application F/YR22/0166/F that was refused under delegated powers in May 2022, that was preceded by an



unfavourable pre-application response (21/0065/PREAPP), albeit this was for a slightly different scheme to that submitted under 22/0166/F.

- 9.2. The proposal in the current application is the same as the earlier refused scheme of 22/0166/F. The circumstances of the site and its surrounds have not changed since the previous refusal, however the application is before members merely due to the number of representations received contrary to the officer recommendation.
- 9.3. Therefore, in the interest of a consistent approach, the below assessment maintains the recommendation to refuse the application.

## 10 ASSESSMENT

### Principle of Development

- 10.1. Newton-in-the-Isle (Newton) is identified in Policy LP3 as a 'Small Village' where residential development will be considered on its merits and will normally be limited in scale to residential infilling. The Fenland Local Plan glossary defines residential infilling as "*development of a site between existing buildings*", which is bolstered by the definition of infill development in the Planning Portal glossary as "*the development of a relatively small gap between existing buildings.*"
- 10.2. Within the vicinity of the site is a small number of sporadic dwellings positioned to the south of High Road, the nearest being the host dwelling, Clifton House (No.241), and No.239a (a converted outbuilding of the host dwelling) approximately 12m and 20m east, respectively. To the west the next nearest dwelling is Boors Farm, approximately 100m away separated by Brewers Lane and a large tract of agricultural land. On the north side of High Road, the nearest dwelling that fronts the highway is No.222 High Road, approximately 90m east of the site, with other dwellings beyond this. There are other dwellings to the north of the site, although these are a cluster of barn conversions associated with Newton Hall, set back from the highway by approximately 70m.
- 10.3. Thus, given these separations, particularly between the host dwelling and the nearest dwelling to the west and the large area of agricultural land between these, it is considered that the site cannot be defined as residential infill in accordance with the aforementioned definitions. Thus, the proposal is considered contrary to Policy LP3, and thus Policy LP12 (Rural Areas Development) comes to the fore.
- 10.4. Policy LP12 Part A supports development where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside. It sets out specific criteria, the first of which states that the site must be in or adjacent to the developed footprint of a village. The footnote to these criteria 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.
- 10.5. Given that there are only a limited number of dwellings within the vicinity of the site and the separation of the site from further dwellings to the west by

agricultural land, it is not considered that these dwellings in isolation form part of a continuous built form on this side of the road, in contravention of Policy LP12 (a). In addition, the site is garden land associated with the host dwelling which, together with the land further west and additional open land to the south, relates more to the surrounding countryside and as such is also in contravention of Policy LP12 (b).

- 10.6. Therefore, it is considered that the principle of development of this parcel of land would be in contravention of Policies LP3 and Policy LP12.

#### **Design and impact on character**

- 10.7. The host dwelling is a previous barn situated within a group of original barns/stables that were converted for residential use. Given its history, the dwelling and surrounding buildings offer a distinct agricultural character maintaining a number of features typical of such buildings. The host dwelling is positioned with its gable end facing the highway, with the main dwelling's ridge reaching approximately 6.6m. Adjoining outbuildings backing onto the highway (previously stables) have a long, low profile, reaching approximately 5m.
- 10.8. The scheme proposes a substantial period-style dwelling with pilastered central porch, 8 over 8 pane sash windows, with a gable roofline and single chimney. The proposed dwelling is intended to reach approximately 7.8m, facing the highway with a detached garage reaching 6.2m positioned to the north-west front corner of the site. The overall design and scale of the dwelling is considered to be at odds with the more modest, agricultural style of the host dwelling and nearby buildings and will result in the proposed dwelling being a dominant feature within the streetscene.
- 10.9. The current site, as garden land, coupled with the agricultural land to the west, contributes to an openness at the junction of High Road and Brewers Lane. The proposed position of dwelling would enclose this open character and erode the existing semi-rural character this side owing to the separation of dwellings in the vicinity, particularly on approach toward the site from the west.
- 10.10. Thus, given the above it is considered the proposal would be contrary to the requirements of Policies LP12 and LP16 (d) in terms of design and impact on landscape character.

#### **Residential amenity**

- 10.11. Given the lack of nearby dwellings, any impacts to residential amenity from the proposed development will be limited to the nearest dwellings to the east, Nos. 241 and 239a. The proposed dwelling is intended to be positioned approximately 12m and 20m, respectively, from these dwellings, separated by a proposed 1.8m close boarded timber fence. The facing elevation of the proposed dwelling includes only ground floor windows this side, serving the lounge and an orangery. Given the separation distances and the screening provided by the intended boundary treatment, there will be limited opportunity for overlooking from the development to justify refusal of the scheme.
- 10.12. The proposed dwelling is located in such a way that its rear elevation projects beyond the rear elevation of the neighbouring properties and therefore there will be some views possible over the neighbouring gardens however these will be towards the part of the garden furthest from the dwellings themselves. On that basis, any views from the rear of the proposed dwelling are not sufficient to require refusal of the scheme on the basis of its impact on neighbouring privacy.

- 10.13. Relationships to the front and eastern side are such that there will be no impacts from overlooking from openings these sides.
- 10.14. There will be negligible impacts from the proposed garage to neighbouring amenity given its position in the site.
- 10.15. There is no justification for concluding that the proposed dwelling or garage will have any harmful impacts on the amenity of the neighbouring properties for other reasons such as overshadowing, light pollution, or noise. As such, the proposal is considered acceptable with regard to policy LP16 (e).

### **Highway safety**

- 10.16. The dwelling is proposed to utilise a new access off High Road. No comments were received from the Highway Authority (HA) in respect of consultations for the current application. However, as the current scheme and access proposals are the same as the earlier refused scheme under F/YR22/0166/F, it follows that the previous HA comments would likely still stand.
- 10.17. Previously, there were concerns from the HA over the specific details pertaining to the construction, geometry, drainage and visibility splays, however the access was considered acceptable in principle. As such, the details required by the HA can be secured by condition on any subsequent approval, which was agreed by the HA to be an acceptable solution at the time, and it is unlikely that this position would change in respect of the current application.

### **Flood risk**

- 10.18. The majority of the site lies within Flood Zone 1, with a small area to the west lying within Flood Zone 2. The proposed site layout suggests that the bulk of the proposed development will lie within Flood Zone 1, with the dwelling well within this boundary.
- 10.19. Issues of surface water disposal will be considered under Building Regulations. The site lies within the North Level Internal Drainage Board area and they were subsequently consulted. However, no comment was made in regard to this application.
- 10.20. Given the above, it is considered reasonable to determine that the proposal is acceptable in terms of flood risk and there are no issues to address in respect of Policy LP14.

### **Other matters**

- 10.21. Comments received from Newton-in-the-Isle Parish Council are noted and it is acknowledged that they offer their support for the scheme. However, it is necessary to address these comments for the avoidance of doubt in respect of accurate consideration of the scheme.
- 10.22. On visiting the site, in October 2022 it was noted that the adjacent land to the west of the site had been enclosed with timber panelled fencing, that may result in a perception that this land is residential curtilage associated with the dwelling at Boors Farm some 100m west of the site. Notwithstanding, there is no planning history relating to the change of use of this land from its previous agricultural designation, and as such it is considered to remain in agricultural use despite the erection of fencing since consideration of the previous application.

10.23. Development along this side of High Road is sporadic. As such, the circumstances of the site do not adhere to the agreed definitions relating to infill within the current adopted local plan (as discussed in paragraphs 10.1 – 10.3 above). Thus, the Parish Council’s inference of the development site as ‘infill’ is incorrect.

10.24. In addition, their support for the scheme appears to be bolstered by evidence obtained from paragraphs of the Emerging Local Plan. As such, it should be reiterated that in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making given the very early stage of the Plan. As such, matters relating to the principle of development, spatial strategy, settlement hierarchy and the countryside within Newton-in-the-Isle (and other relevant material planning considerations) should be assessed against the necessary policies of the current adopted Fenland Local Plan (2014) only, as in the above assessment.

## 11 CONCLUSIONS

11.1. On the basis of the consideration of the issues of this application and previous relevant planning history, the current application has done nothing to address the conflict arising in respect of the principle of the development of the site as highlighted within the earlier refusal of F/YR22/0166/F. As such it is concluded that the application remains contrary to the relevant planning policies of the development plan, LP3 and LP12 and cannot be supported.

11.2. Furthermore, no changes to the design, scale or position of the development have been offered since the earlier refused scheme. As such the fact remains that, as before, the scheme will likely create an unduly dominant and incongruous feature in the street scene. The development will therefore result in a detrimental impact to on the open landscape character at the junction of High Road and Brewers Lane, to which the application site is considered to contribute.

11.3. Consequently, the proposal would not make a positive contribution to the area or respond to the existing landscape character as required by Policies LP12 and LP16 of the Fenland Local Plan 2014.

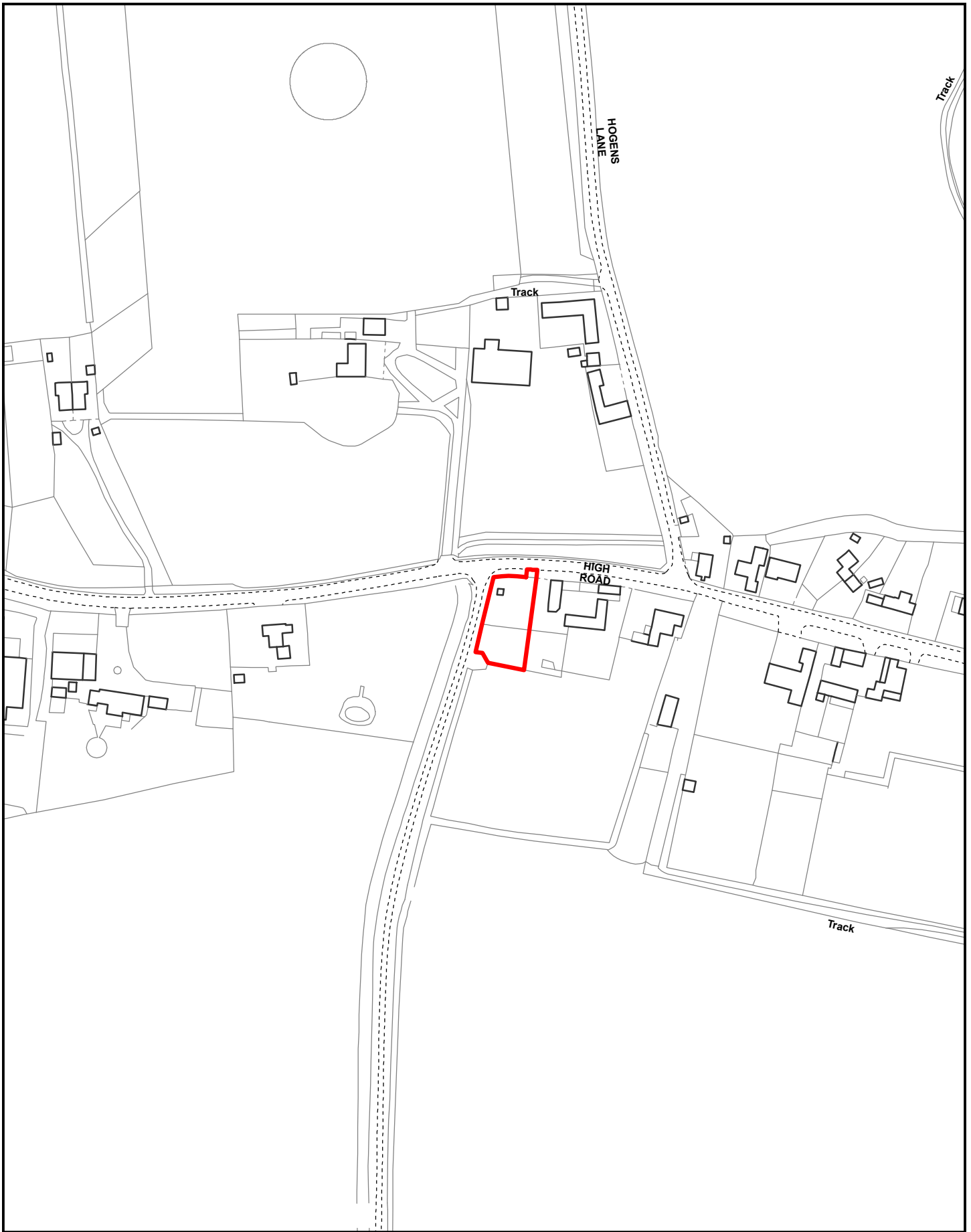
11.4. Therefore, to maintain a consistent approach in respect of the unchanged development proposal that was previously refused under delegated powers, and supported by the Chair at that time, the recommendation herein must be one of refusal.

## 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 Policy LP12 details a range of criteria against which development within the District will be assessed. Newton-in-the-Isle (Newton) is identified in Policy LP3 as a ‘Small Village’ where residential development will be considered on its merits and will normally be limited in scale to residential infilling, defined as “ <i>the development of a relatively small gap between existing buildings.</i> ”
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	<p>Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"> <li>(a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and</li> <li>(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.</li> </ul> <p>Given that there are only a limited number of dwellings within the vicinity of the site and the separation of the site from further dwellings to the west by agricultural land, it is not considered that these dwellings in isolation form part of a continuous built form on this side of the road. In addition, the site is garden land associated with the host dwelling which, together with the land further west and additional open land to the south, relates more to the surrounding countryside. Thus development of this parcel of land would be excluded by (a) and (b) above, and the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.</p>
2	<p>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 proposed design, scale and position of the development will create an unduly dominant feature and would be an incongruous addition to the street scene, detrimentally impacting the open landscape character at the junction of High Road and Brewers Lane, to which the application site is considered to contribute. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).</p>



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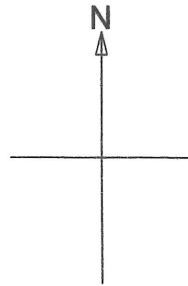
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 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council



Scale 1:1000

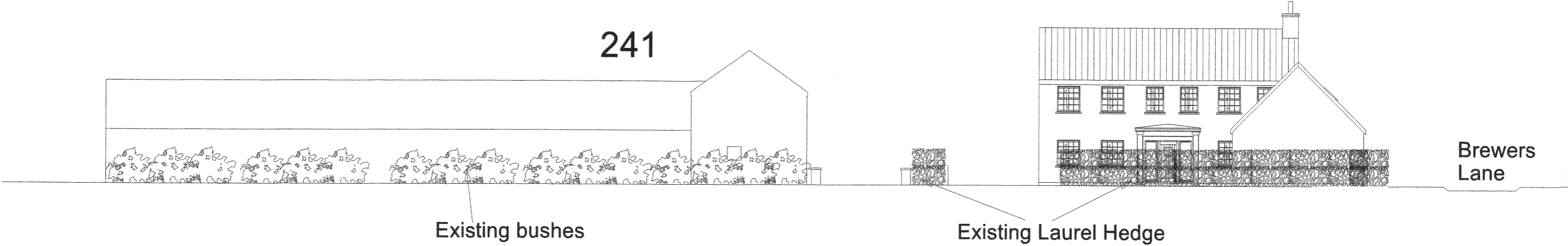


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Street Scene

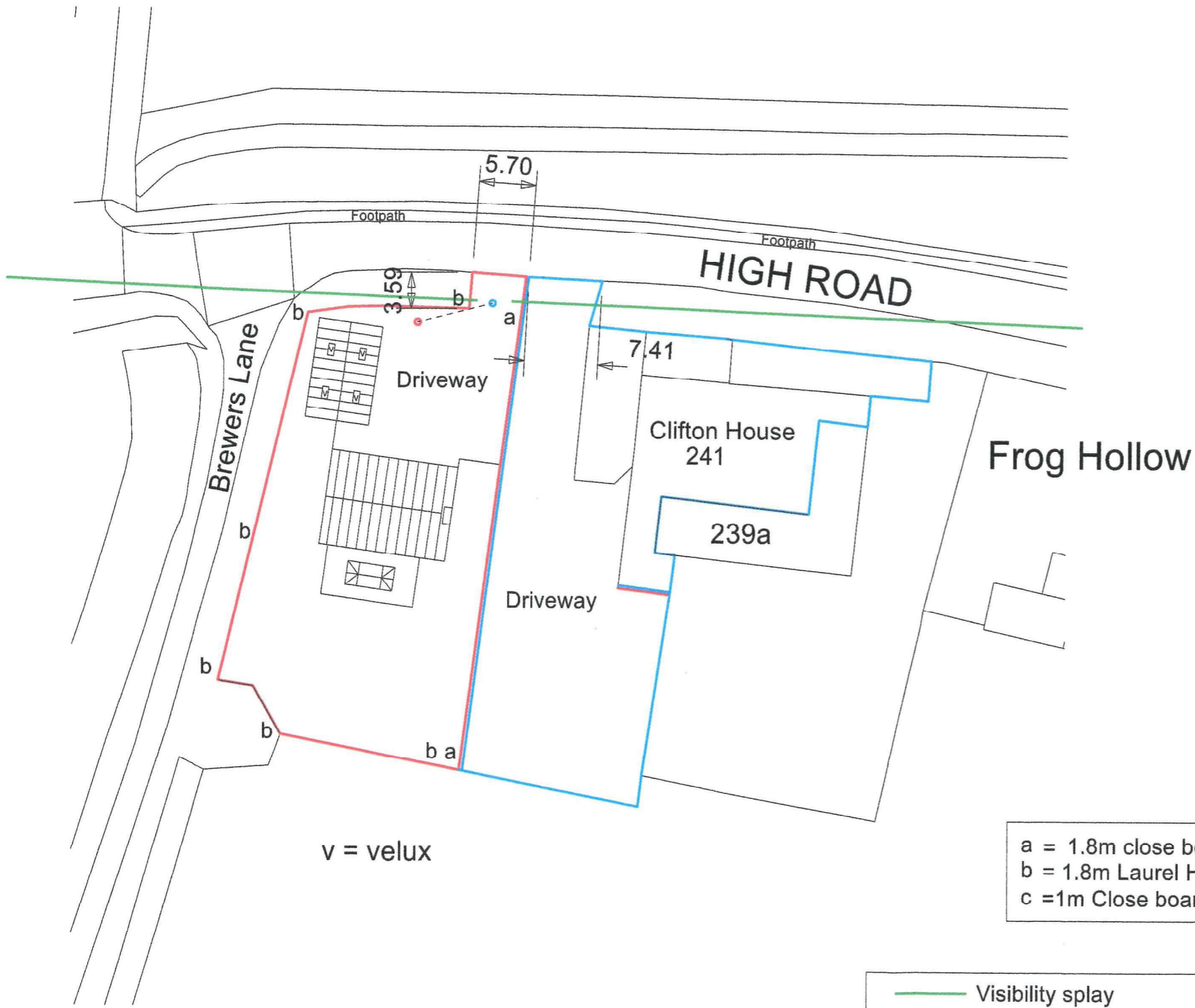
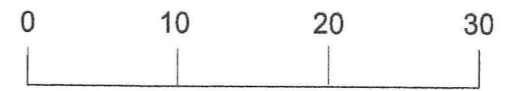
241



Brewers Lane

Plans by Anfos Ltd., 87 Leverington Common, Leverington, Wisbech, PE13 5BH Tel 01945 466266 mob 07836 246446 email building55@live.co.uk	Proposed House for J Rudd and J Hewitt at Clifton House, 241 High Road, Newton, Wisbech, Pe13 5HW
Scale 1:200	Ref Hew/2021/Scene/1

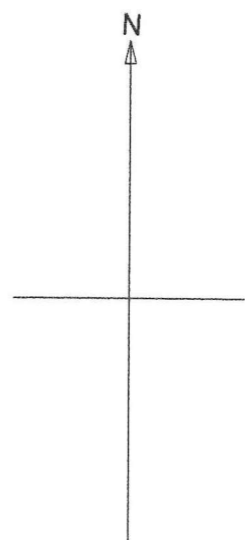
# SITEPLAN



v = velux

- a = 1.8m close boarded fence
- b = 1.8m Laurel Hedge
- c = 1m Close boarded fence

- Visibility splay
- Drain to collect rainwater away from highway
- Soakaway



Proposed House for J Rudd and J Hewitt at Clifton House, 241 High Road, Newton, Wisbech, Pe13 5HW
Scale 1:500
Plans by Anfoss Ltd., 87 Leverington Common, Leverington, Wisbech, PE13 5BH 01945 466266 07836 246446 building55@live.co.uk
Ref Hew/2021/Ste/3

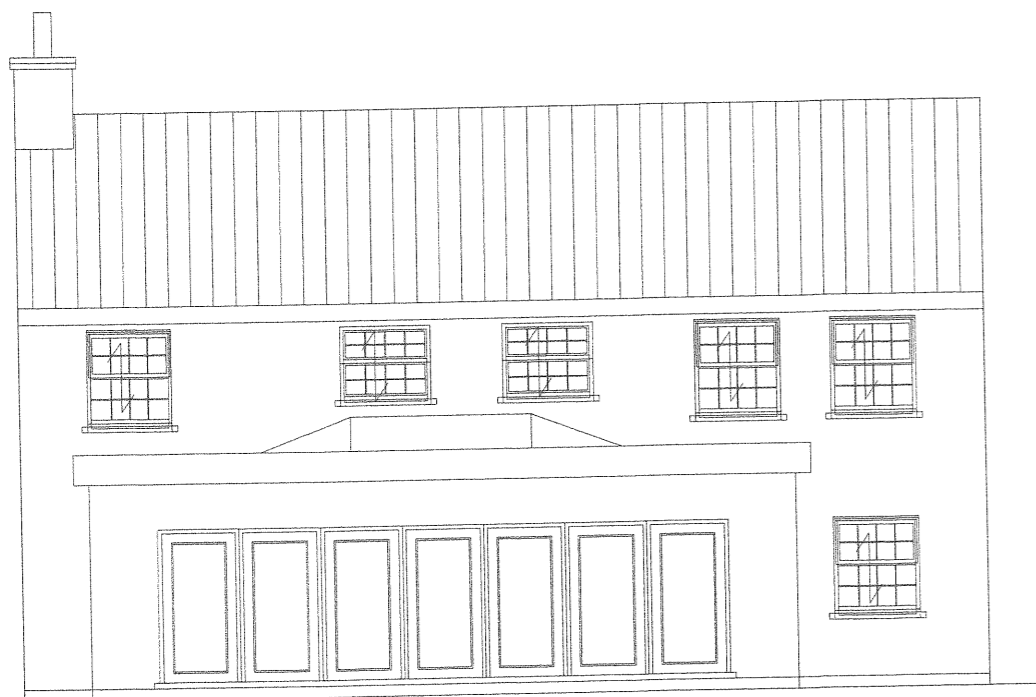


Front Elevation



Side Elevation

Materials to be agreed



Rear Elevation



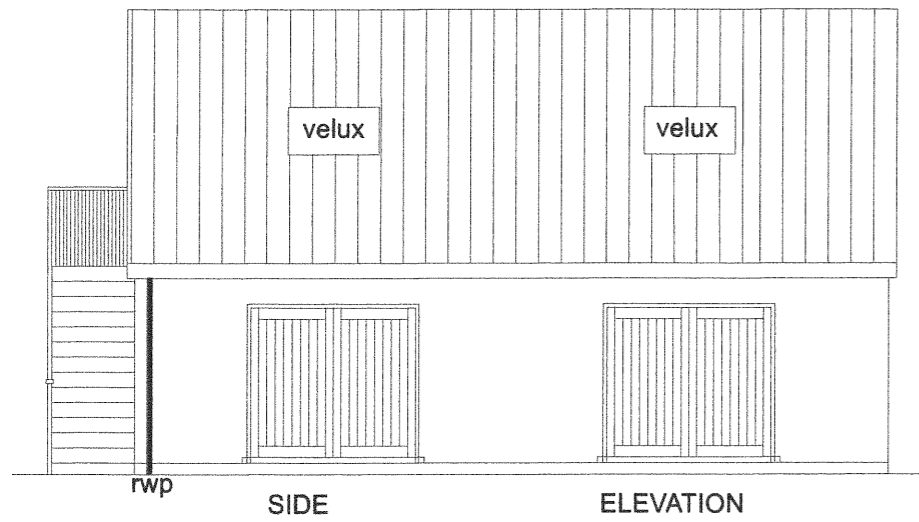
Side Elevation

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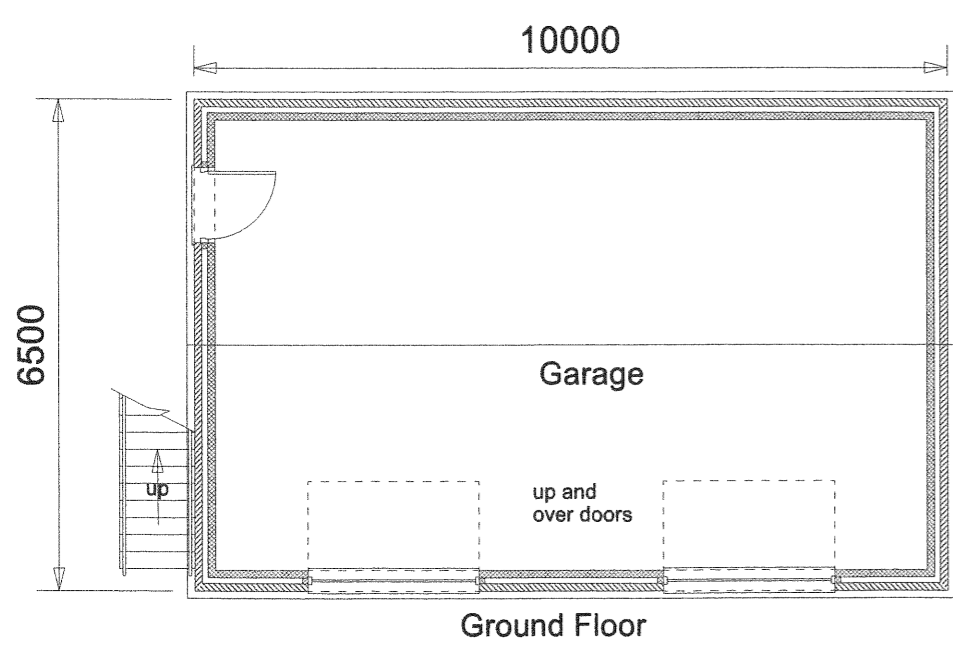
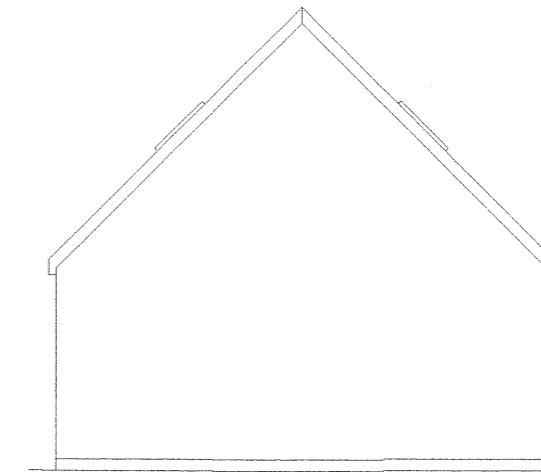
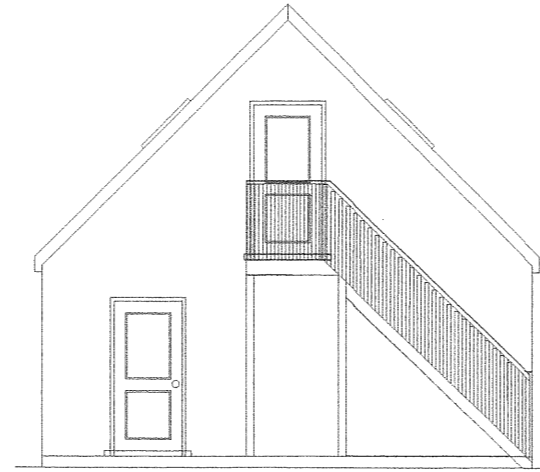
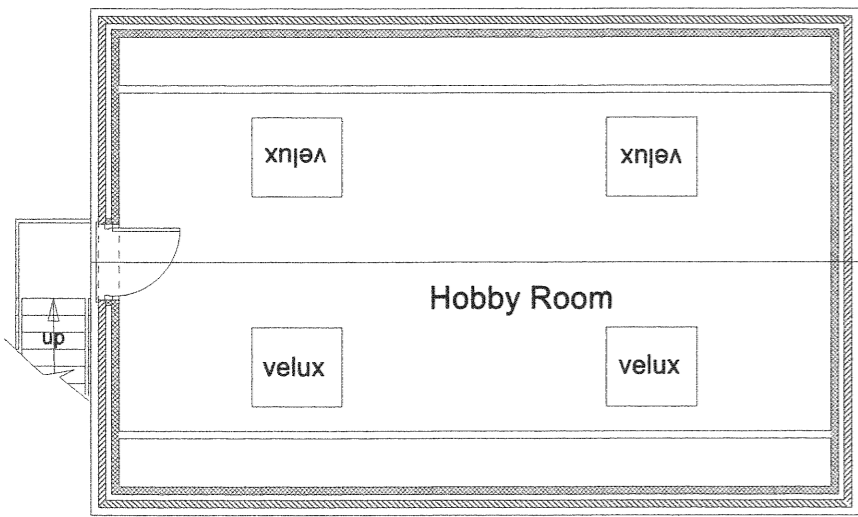
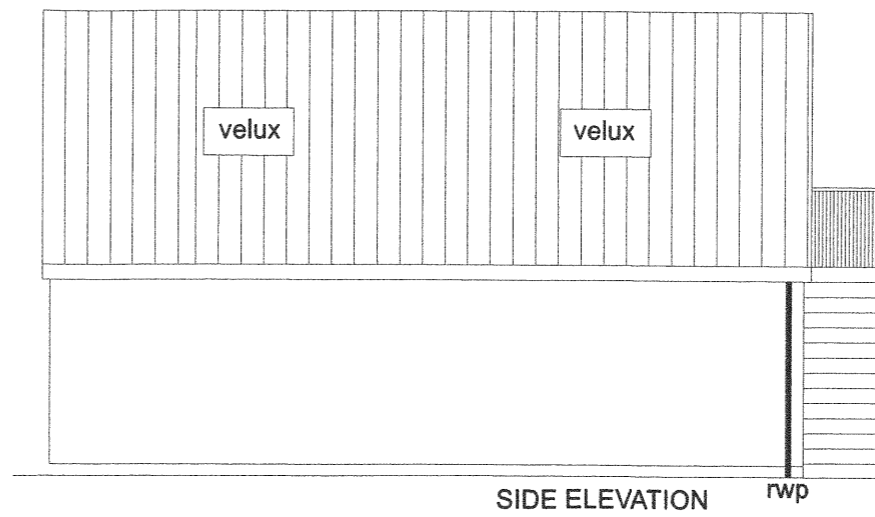
Proposed House for  
 J Rudd and J Hewitt at  
 Clifton House,  
 241 High Road,  
 Newton, Wisbech,  
 Pe13 5HW

Scale 1:100

Ref Hew/2021/ele/ 1



Materials to be agreed



REAR ELEVATION

FRONT ELEVATION

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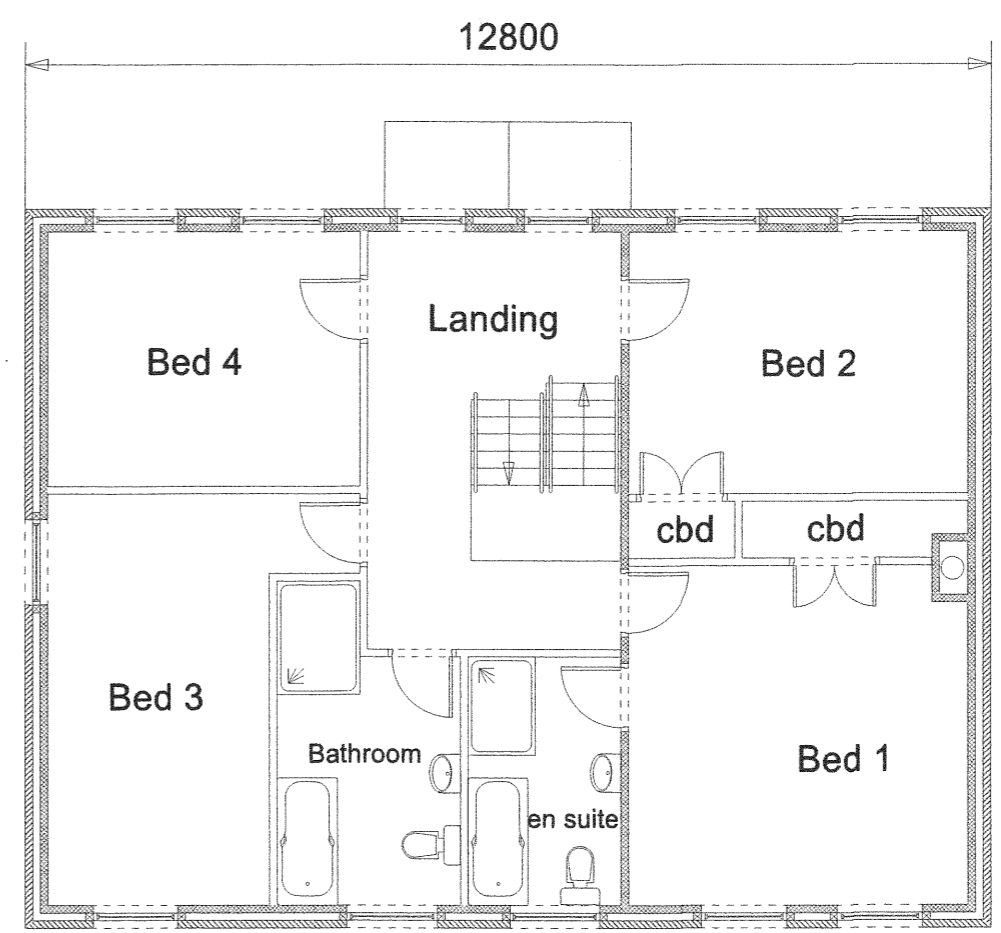
Proposed House for  
 J Rudd and J Hewitt at  
 Clifton House,  
 241 High Road,  
 Newton, Wisbech,  
 Pe13 5HW

Scale 1:100

Ref Hew/2021/gge/1



Ground Floor



First Floor

Plans by Anfoss Ltd., 87 Leverington Common, Leverington, Wisbech, PE13 5BH Tel 01945 466266 mob 07836 246446 email building55@live.co.uk	Proposed House for J Rudd and J Hewitt at Clifton House, 241 High Road, Newton, Wisbech, Pe13 5HW
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	Ref Hew/2021/pln/ 1

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F/YR22/1302/O

**Applicant: Penny Lee**

**Agent : Mr Ian Gowler  
Gowler Architectural**

**Land West Of 27, Benwick Road, Doddington, Cambridgeshire**

**Erect up to 4no dwellings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

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

## 1 EXECUTIVE SUMMARY

- 1.1. The application site comprises undeveloped grazing paddock, on the northern side of Benwick Road, approximately 0.7km to the west of the settlement of Doddington west of a group of 9 dwellings, nearest No.27. Washbrook Farm Motocross Track is situated approximately 320m north of the site. Opposite the site to the south, and further north and west is arable farmland.
- 1.2. The proposal is an outline planning application for the construction of up to four dwellings on the land, with all matters reserved. As this application is Outline only, the main issue for consideration is whether the *principle* of development in this location is appropriate.
- 1.3. It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that it is located outside the built framework of Doddington. 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).
- 1.4. Development at the site would also result in poor quality residential amenity for future occupiers as the proposed development will likely be adversely affected by noise nuisance associated with motocross and clay pigeon shooting activities at Washbrook Farm, contrary to LP16 (e). In addition, the development would result in unreasonable constraints to the viability and operation of the existing commercial venture at Washbrook Farm by the introduction of further "sensitive" developments in the vicinity, contrary to Policy LP16 (o).
- 1.5. Finally, in the absence of evidence to the contrary, the Highway Authority consider that principle of providing safe and convenient access for all is likely to be unachievable at the site, and thus the proposals are not considered to comply with Policy LP15 in respect of highway safety.
- 1.6. By virtue of the above, the application is clearly contrary to policy and the recommendation should therefore be one of refusal, as set out in the below assessment.

## 2 SITE DESCRIPTION

- 2.1. The application site comprises agricultural land, currently used a grazing paddock, on the northern side of Benwick Road, approximately 0.7km to the west of the settlement of Doddington.
- 2.2. The site is bounded to the west by an access track leading to Washbrook Farm Motocross Track, approximately 320m north of the site. Immediately east of the site are 9 single-storey dwellings, the nearest being No.27 Benwick Road. Opposite the site to the south, and further north and west is arable farmland, with Delfland's Nursery situated approximately 250m southwest.

### **3 PROPOSAL**

- 3.1. The proposal is an outline planning application for the construction of up to four dwellings on the land, with all matters reserved. The indicative site plan suggests four handed L-shaped properties with attached single garages. Each pair is shown to be accessed via a shared access off Doddington Road leading to separate frontage parking/turning areas, with amenity spaces to the rear. Between the pairs, a third new field access is proposed to allow retained access to the remaining field to the north.
- 3.2. Full plans and associated documents for this application can be found at: [F/YR22/1302/O | Erect up to 4no dwellings \(outline application with all matters reserved\) | Land West Of 27 Benwick Road Doddington Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/1302/O | Erect up to 4no dwellings (outline application with all matters reserved) | Land West Of 27 Benwick Road Doddington Cambridgeshire (fenland.gov.uk))

### **4 SITE PLANNING HISTORY**

- 4.1. No pertinent planning history.

### **5 CONSULTATIONS**

#### **5.1. Doddington Parish Council**

*At a recent meeting, members of Doddington Parish Council voted to oppose this planning application on the grounds that this represents an extension of the village footprint. In addition, the land can be classified as ancient pasture land crossed with a ridge and furrow pattern. In addition it is believed that there are two ancient wells on the land.*

#### **5.2. Environment & Health Services (FDC)**

*This application involves the creation of 4 new residential properties in close proximity (circa 320m) to an existing business situated at Washbrook Farm, Benwick Road, Doddington, which hosts both motocross and clay pigeon shooting in accordance with the following planning conditions: -*

##### *Motocross*

- (i) From 11.00am to 4.00pm on Saturdays (with restrictions to no more than 9 events in June, July and August of each year); and*
- (ii) 8 single non-consecutive weekday sessions from 11.00am to 4.00pm during the months of April to September.*

##### *Clay pigeon shooting*

- (i) alternate Sundays (maximum of 26 Sundays annually) held between 10:00 and 14:00 hours with 5 of these occasions allowed until 17:00 hours; and*
- (ii) On Tuesdays between 16:00 and 19:00 hours for a 2-hour period from April to September.*



*Environmental Health have previously served an abatement notice restricting the use of the motocross track to specified times to reduce noise nuisance to existing local residential property. The provision of new residential properties within this area will increase the potential for nuisance complaints being logged with the Council about noise associated with motocross and clay pigeon shooting activities. The Council has a duty to investigate nuisance complaints in accordance with its duties under Environmental Protection Act 1990. Such an investigation is likely to conclude that current restrictions on numbers of events and associated activities are insufficient with the potential for further restrictions being placed on these leisure activities at Washbrook Farm.*

In view of this I formally object to this application on the grounds that:

- 1. This development will result in unreasonable constraint(s) or threaten the operation and viability of motocross and clay pigeon shooting activities at Washbrook Farm by the introduction of “sensitive” developments, contrary to Policy LP16 (o) – Delivering and Protecting High Quality Environments across the District.*
- 2. This development will be adversely affected by noise nuisance associated with motocross and clay pigeon shooting activities at Washbrook Farm contrary to Policy LP16 (e) – Delivering and Protecting High Quality Environments across the District.*

*If the planning authority is minded to grant this application I recommend the developer be required to submit a noise impact assessment to determine the potential impact on the proposed residential properties from noise arising from the motocross and clay pigeon shooting activities on the farm. The methodology for this assessment to be agreed with environmental health.*

### **5.3. Definitive Map Team**

*I write in response to the application to Erect up to 4no dwellings (outline application with all matters reserved) | Land West Of 27 Benwick Road Doddington Cambridgeshire*

*Public Footpath No. 13, Doddington, runs along the west of the site. To view the location of the Public Footpath please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.*

*Whilst the Definitive Map Team has no objection to this proposal, the Public Footpath must remain open and unobstructed at all times.*

#### *Informatives*

*Should you be minded to grant planning permission we would be grateful that the following informatives are included:*

- Public Footpath No. 13, Doddington, must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)*

- *No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).*
- *Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- *The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*
- *The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the Public Footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a Footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.*

*Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website.*

#### **5.4. Cambridgeshire County Council Highways Authority**

*As this is an outline application with all matters reserved, I can only comment on the principle of the development and based on this I do not consider the proposed development to be acceptable in highway safety terms.*

*The B1093 Benwick Road is subject to a 40mph speed limit at the location of the proposed accesses. The required inter-vehicular visibility splay for such a speed limit is 2.4m x 120m in both directions, which is greater than the 2.4m x 93m (offset 1m from channel line) presented by the applicant. Based on the information provided, safe access visibility does not appear to be achievable within the highway boundary and / or application boundary.*

*I would accept in principle an inter-vehicular visibility splay commensurate with the observed 85th percentile speeds but as no traffic survey information has been presented, I cannot determine if such an approach would result in an acceptable reduction.*

*Whilst I accept the layout is indicative, the following comments would need addressing as part of a future reserved matters application, if the scheme were to be permitted by the LPA:*

- *Shared accesses to be a minimum of 5m wide (HERCS Appendix 5 referenced in the submission is for a single driveway).*
- *Means of preventing private water from entering the highway introduced, noting the LHA do not accept the use of permeable paving in isolation.*

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

9 letters of support for the scheme have been received from residents of Doddington (5 from Primrose Hill, 2 from high Street and one each from Newgate Street and Wimblington Road).

The reasons for support can be summarised as:

- No objections, would improve the area;
- Smaller developments are more desirable than large scale ones;
- In keeping with the village environment;
- In keeping with the existing bungalow type houses in this area;
- Doddington will benefit from small developments like this;
- More bungalows are needed;
- In keeping with character, charm and appeal;
- Small development would have less strain on existing resources;
- A good idea as there is a house shortage;
- Future generations stand a chance of staying in Doddington;
- In keeping with neighbouring houses;
- Will improve affordability of local housing;
- Environmental Health officer's concerns and the need for a noise impact assessment are noted. It can be seen from mapping that community dwellings are already considerably closer than the proposed development. I expect that better noise abatement measures at the leisure site would be welcome in other areas of the village as well.

One on the 9 comments received included no reasons for support or additional comments.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

### **7.1. National Planning Policy Framework (NPPF) July 2021**

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

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

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

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

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

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

Determining planning applications

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

Context

Identity

Built Form

Homes and Buildings

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

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

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

#### 7.5. **Emerging Local Plan**

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

LP1 – Settlement Hierarchy  
LP2 – Spatial Strategy for the Location of Residential Development  
LP7 – Design  
LP8 – Amenity Provision  
LP18 – Development in the Countryside  
LP20 – Accessibility and Transport  
LP22 – Parking Provision  
LP24 – Natural Environment  
LP32 – Flood and Water Management

### 8 **KEY ISSUES**

- **Principle of Development**
- **Other matters**
  - Character and Appearance
  - Residential Amenity
  - Access and Parking
  - Flood Risk

### 9 **ASSESSMENT**

#### **Principle of Development**

- 9.1. Whilst the site is located within the Parish of Doddington, and alongside a small group of dwellings, the site is located a significant way from the main built-up area of the settlement and would not conform to the policy requirements of representing a small-scale infill within a continuously developed area within the built form of the settlement, and nor would it represent a small extension to the built form of village given its remote nature and surroundings.
- 9.2. No justification for new development within this 'Elsewhere' location (as set out under Policy LP3 has been advanced to evidence the development as being demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.
- 9.3. Accordingly, the proposal for new residential development in this location would fail to accord with Policy LP3 of the development plan.
- 9.4. Under Policy LP12 there is set out the criteria required following the application of LP3 in which new development will be considered. Under the development of a site within or adjacent to the existing 'developed footprint' of specified villages, the policy clearly defines that this excludes the following:

- (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement;
  - (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement; and
  - (c) agricultural buildings and associated land on the edge of the settlement.
- 9.5. With regard to the consultation draft to of the emerging Local Plan, which carries limited weight as this time, given that consultation has only recently commenced, the site is outside of the defined settlement boundary and is therefore classed as open countryside where development will only be permitted in the circumstances set out within the NPPF.
- 9.6. 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 proposed development would not accord given the scale of development and by virtue that it would introduce development beyond the existing physical and visual limit of the settlement boundary into the open countryside.
- 9.7. Clearly, the unjustified proposal in this location would remain in conflict with Policies LP3 and LP12 of the adopted Fenland Local Plan, nor would it comply with the policies of the emerging Plan.

### **Other Matters**

#### Character and Appearance

- 9.8. 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 the bungalows to the east.
- 9.9. 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.
- 9.10. It is clear that the site, an area of agricultural paddock land, marks a transition point between the interspersed development along Benwick Road to the east and the open countryside to the north, west and south. The development proposed would see up to four detached dwellings positioned on undeveloped paddock land that currently forms a distinct and natural demarcation between the development to the east 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 this part of Benwick Road, contrary to the requirements of policy LP12 and Policy LP16(d).

#### Residential Amenity

- 9.11. It would appear from the indicative plans submitted that there would be limited impacts to neighbouring residential amenity as a result of the scheme by way of overlooking or overshadowing. However, it is also necessary to ensure the development provides good quality amenity for future occupiers. As such, matters in respect of noise disturbance on future occupiers from the nearby Washbrook Farm should be considered. Washbrook Farm, approximately 320m north of the site, hosts a motocross track and clay pigeon shooting which are both

regularly operational and already subject to operational conditions to limit noise nuisance to existing residential development nearby.

- 9.12. The Environmental Health team object to the scheme as it is considered that additional residential development on this site would result in unreasonable constraints to the viability and operation of the existing motocross and clay pigeon shooting activities at Washbrook Farm, by the introduction of further “sensitive” developments, which is contrary to Policy LP16 (o). Furthermore, they consider that the proposed residential development will be adversely affected by noise nuisance associated with motocross and clay pigeon shooting activities at Washbrook Farm, contrary to LP16 (e).
- 9.13. Thus, given the proximity of commercial development to the proposed residential development site, it is not considered reasonable or appropriate to allow additional residential development to be approved in an area that may result in additional noise nuisance complaints from an existing commercial enterprise that already lawfully operates within stringent regulations against noise and disturbance, as doing so would be clearly contrary to planning policy.

#### Access and Parking

- 9.14. The indicative site plan suggests that there would be sufficient parking/turning room available to the front of the dwellings.
- 9.15. Comments from the Highway Authority raise concern as to the suitability of the proposed accesses in terms of highway safety suggesting that, *based on the information provided, safe access visibility does not appear to be achievable within the highway boundary and / or application boundary.*
- 9.16. As such, in the absence of evidence to the contrary, the principle of providing safe and convenient access for all is likely to be unachievable at the site, and thus the proposals are not considered to comply Policy LP15 in respect of highway safety.

#### Flood Risk

- 9.17. The application site lies within flood zone 1 and issues of surface water will be considered under Building Regulations.
- 9.18. The site lies within the Middle Level Commissioners Drainage Board area, who were subsequently consulted, however, no comment was received in regard to this application. As such, it is considered reasonable to determine that the proposal is acceptable in terms of flood risk and there are no issues to address in respect of Policy LP14.

## **10 CONCLUSIONS**

- 10.1. It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that it is located outside the built framework of Doddington. 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 development would result in unreasonable constraints to the viability and operation of the existing motocross and clay pigeon shooting activities at Washbrook Farm by the introduction of further “sensitive” developments, contrary to Policy LP16 (o). Moreover, the proposed development will likely be adversely affected by noise nuisance associated with motocross and clay pigeon shooting activities at Washbrook Farm, contrary to LP16 (e). Finally, owing to the lack of

evidence to the contrary, it is considered that the principle of providing safe and convenient access for all is likely to be unachievable at the site, and thus the proposals are not considered to comply Policy LP15.

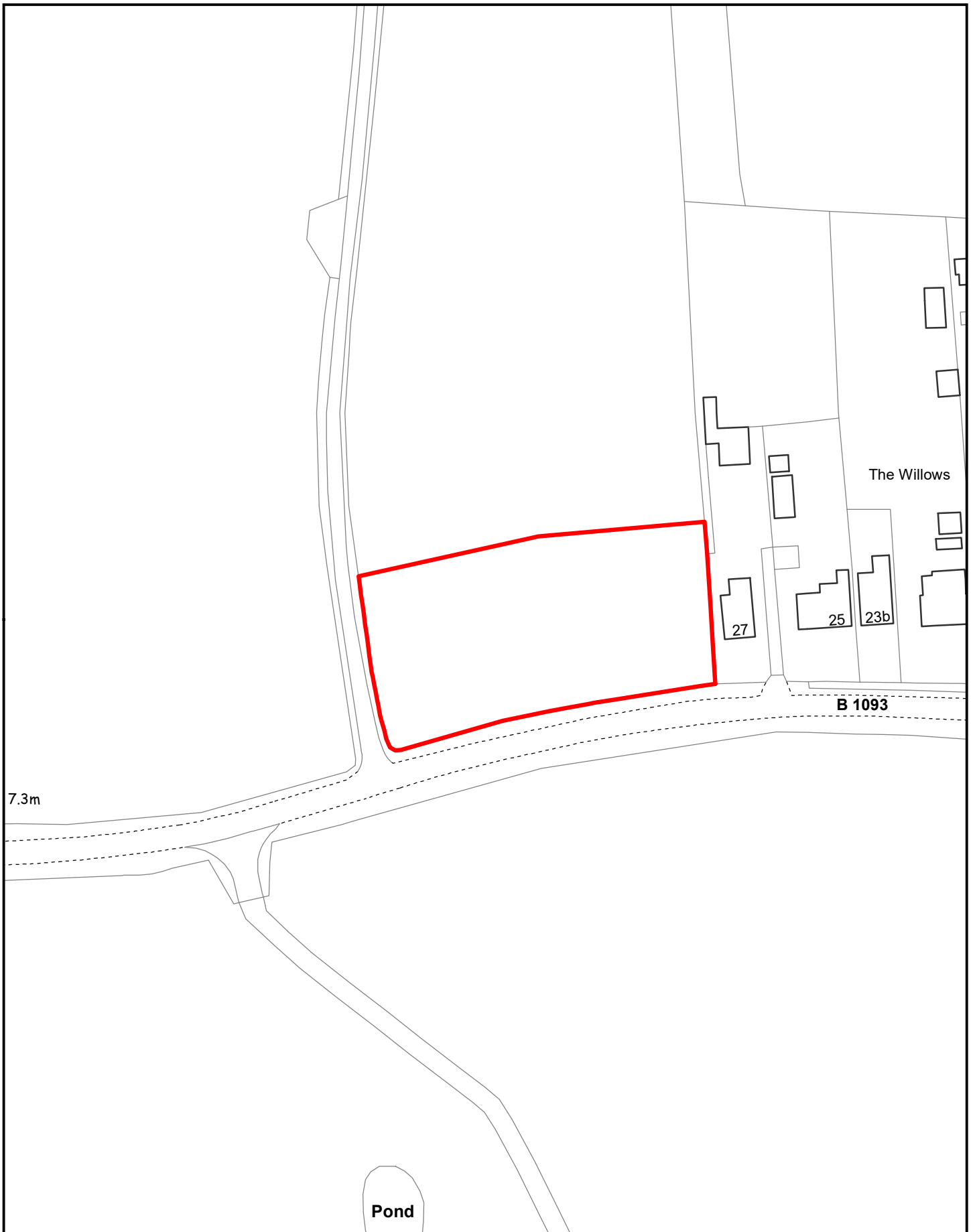
## 11 RECOMMENDATION

**Refuse**, for the following reasons;

1	<p>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.</p> <p>Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"> <li>(a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and</li> <li>(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.</li> </ul> <p>The site's position is away from the main built-form of Doddington, adjacent to a small number of dwellings on this side of Benwick Road. These dwellings are clearly detached from the continuous built-up area of the settlement and do not form part of the continuous built form of Doddington. In addition, the site is currently paddock land that clearly relates more to the surrounding countryside. Thus development of this parcel of land would be excluded by (a) and (b) above. Thus the proposal in principle therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.</p>
2	<p>Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The proposal is for the construction of up to four new dwellings on currently undeveloped paddock land with a close relationship to the wider open countryside. 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 this part of Benwick Road, contrary to the requirements of policy LP12 and Policy LP16(d).</p>
3	<p>Policy LP16 seeks to support development that ensures a high quality environment that does not result in adverse amenity impacts for both neighbouring or future occupiers. In addition, LP16 supports developments that do not result in any unreasonable constraint(s) to, or threaten the operation and viability of, existing nearby or adjoining businesses or employment sites by introducing "sensitive" developments. Development on this site would result in unreasonable</p>

	<p>constraints to the viability and operation of the existing motocross and clay pigeon shooting activities at Washbrook Farm to the north, by virtue of the introduction of additional “sensitive” residential dwellings. In addition, future occupier amenity will likely be adversely affected by noise nuisance associated with the activities undertaken at Washbrook Farm. Therefore the development is considered contrary to Policy LP16 (e) and (o) of the Fenland Local Plan (2014).</p>
4	<p>Policy LP15 seeks to support proposals that provide safe and convenient access for all. In the absence of evidence to the contrary, it is considered that the necessary visibility to achieve a safe access to the site does not appear to be achievable within the highway boundary and / or application boundary. Thus, the scheme is contrary to the aforementioned policy as it will be unable to provide suitable and safe access to the development.</p>





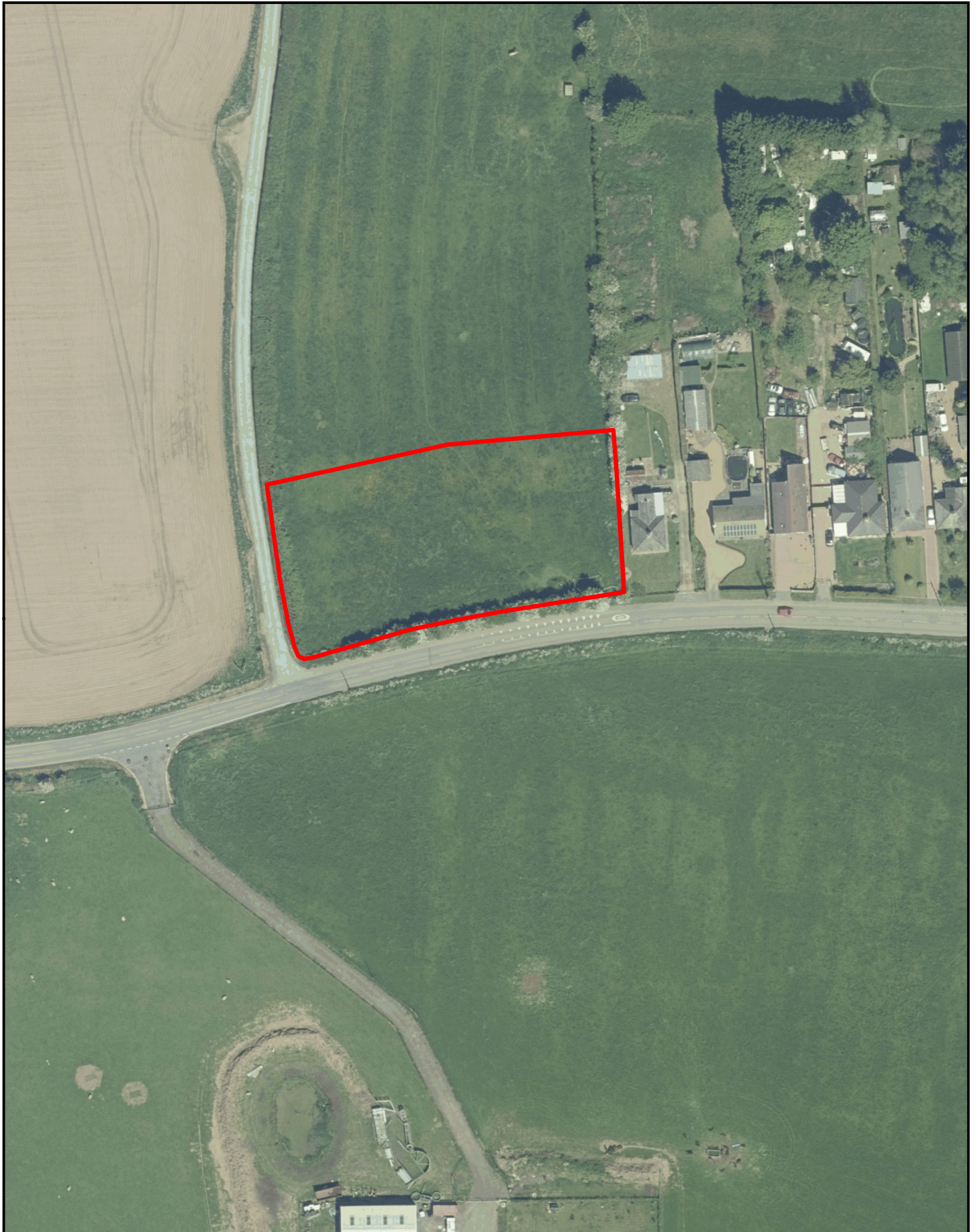
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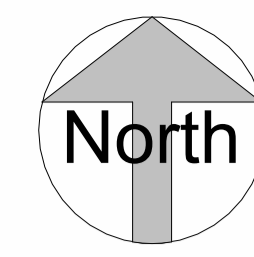
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 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council



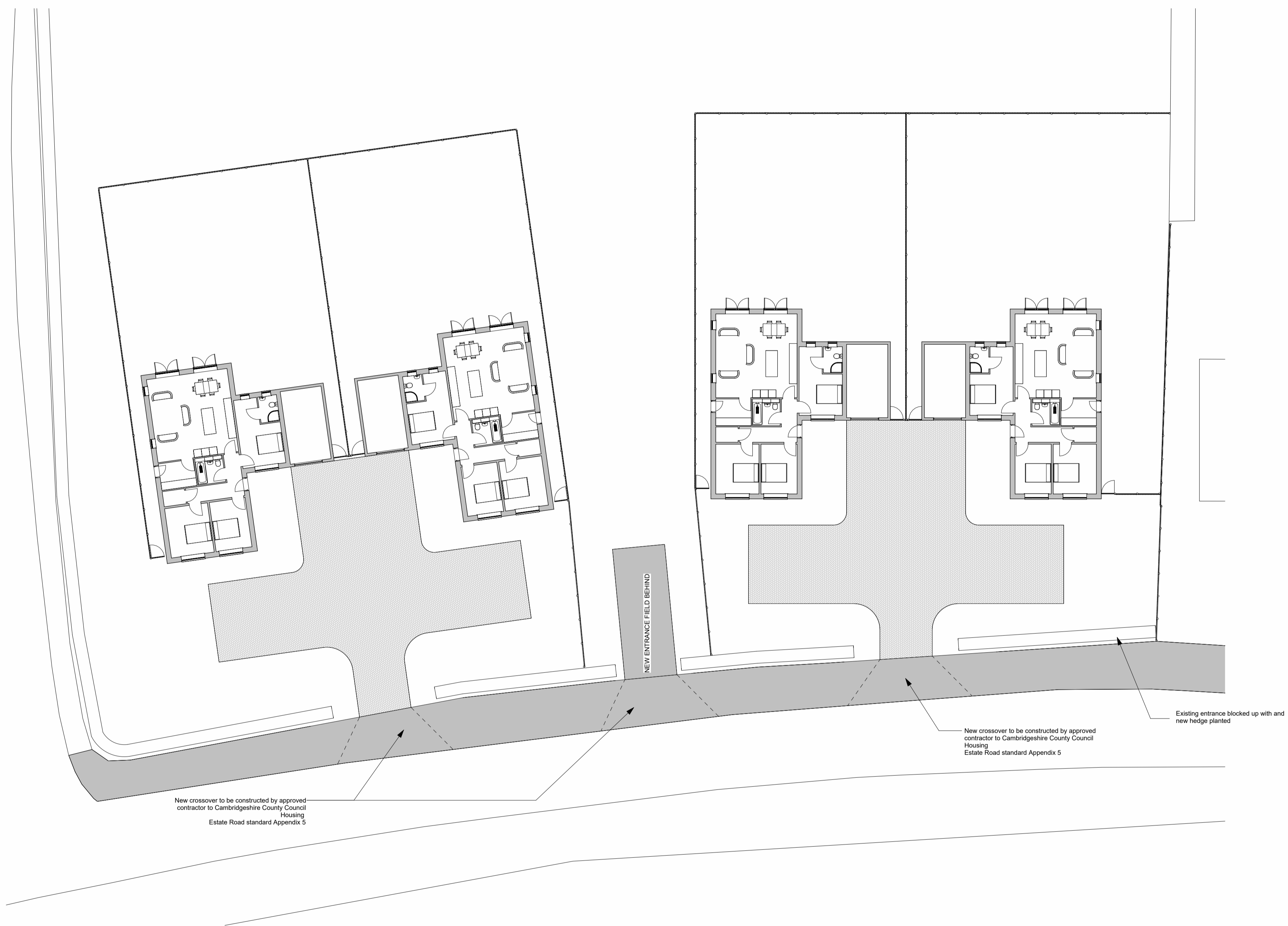


**Notes**  
 Any discrepancies to be brought to attention of Author as soon as possible.  
 All dimensions shown in "mm" unless otherwise shown.  
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be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

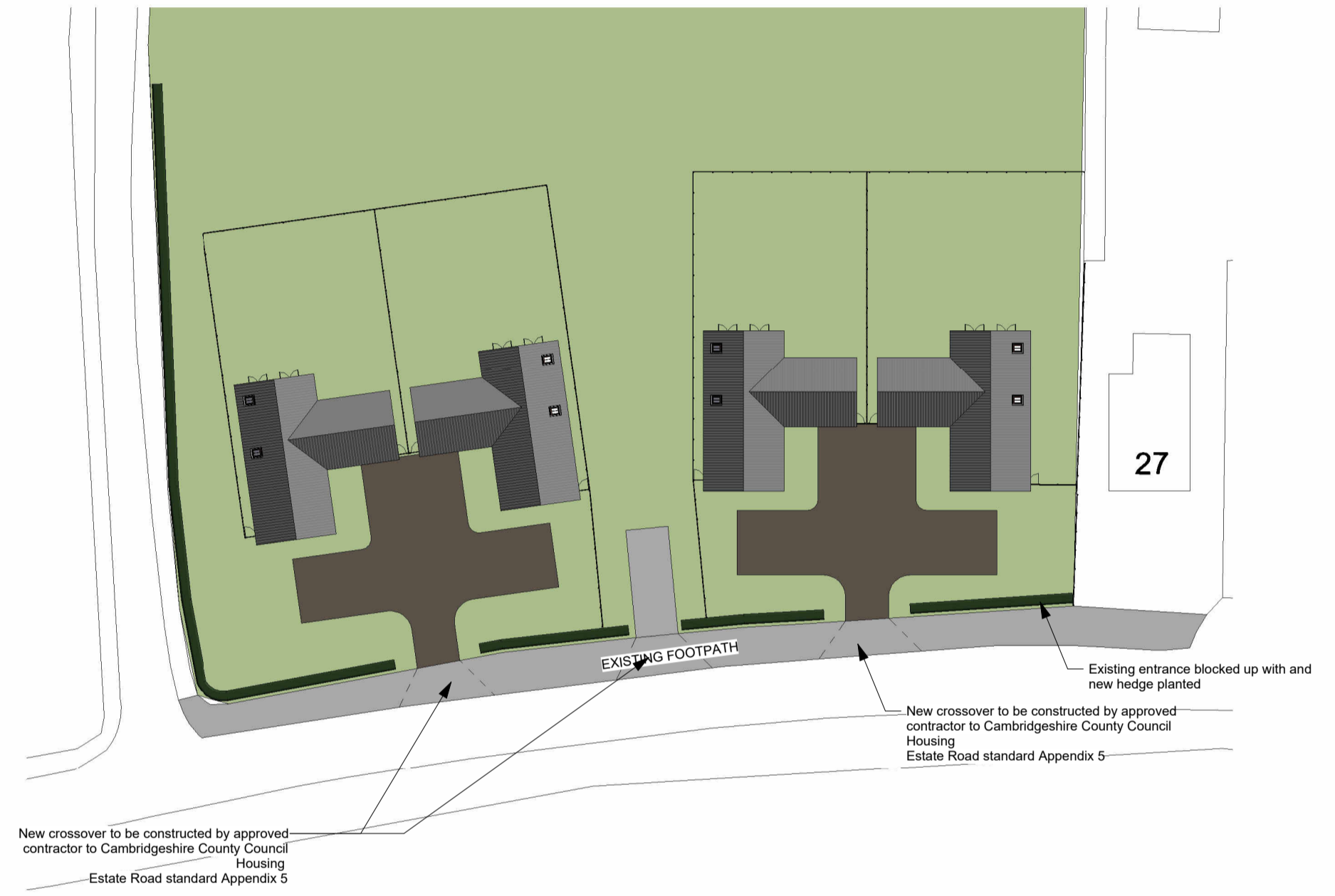


**Location Plan**  
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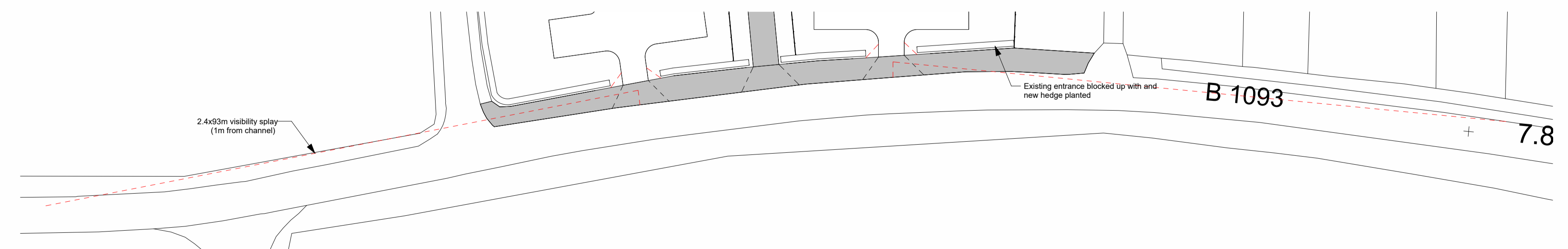
Ordnance Survey License 100019980



**Indicative Block Plan**  
 1 : 200



**Indicative Site Plan**  
 1 : 500



**Indicative Visibility Splay**  
 1 : 500

**Ian Gowler Consulting Ltd**  
 Architectural and Domestic  
 Energy Consultant  
 Grove House, 22 Primrose Hill, Duddington, Cambs, PE15 0SU  
 tel. 01354 667005 email. ian@gowler-architectural.co.uk

Proposed Development West of 27 Benwick Road, Duddington for Penelope Lee

Planning

date created	scale	drawing no.	rev
03/11/22	As indicated @ A1	548 - P01	rev

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F/YR22/1317/F

**Applicant:** Mr & Mrs Dixon

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

**Land South Of The Grange London Road Accessed From, Stocking Drove, Chatteris, Cambridgeshire**

**Erect 1 dwelling (single-storey, 2-bed) including formation of an access**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1. The application site is part of the rear garden of The Grange, London Road outside the market town of Chatteris, within open countryside. Access to the site is proposed to be gained via Stocking Drove, which at this point is unlit and has no pedestrian footways although a verge exists. The land is within Flood Zone 1.
- 1.2. This application seeks full planning approval for the erection of a single storey 2-bed dwelling with the formation of an access off Stocking Drove.
- 1.3. There are fundamental locational issues that render this proposal unacceptable. 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 Chatteris. Furthermore, development at this site would encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d). The site is also in an unsustainable location with regard to street lighting and/or pedestrian footpaths to the town, contrary to the objectives of sustainable development and Policy LP3.
- 1.4. Matters in respect of the dwelling's appearance, highway safety and flood risk are considered acceptable on balance. There are no issues to address in respect of neighbouring residential amenity, although future occupier amenity will be compromised as the area of land allocated for the proposed dwelling will result in a shortfall of private amenity space for the new dwelling, contrary to Policy LP16 (h).
- 1.5. As such, the proposal is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1. The application site is part of the rear garden of The Grange, outside the market town of Chatteris, within open countryside. The property is located on the east side of the junction of London Road and Stocking Drove and consists of a distinct, 2-storey property finished in buff bricks with quoin, cill and lintel detailing, slate roof and leaded fenestration, with a brick outbuilding set to its southeast side.
- 2.2. The host dwelling is bounded to the north, east and west with mature hedging. To the south the garden is bounded by post and wire fencing, with grazing pasture behind. The garden area to be developed is currently laid to grass.
- 2.3. Access to the site is proposed to be gained via Stocking Drove, which at this point is unlit and has no pedestrian pavements, although a rural verge exists. The land is within Flood Zone 1.
- 2.4. There have been various approvals for residential dwellings in the vicinity of the site in recent years, some of which were approved by Members contrary to officer recommendation (or as delegated approvals owing to the precedent thereby set).

## **3 PROPOSAL**

- 3.1. This application seeks full planning approval for the erection of a single storey 2-bed dwelling with the formation of an access off Stocking Drove.
- 3.2. The main part of the dwelling is proposed to encompass a footprint of approximately 10.9m wide by 9.8m deep, with an additional forward projection of approximately 4.6m wide by 4.7m deep to the southern front corner. The dwelling will include a hipped roof reaching a maximum height of approximately 5.9m to the ridge and 2.5m to the eaves. The front projection will reach a maximum height of 4.2m. A covered entryway is also proposed, with a pitched roof reaching approximately 3.4m
- 3.3. The dwelling is proposed to include a block paved, front parking/turning area with parking for two vehicles and garden to the rear and is indicated to be constructed of buff brick with grey roof tiles and uPVC fenestration, although specific materials details have not been included.
- 3.4. Full plans and associated documents for this application can be found at: [F/YR22/1317/F | Erect 1 dwelling \(single-storey, 2-bed\) | Land South Of The Grange London Road Accessed From Stocking Drove Chatteris Cambridgeshire](#)

## **4 SITE PLANNING HISTORY**

No pertinent planning history.

## **5 CONSULTATIONS**

- 5.1. **Chatteris Town Council – Support**
- 5.2. **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 effect on local air quality or be affected by ground contamination.*



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

*No construction work shall be carried out 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.*

**5.3. Cambridgeshire County Council Highways Authority**

*Following a careful review of the documents provided to the Highway Authority as part of the above planning application, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.*

*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.*

**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. Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to:*  
*a. enter, turn and leave the site in forward gear*  
*b. park clear of the public highway*

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

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

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

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

4. *The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.*

*Reason: To prevent surface water discharging to the highway.*

5.4. **Local Residents/Interested Parties**

Eight letters of support (three from London Road, one each from New Road, Glebe Close, Green Park, Farriers Gate and St Paul's Drive, all Chatteris) received on the following grounds:

- Site *'ideal for expansion without spoiling the countryside or causing any interruption to any existing lifestyles or business activities'*;
- The proposed dwelling will be a suitable size for existing occupants at The Grange to downsize whilst remaining in the location they love;
- The dwelling design will be *'aesthetically pleasing whilst encompassing environmentally sustainable living for the occupants'*.

Two of the letters received stated that there was no objection to the scheme, but no specific reasons for support were given.

**6 STATUTORY DUTY**

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

**7 POLICY FRAMEWORK**

7.1. **National Planning Policy Framework (NPPF) July 2021**

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

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

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

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

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

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Determining planning applications

7.3. **National Design Guide 2019**

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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  
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LP14 – Responding to Climate Change and Managing the Risk of Flooding  
LP15 – Facilitating the Creation of a More Sustainable Transport Network  
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#### 7.5. **Emerging Local Plan**

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

LP1 – Settlement Hierarchy  
LP2 – Spatial Strategy for the Location of Residential Development  
LP7 – Design  
LP8 – Amenity Provision  
LP18 – Development in the Countryside  
LP20 – Accessibility and Transport  
LP22 – Parking Provision  
LP24 – Natural Environment  
LP32 – Flood and Water Management

### 8 **KEY ISSUES**

- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Highway Safety & Parking**
- **Flood Risk and Drainage**
- **Other Matters**

### 9 **ASSESSMENT**

#### **Principle of development**

- 9.1. The application seeks planning permission for the erection of a dwelling in the rear garden of The Grange, London Road, Chatteris. Fenland Local Plan Policy LP3 sets out a clear spatial strategy for sustainable growth in the district, based on a defined settlement hierarchy directing most development to the district's larger settlements. This policy identifies Chatteris as a Market Town.
- 9.2. However, the application site falls within the 'elsewhere' category because it is located in an area that falls outside of the settlement categories defined within Local Plan Policy LP3. It consists of sporadic roadside development in the countryside about a kilometre to the south of the built-up area of Chatteris. Policy LP3 says that development in 'elsewhere' locations will be restricted to that which is essential for rural enterprises and any dwellings would be subject to a restrictive occupancy condition. No justification for new development within this 'Elsewhere' location (as set out under Policy LP3 has been advanced to evidence the development as being

demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.

- 9.3. The proposal site forms part of a cluster of sporadic properties that form a ribbon to the south of the built-up area of Chatteris. This ribbon of development is increasingly becoming consolidated and dense owing to the number of residential developments that have been approved in the last few years, a precedent which the applicant has cited. The proposal site is located about a kilometre from the edge of Chatteris and thus future residents of the development would not have easy access to facilities and services. The absence of a footpath immediately adjacent the site along Stocking Drove is noted but there is a footpath on the southern side of London Road which begins at the junction of Stocking Drove and London Road, although its use would be prohibitive. The distance to facilities and services would not encourage people to walk especially in inclement weather and as such most daily trips would be by private car.
- 9.4. Even though other dwellings have been approved in recent years adjacent to and opposite the site, these have been situated as frontage development along London Road, as opposed to the application site which is essentially 'backland' development of The Grange and accessed from Stocking Drove. A dwelling in this location is not considered as appropriate as it would contribute to the skewing of the settlement hierarchy and the location is not considered as sustainable in relation to accessibility to services. The proposal would conflict with Local Plan Policy LP3, which among other things seeks to direct development to sustainable locations that offer the best access to services and facilities.
- 9.5. Under Policy LP12 there is set out the criteria required following the application of LP3 in which new development will be considered. Under the development of a site within or adjacent to the existing 'developed footprint' of specified villages, the policy clearly defines that this excludes the following:
  - (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement;
  - (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement; and
  - (c) agricultural buildings and associated land on the edge of the settlement.
- 9.6. 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 taken place, the site is outside of the defined settlement boundary and is therefore classed as open countryside where development will only be permitted in the circumstances set out within the NPPF.
- 9.7. 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 proposed development would not accord by virtue that it would introduce development beyond the existing physical and visual limit of the settlement boundary into the open countryside.

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

### **Design and character**

- 9.9. Paragraph 126 of the National Planning Policy Framework 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is further reflected in Local Plan Policy LP16 which seeks to deliver and protect a high-quality environment for those living and working within the district. Both national and local policies seek to ensure that development is only permitted if, among other criteria, it 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, reinforces local identity and does not adversely impact, either in design or scale terms, the street scene, settlement pattern or the landscape character of the surrounding area. Moreover, in rural areas, a development proposal needs also to satisfy the criteria set out in Policy LP12.
- 9.10. The submitted plans suggest that the proposed dwelling would be subservient to the host dwelling. In addition, it is noted that the scale and appearance of the dwelling is not likely to dominate The Grange. Notwithstanding, the position of the proposed dwelling, with a new access off Stocking Drove, is considered to relate more to the character of Stocking Drove as opposed to London Road.
- 9.11. Stocking Drove is a narrow roadway that runs north to south in the open countryside with very little development, reducing to single track just south of the development site. Opposite the site, accessed from Stocking Drove, is a former agricultural barn, that was permitted a change of use to a storage and distribution building for reclaimed carpet tiles (Fuller Gray Carpet Tiles - F/YR09/0550/F). Given the address, this building was likely historically associated with an agricultural use at Ferry Farm.
- 9.12. Beyond this, on both the east and west sides, Stocking Drove is characterised by open countryside, with no other development in the vicinity.
- 9.13. It is clear that the southern boundary and garden of The Grange demarcates and contributes to the transition between the sporadic frontage development along London Road and the open countryside to the south. The proposed dwelling, within the rear garden of the Grange, would therefore be to the detriment of the character and appearance of the rural area as it would conflict with the current settlement pattern, introducing a spur of development along Stocking Drove, and would arguably create a precedent for further development into the countryside, eroding the existing rural character along this part of Stocking Drove, contrary to the requirements of policy LP12 and Policy LP16(d).

### **Residential amenity**

- 9.14. The proposed dwelling has an acceptable relationship with the host dwelling so as to not cause undue issues to residential amenity in respect of overlooking, overbearing or overshadowing in accordance with Policy LP16 (e).
- 9.15. The existing 0.18ha plot (approx.) will be segregated with approximately 0.13ha retained for the host dwelling with the remaining 0.05ha allocated to the new dwelling. As such, the private amenity space for the proposed dwelling will fall short

of the 33% requirement as set out in Policy LP16 (h), with only approximately 29% retained as useable space for the private garden. The host dwelling's plot is such that there is sufficient space to set aside enough land to ensure an unconstrained development for both the host and proposed properties, and as such the proposed site layout has been poorly designed and will result in a shortfall of private amenity space, contrary to Policy LP16 (h).

### **Highway Safety & Parking**

- 9.16. Fenland Local Plan Policy LP15 states that new development will only be permitted if, among other things, it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved. In addition, appropriate levels of parking provision should be provided in accordance with the Council's defined parking standards as set out in Appendix A of the Local Plan.
- 9.17. The submitted layout plan shows that vehicular access to the proposed dwelling would be by way of a new vehicular access off Stocking Drove. The scheme also makes provision for parking of 2 cars on hardstanding to the front of the dwelling with adequate turning space, which is consistent with the provision of Fenland Parking Standards.
- 9.18. The development has been considered by the Highways Engineer and no objections have been raised subject to the submission of parking and turning details that meets FDC parking standards and drainage. In addition, the Engineer recommends that the access be sealed drained away from the highway in a bound material for a minimum of 5m back from the existing public highway. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

### **Flood Risk and Drainage**

- 9.19. The application site lies within flood zone 1 and issues of surface water will be considered under Building Regulations.
- 9.20. The site lies within the Middle Level Commissioners Drainage Board area, who were subsequently consulted, however, no comment was received in regard to this application. As such, it is considered reasonable to determine that the proposal is acceptable in terms of flood risk and there are no issues to address in respect of Policy LP14.

### **Other Matters**

- 9.21. A number of representations received made reference to the dwelling intended to enable the current occupiers at The Grange to 'downsize', whilst remaining in the area. The submitted application documents make no reference to this, with the application form merely indicating the proposal is for market housing. As such, the scheme must be considered on this basis of the erection of a new, separate market dwelling at the site.
- 9.22. Notwithstanding, any justification put forth in respect of 'downsizing' would not be sufficient evidence to outweigh the fundamental locational issues in respect of the principle of development in an unsustainable location within the open countryside contrary to local and national planning policy.

## 10 CONCLUSIONS

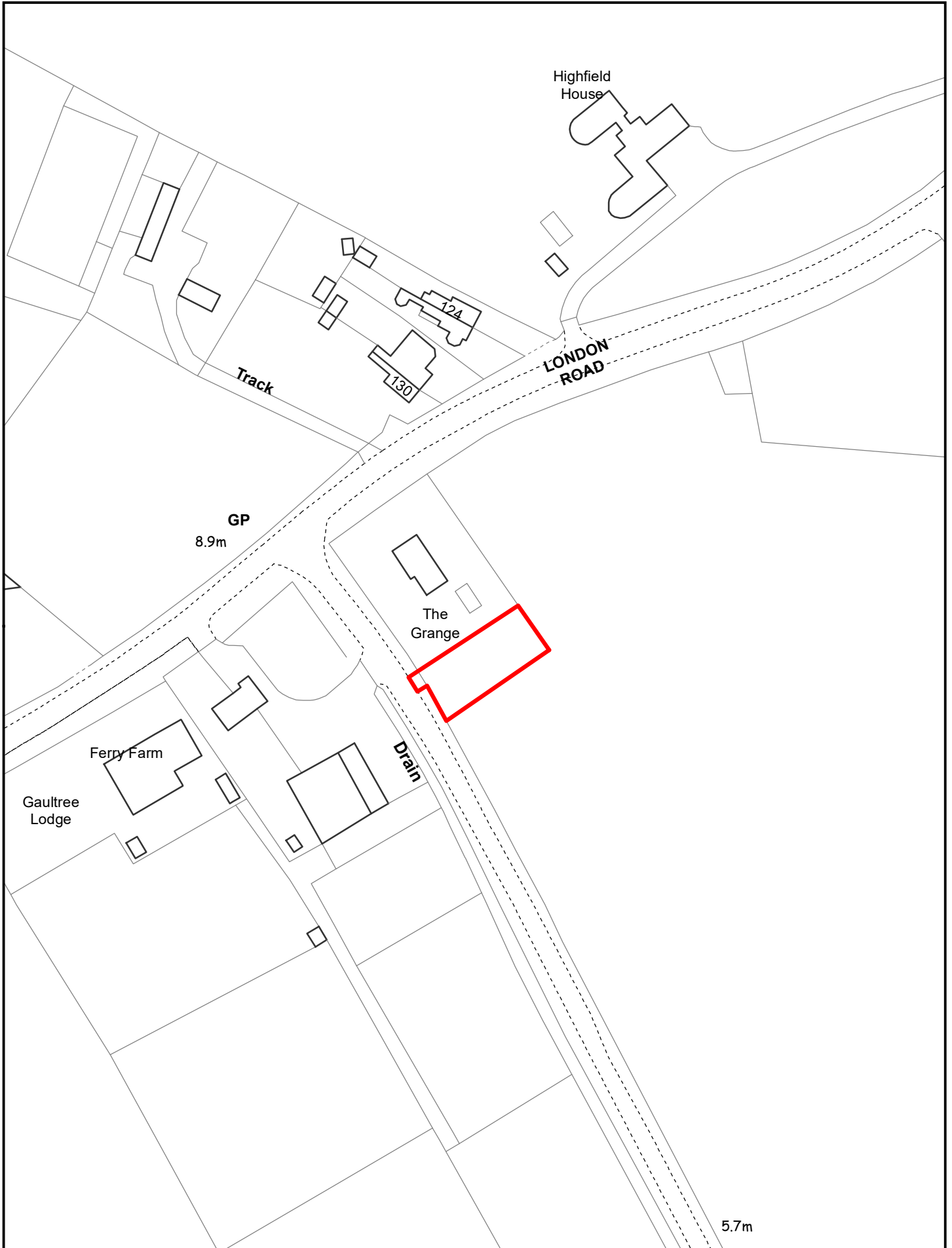
- 10.1. There are fundamental locational issues that render this proposal unacceptable.
- 10.2. It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that is located outside the built framework of Chatteris. Furthermore, development at this site would encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d). The site is also in an unsustainable location with regard to street lighting and/or pedestrian footpaths to the town, contrary to the objectives of sustainable development and Policy LP3.
- 10.3. Matters in respect of the dwelling's appearance, highway safety and flood risk are considered acceptable on balance. There are no issues to address in respect of neighbouring residential amenity, although future occupier amenity will be compromised as the area of land allocated for the proposed dwelling will result in a shortfall of private amenity space for the new dwelling, contrary to Policy LP16 (h).

## 11 RECOMMENDATION

**Refuse**, for the following reasons;

1	<p>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.</p> <p>Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"><li>(a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and</li><li>(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.</li></ul> <p>The development is proposed away from the main built-form of Chatteris, adjacent to a small number of sporadic dwellings fronting London Road. These dwellings are clearly detached from the continuous built-up area of the settlement and do not form part of the continuous built form of Chatteris. In addition, the development site is garden land associated with the host dwelling which, owing to its proposed positioning accessed via Stocking Drove, relates more to the surrounding countryside. Thus development of this parcel of land would be excluded by (a) and (b) above, and the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.</p>
2	<p>Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive</p>

	<p>contribution to the local distinctiveness and character of the area. The proposal is for the construction of a single-storey dwelling on garden land with a close relationship to the wider open countryside. Development on this land would be to the detriment of the character and appearance of the rural area as it would conflict with the current settlement pattern, introducing a spur of development along Stocking Drove, and would arguably create a precedent for further development into the countryside, eroding the existing rural character along this part of Stocking Drove, contrary to the requirements of policy LP12 and Policy LP16(d).</p>
3	<p>The proposed development would result in an additional dwelling located in the open countryside with no direct correlation with the main settlement of Chatteris, with no footpath link or street lighting, and as such the household would largely have to rely on private modes of transport to access goods and services. Similarly, there would be no opportunities for community cohesion given the location of the site outside the settlement. Therefore, the proposal is considered unsustainable development contrary to the aims and objectives of Policy LP3 of the Fenland Local Plan and the NPPF.</p>
4	<p>Policy LP16 (h) supports developments that provide sufficient private amenity space, with a minimum of a third of the plot curtilage set aside for private amenity space. By virtue that the useable area of the proposed private amenity space for the development falls short of this area requirement the scheme is contrary to Policy LP16 (h).</p>



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**F/YR22/1317/F**

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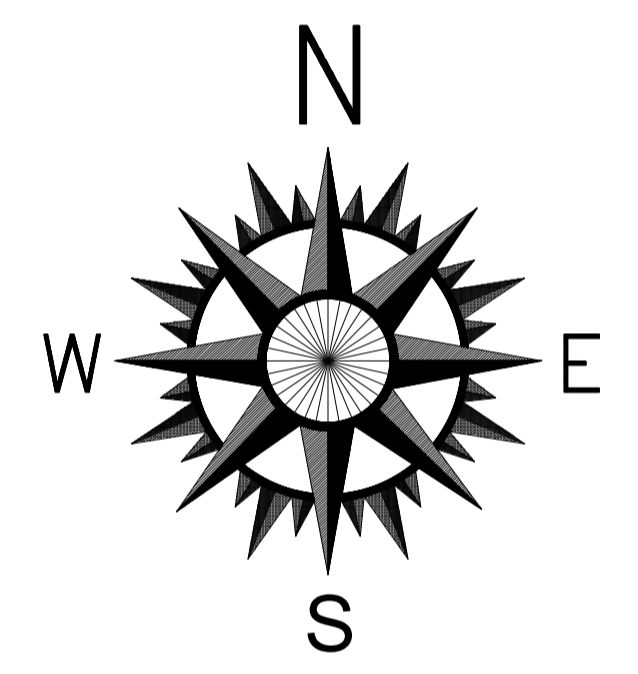


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 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer



**LEGEND**



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



A	PLANNERS COMMENTS	NOV 22
	REVISIONS	DATE

**MORTON & HALL CONSULTING LIMITED**  
 CONSULTING STRUCTURAL ENGINEERS

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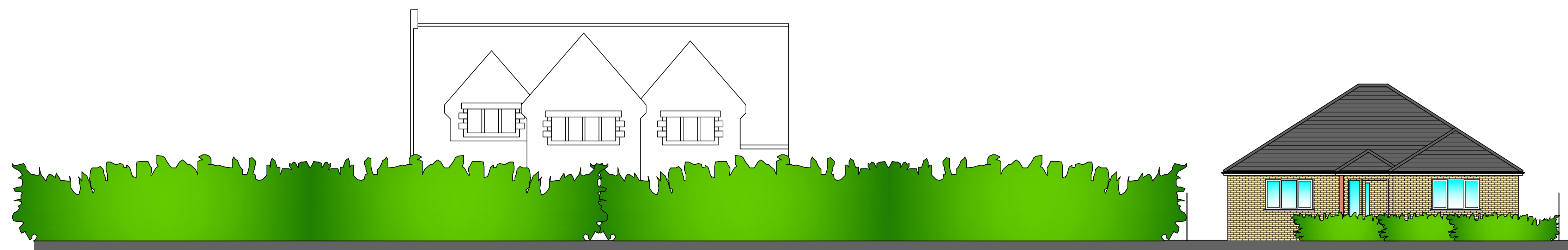
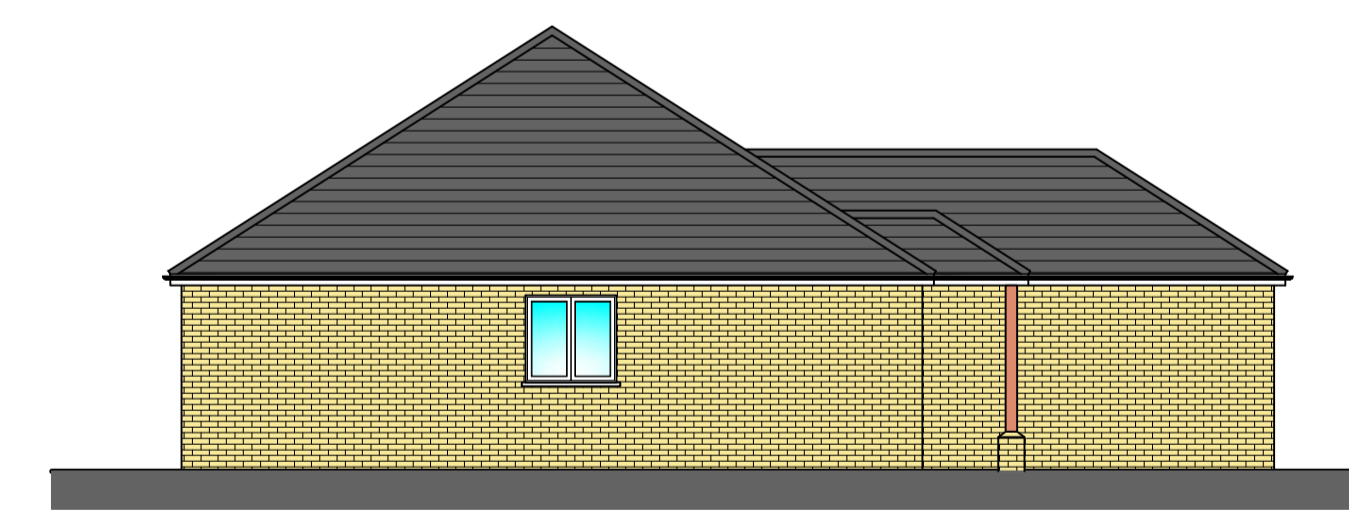
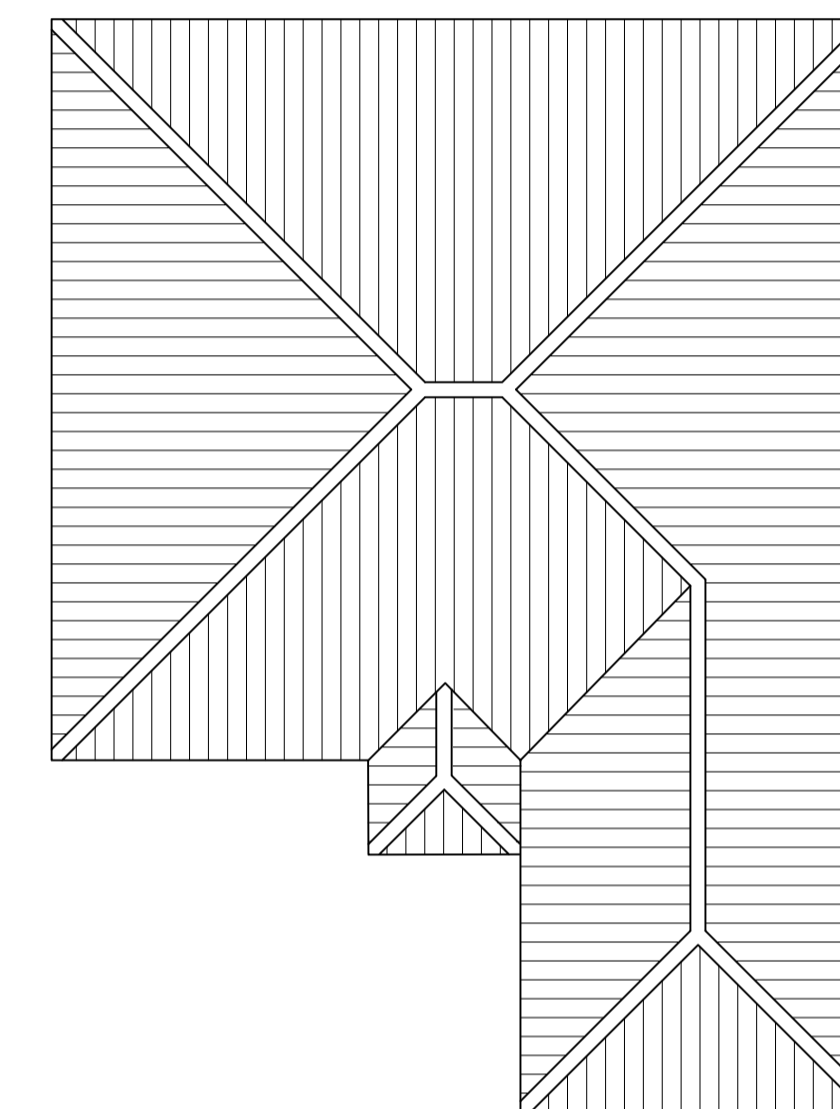
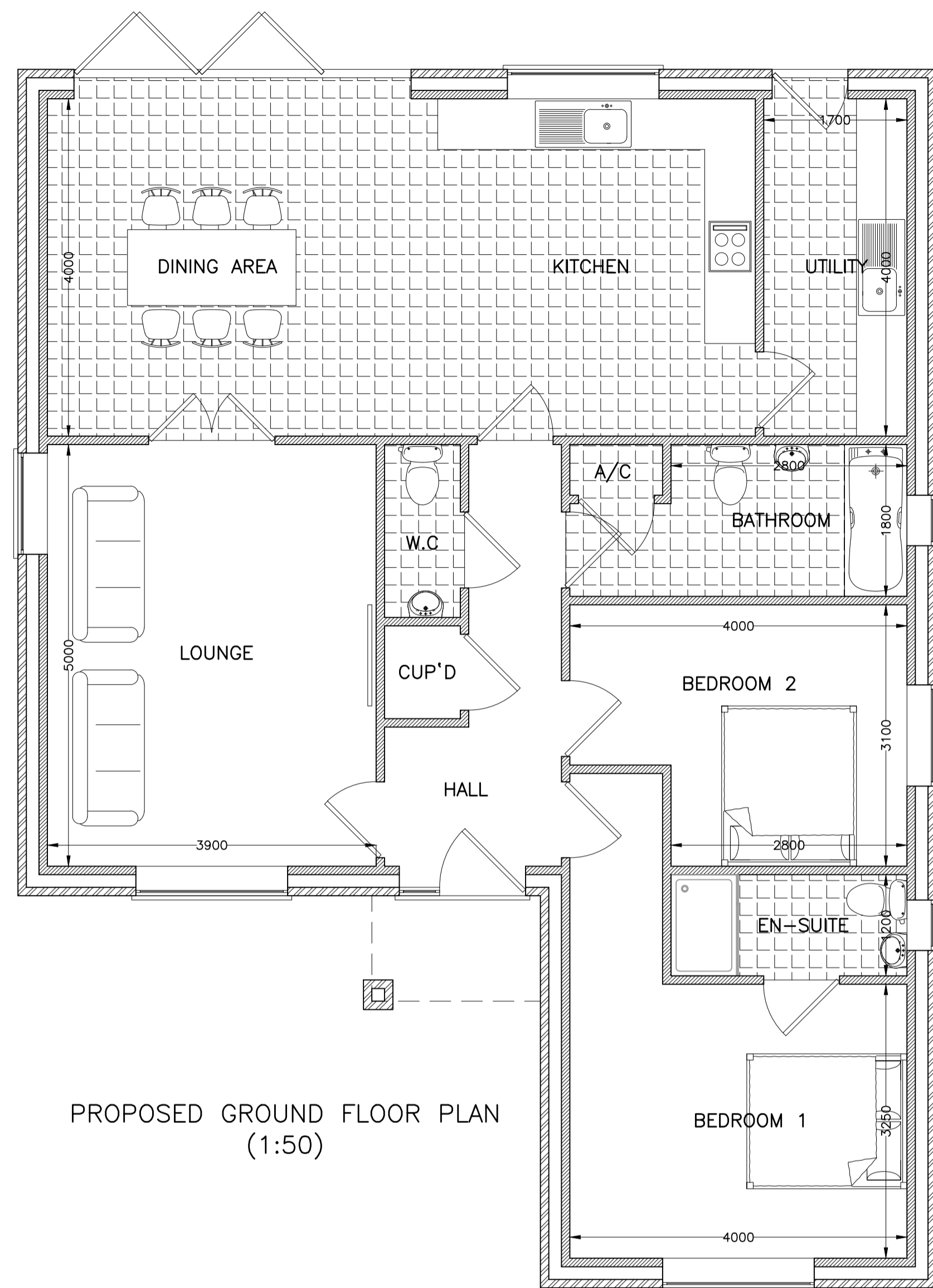
PROJECT  
 The Grange  
 London Road  
 Chatteris  
 PE16 6SF

TITLE  
 Existing & Proposed Site Plan

DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE Nov 2022	DRAWING NUMBER H8711/01A
SCALE As Shown	



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 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
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B	PLANNERS COMMENTS	NOV 22
A	PLANNERS COMMENTS	NOV 22
	REVISIONS	DATE

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

CLIENT  
 Mr & Mrs Dixon

PROJECT  
 The Grange  
 London Road  
 Chatteris  
 PE16 6SF

TITLE  
 Proposed Plans & Elevations

DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE Nov 2022	DRAWING NUMBER H8711/02B
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**F/YR22/0994/O**

**Applicant: Mr P Gumbley**

**Agent : Ms Shanna Jackson  
Swann Edwards Architecture Limited**

**Land North Of 125A, West End, March, Cambridgeshire**

**Erect 1 x dwelling (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 This application is an outline application for 1 dwelling with matters committed in respect of access.
- 1.2 Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development. The provision of a single dwelling within the narrow site does not respect the character of the surrounding area given the surrounding dwellings consist of larger combinations of 2 and 3 connected properties. The proposal therefore constitutes development that fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).
- 1.3 The proposal will result in the loss of an area of land currently occupied by several mature trees and other landscape features, with the only replacement habitat being the creation of a domestic garden. A preliminary Ecology Report has been received as part of the application which fails to demonstrate that no harm will be caused to any protected species that might use the site and any requirements to mitigate the potential harm to any protected species. On that basis, it is considered that the application could result in a net loss of biodiversity on the site and the potential loss of habitat used by protected species, contrary to the requirements of policy LP19 of the Fenland Local Plan (2014).
- 1.4 Subsequently, the recommendation is to refuse this application.

## **2 SITE DESCRIPTION**

- 2.1 The application site is an area of land located within the extent of the Lake Close residential development. The site is currently undeveloped landscaped land to the west of the West End access road. There is an area of trees to the front of the application site.

- 2.2 There are two 3-unit terraced dwelling developments to the west of the site, 3 pairs of semi-detached dwellings to the east, and two blocks of flats to the north, with rear amenity spaces for dwellings located to the south of the site.
- 2.3 The application site is located within Flood Zone 1.

### 3 PROPOSAL

- 3.1 The proposal is an outline application for the construction of a single dwelling, with only means of access committed for consideration at this time.
- 3.2 An indicative site plan and street plan are provided with the application showing a 2-storey property with a 4.7m wide frontage and a depth of 9m, with approximately 1/3 given over to a private rear garden.
- 3.3 Two parking spaces are shown as being provided at the front of the dwelling which both measure 5 x 2.5 metres.
- 3.4 Full plans and associated documents for this application can be found at: [F/YR22/0994/O | Erect 1 x dwelling \(outline application with matters committed in respect of access\) | Land North Of 125A West End March Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0994/O)

### 4 SITE PLANNING HISTORY

Reference	Decision	Description
F/YR20/0131/O	Erect 1 dwelling (outline application with matters committed in respect of access)	Refused 14/04/2020
F/YR14/0541/O	Erection of 1no dwelling	Withdrawn

### 5 CONSULTATIONS

#### 5.1 March Town Council

*Recommendation: Approval*

#### 5.2 FDC Environmental Health

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

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposals as it is unlikely to have a detrimental effect on 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: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no*

*time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.*

### **5.3 PCC Wildlife Officer**

*Recommendation:*

*Recommend refusal of application on grounds that there is insufficient information about the potential negative impacts of the proposal on material biodiversity concerns.*

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

*The proposal documents submitted under F/YR22/0994/O do not provide sufficient information to ensure that the development will result in new negative impact on protected species, in this case bats.*

*The application has been submitted with a Preliminary Ecological Appraisal that identified features within the area proposed to be developed that may be used by bat as valuable commuting habitat, further surveys are recommended by the PEA.*

*It is also unclear if the development will involve the removal of the line of trees, the PEA seems to imply there will be tree loss however the site plans show trees in place. Please clarify if any trees are to be removed from the site and if so the location, age and species of the trees to be removed.*

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

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

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

2 letters of objection were received from residents of West End, March. The reasons for objection are as follows:

- Access – scaffolding would block access to neighbouring property.
- Access width would be reduced and would not be wide enough for emergency vehicles
- Parking arrangements will hinder access
- Proximity to property
- Traffic or Highways
- Density/Over development
- Drainage
- Flooding
- Trees – would result in the removal of at least 3 large established trees
- Wildlife Concerns – large colony of bats in neighbouring property which use the area around the trees to forage

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

Para 2 – NPPF is a material consideration in planning decisions

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

Para 11 – A presumption in favour of sustainable development

Para 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para 130 – Achieving well-designed places

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

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

Context

Identity

Built Form

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

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP9 – March

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

### **7.5 Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 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 Provision

LP22 – Parking Provision

LP24 – Natural Environment

LP32 – Flood and Water Management

### **7.6 March Neighbourhood Plan 2017**

H2 – Windfall Development

## **8 KEY ISSUES**

- **Principle of Development**
- **Access to site**
- **Impact on the local distinctiveness and character of the area**
- **Impact on biodiversity**
- **Other matters**

## **9 BACKGROUND**

- 9.1 A previous outline application was refused in 2020 (F/YR20/0131/O) which proposed to erect 1 dwelling (outline application with matters committed in respect of access). March Town Council recommended refusal to the previous application due to over-development, and problems caused for residents accessing West End. March Town Council have recommended approval for the current application.
- 9.2 The previous application was refused as the application was considered contrary to Policy LP16 due to the constrained nature of the plot, which would limit the scope of any dwelling built on the land which would result in a particularly narrow built form at odds with the prevailing character of the area, which uses combinations of 2 and 3 connected properties to ensure a visually appealing appearance.
- 9.3 Although indicative at this stage, the current application proposes a dwelling at the same scale of the previously refused dwelling, however the dwelling and parking space has been relocated further forward into the site to appear more in line with the neighbouring terraced properties to the west.
- 9.4 The previous application was also refused due to the application resulting in a loss of an area of land currently occupied by several mature trees and other landscape features, with the only replacement habitat being the creation of a domestic garden. The comments received as part of the previous application indicate that the land was currently used for bats for foraging and the application was not accompanied by any survey report to indicate that this was not the case or how mitigation is proposed to be achieved. The application was therefore considered to result in a net loss of biodiversity on the site and the loss of habitat used by protected species, contrary to Policy LP19.
- 9.5 Comments from the neighbouring landowners have indicated that the trees on site may be used by foraging bats. Following the refusal of the previous application, this application is accompanied by a preliminary ecological appraisal. Consultee comments received from the PCC Wildlife Officer indicate that a full survey should be submitted.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Policy LP3 of the Fenland Local Plan sets out the hierarchy of settlements within the district, identifying March as one of the two Primary Market towns where the majority of development is proposed to take place over the plan period.
- 10.2 The application site is currently not subject to any use that is protected by the policies of the development plan, and the trees on the site are not protected by a preservation order.

- 10.3 The application site is located within flood zone 1, the zone of lowest flood risk and therefore there are no designations that would indicate an objection to the residential development of the land as a matter of principle.
- 10.4 There is therefore a need to consider site-specific factors and the details of the proposal in order to make a recommendation on the application.

#### **Access to site**

- 10.5 The proposed site access leads onto Lake Close.
- 10.6 The scale of the proposal is limited as it relates to the provision of a single dwelling, with Lake Close serving over 60 properties in total. On that basis, the scale of vehicular movements proposed by the development is limited and represents a small proportion of the movements likely to be experienced by the development as a whole, and not of a scale sufficient to cause harm.
- 10.7 Similarly, as an estate style residential development, it is not uncommon for vehicles to require to reverse either onto or off the highway in order to turn around and there is no requirement to provide turning off the highway in this location. There is therefore no justification for refusal of the application on the basis of the impact on highway safety.

#### **Impact on the local distinctiveness and character of the area**

- 10.8 Policy LP16 of the Fenland Local Plan (2014) is the primary policy governing the impact of development on its surroundings, requiring proposals to be able to demonstrate that they make a positive contribution to the local distinctiveness and character of the area.
- 10.10 The existing development along Lake Close consists largely of terraced or semi-detached dwellings, with two blocks of flats immediately to the north of the development. The only detached properties in the vicinity are the original dwellings fronting Elliott Road to the north and West End to the south. In that respect therefore, the scheme is at odds with the prevailing character of the surrounding area.
- 10.11 In terms of the physical dimensions of the proposal, which are indicative at this stage, the width of the dwelling is of the same order as the neighbouring terraced and semi-detached dwellings albeit with a deeper gable providing greater internal space than some of the nearby properties.
- 10.12 The overall proportions of the built structure are considerably at odds with those of the surrounding area, and the resulting dwelling would appear out of character with its surroundings. Whilst these details are indicative, due to the constrained nature of the plot this is considered to be the only realistic form of development which could be achieved on the site. The application has therefore failed to overcome the previous reason for refusal and fails to accord with the requirements of Policy LP16 of the Fenland Local Plan (2014).

#### **Impact on biodiversity**

- 10.13 The development on site will result in the loss of a line of semi-mature trees.



- 10.14 These trees do not benefit from protection under either a Conservation Area or a Tree Preservation Order. Notwithstanding this, the comments from the neighbouring landowner have indicated that these trees may be used by foraging bats. Following the refusal of the previous application, this application is accompanied by a preliminary ecological appraisal. Consultee comments received from the PCC Wildlife Officer indicate that a full survey should be submitted.
- 10.15 It is clear that there will be a loss of habitat as a result of the proposal, with the garden landscaping proposed not being of similar merit to that being lost as a result of the proposal. Policy LP19 of the Fenland Local Plan states that the Council will refuse permission for development that would cause demonstrable harm to the protected habitat or species, and to ensure that opportunities are taken to incorporate beneficial features for biodiversity in new development.
- 10.16 It may be possible to establish, through further surveys of the site, if the existing trees and features are utilised by protected species either as nesting/roosting sites or for foraging, however due to the failure of the proposal to comply with other policies of the Fenland Local Plan, it would not result in the alteration of the recommendation for the application, and therefore it was not considered appropriate to require a survey to be completed at this time. Should a further application be made, or an appeal in relation to the current scheme be submitted, it would be appropriate for a survey to accompany the submissions to ensure full consideration of biodiversity matters. As it stands, the development does not comply with the requirements of Policy LP19 of the Fenland Local Plan (2014).

### **Other matters**

- 10.17 The comments received by the neighbouring landowners are noted with regard to encroachment, other construction impacts and flooding of the adjacent lane. The planning application process does not supersede the right of an owner to refuse to grant access onto their land for construction operations, and therefore whether space to accommodate scaffolding during the construction phase is available is not material to the consideration of the planning application.
- 10.18 Similarly, the impacts of the construction phase on neighbouring and nearby properties are not a factor material to the consideration of the application although a Construction Management Plan can be conditioned to limit an impacts during construction and blocking access to neighbouring land is a private matter.
- 10.19 Finally, as noted above, the application site lies within Flood Zone 1, which is the zone of lowest flood risk as set out by the Environment Agency. The reserved matters application would normally set out the proposals with regard to surface and foul water drainage associated with a proposal and therefore the lack of any such detail at this stage is not justification for the refusal of the application.

## **11 CONCLUSIONS**

- 1.1 The proposal is for a single dwelling located on a relatively constrained site, in an area characterised by semi-detached and terraced dwellings, and would consequently result in an incongruous and unattractive feature adversely impacting upon the character and appearance of the surrounding area, contrary to Policy LP16.
- 11.2 The proposal would entail the loss of several trees on the land and their associated biodiversity contributions. There is no survey data included with the

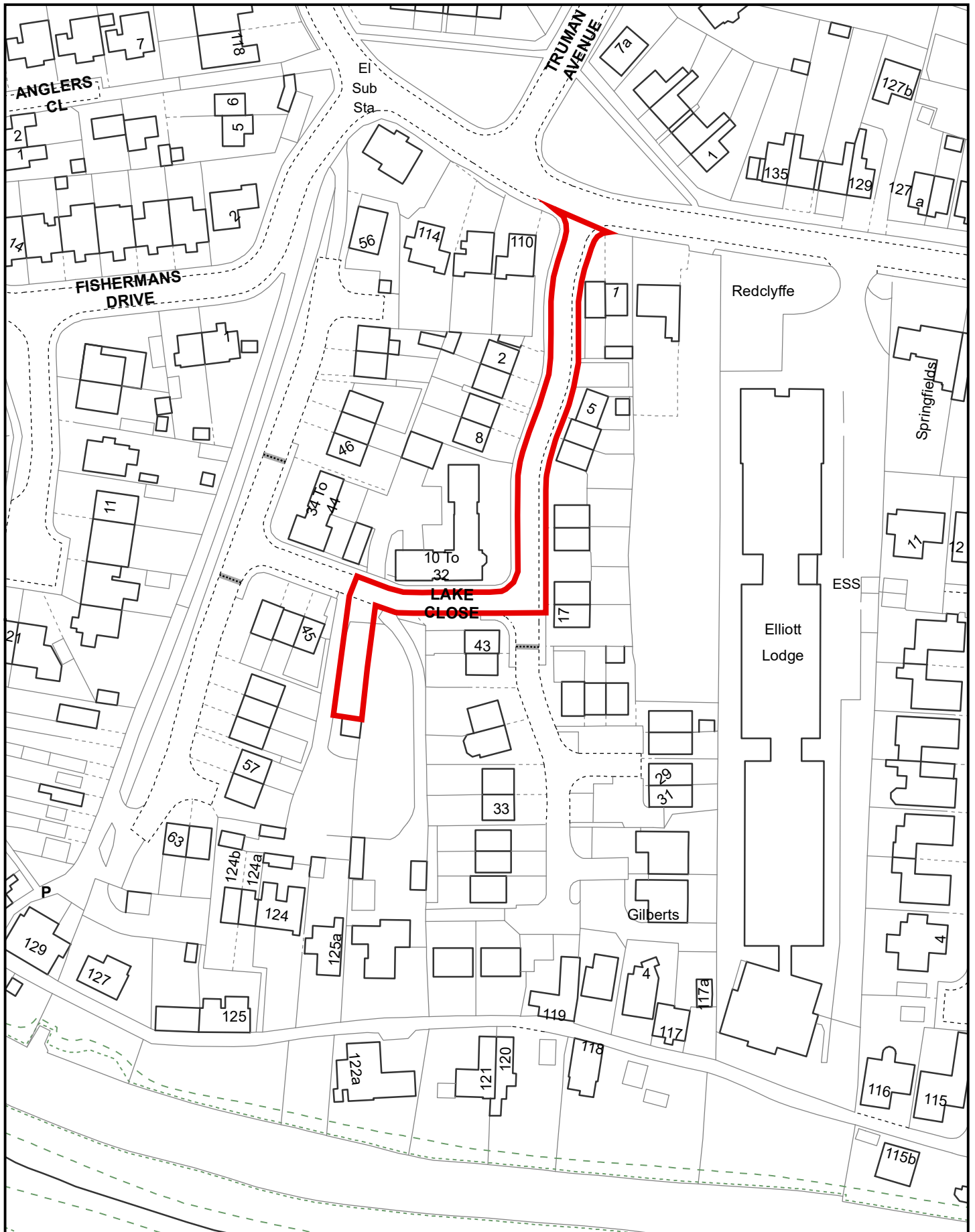
application to indicate that the development will not result in any new negative impacts on protected species and therefore the proposal is considered contrary to Policy LP19.

- 11.3 There are no material considerations that outweigh the harm identified as being caused by the proposal in relation to the above matters sufficient to justify its approval contrary to those policies.

## 12 RECOMMENDATION

- 12.1 **Refuse**, for the following reasons:

1	<p>Policy LP16 (d) of the Fenland Local Plan (2014) requires that development demonstrates that it makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment and does not adversely impact on the street scene or landscape character of the surrounding area. The proposal is for the construction of a single dwelling on the land, with indicative plans showing a two-storey property located within the site.</p> <p>Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development which consist of larger combinations of 2 and 3 connected properties. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).</p>
2	<p>Policy LP19 of the Fenland Local Plan (2014) states that the Council will refuse development that would cause demonstrable harm to a protected habitat or species unless the need for the development outweighs the harm and mitigation/compensation measures can be secured to offset the harm and where possible provide a net biodiversity gain.</p> <p>The proposal will result in the loss of an area of land currently occupied by several mature trees and other landscape features, with the only replacement habitat being the creation of a domestic garden. The application has failed to demonstrate, through the absence of an ecology report, that no harm will be caused to any protected species that might use the site and any requirements to mitigate the potential harm to any protected species. On that basis, it is considered that the application could result in a net loss of biodiversity on the site and the potential loss of habitat used by protected species, contrary to the requirements of policy LP19 of the Fenland Local Plan (2014).</p>



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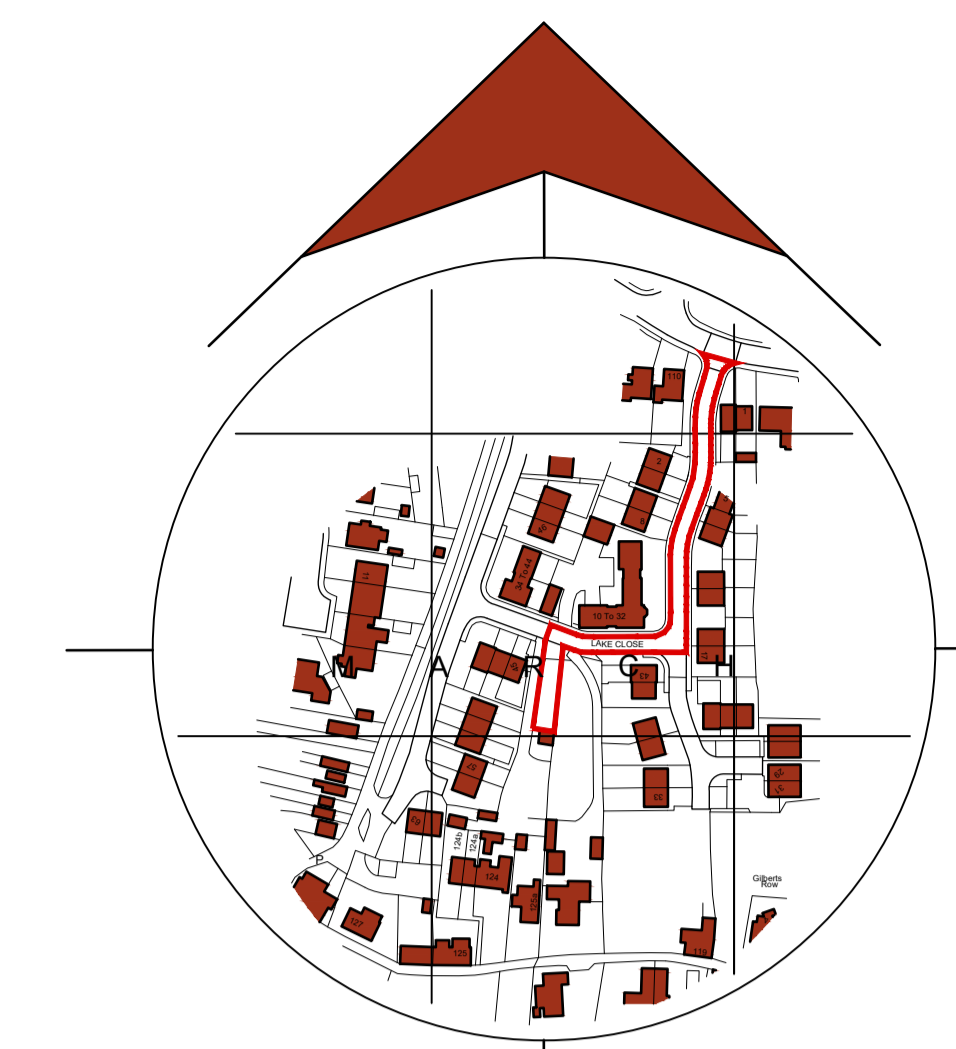
**F/YR22/0994/O**

Scale = 1:1,250



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

SITE AREA
TOTAL SITE AREA - 160.2m <sup>2</sup>
TOTAL AMENITY SPACE - 66.8m <sup>2</sup>



Location Plan  
Scale: 1:2500  
0 20 40 60 80 metres

L A K E C L O S E



Indicative Site Plan  
Scale: 1:100  
0 1 2 3 4 metres

Status  
**FOR APPROVAL**



Swann Edwards Architecture Limited, Swann Edwards Architecture,  
Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
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Job Title Proposed Dwelling Land East of 45 Lake Close March, PE15 8FL for: Mr P Gumbley	Date November 2022	Drawn by G.E. Checked by GE
Drawing Title Survey Drawing	Job No. SE-1367 Dwg No. 100	Sheet Size A1 Revision

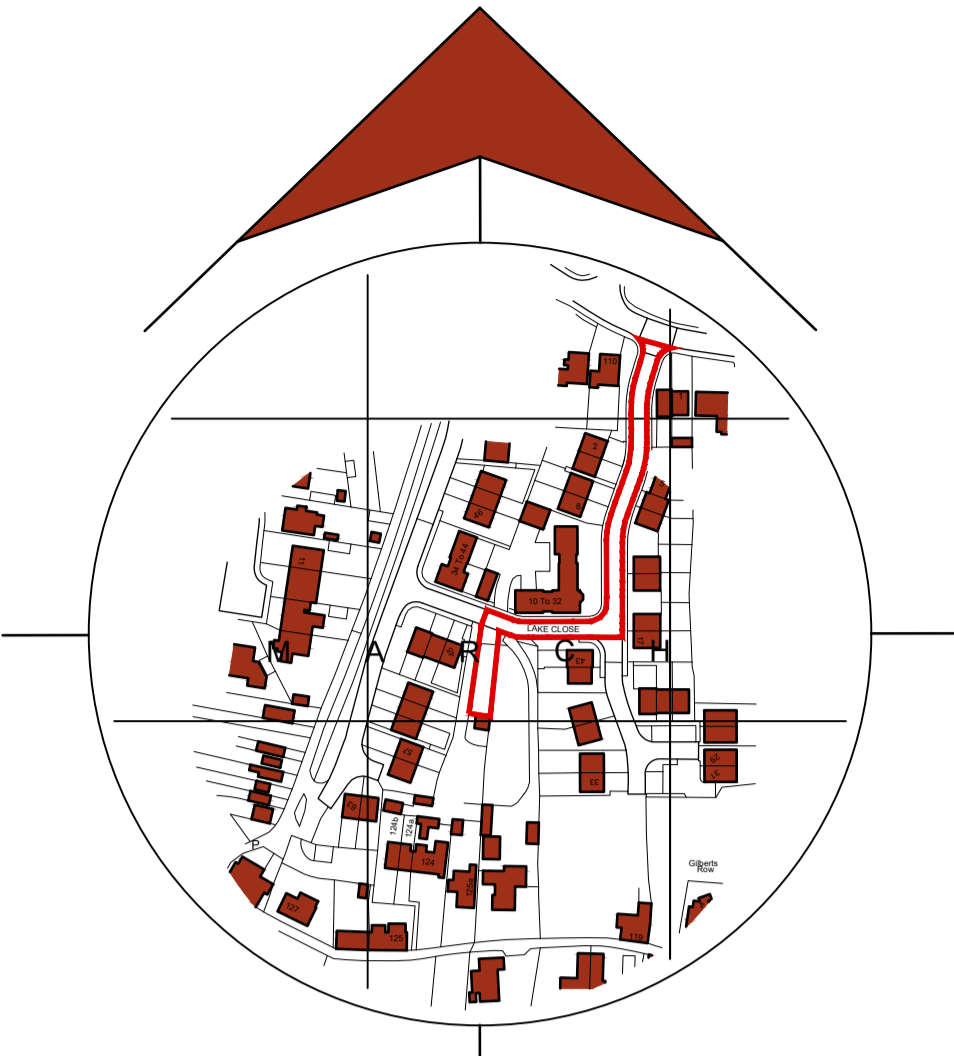




Indicative Street Elevation  
Scale: 1:200  
metres

SITE PLAN KEY

- Indicates un-surveyed buildings taken from OS map
- Indicates proposed block paving
- Indicates existing trees and planting un-surveyed
- Indicates proposed dwelling
- Indicates proposed lawned garden
- Indicates proposed planting
- Indicates proposed site access point
- Indicates existing features to be removed
- Indicates site entrance to be in accordance with the Cambridge County Council Access regulations. Install drainage channel at the edge of the highway boundary so surface water does not drain from the new access onto the highway



Location Plan  
Scale: 1:2500  
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 AREA	
TOTAL SITE AREA -	160.2m <sup>2</sup>
TOTAL AMENITY SPACE -	66.8m <sup>2</sup>



Indicative Site Plan  
Scale: 1:100  
metres

Revisions

F	Nov 2022	Revised for new application
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Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

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t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Dwelling Land East of 45 Lake Close March, PE15 8FL for: Mr P Gumbley	Date January 2020	Drawn by SHE Checked by GE
Drawing Title Outline Planning Drawing	Job No. SE-1367 Dwg No. PP-1000	Sheet Size A1 Revision F

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**F/YR22/0890/F**

**Applicant: Miss C Marshall**

**Agent : Mr Craig Brand**

**Land South Of Field View, Mill Hill Lane, March, Cambridgeshire**

**Erect 4 self/custom build dwellings with garages (2-storey 4-bed)**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission for 4 x 2-storey 4-bed self/custom build dwellings with garages, involving works to Mill Hill Lane from the adopted section of the road up to the access with plot 1.
- 1.2 There are no issues to address in relation to residential amenity or flood risk, and tree and hedge impacts are considered acceptable subject to conditions.
- 1.3 However, the proposal is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would erode the open character and rural nature of the area to its significant detriment, with potential to set a precedent for further incremental encroachment and therefore harm.
- 1.4 This erosion of the undeveloped agricultural backdrop to the grade II listed building of Owl Barn Lodge, is considered to have a negative effect on its setting, resulting in less than substantial harm and it is not considered that the works to a section of Mill Hill Lane and the provision of four additional dwellings on this site, would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge.
- 1.5 Mill Hill Lane is a single track in a poor state of repair, with large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, there are no formal passing places and a lack of turning areas. The existing infrastructure is not considered suitable for further development; the proposed works to Mill Hill Lane are not considered adequate to mitigate this and may not be achievable.
- 1.6 Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species, or identify any mitigation which may be necessary to make the development acceptable.
- 1.7 The recommendation is therefore one of refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site is located on the eastern side of Mill Hill Lane, a single track road in a poor state of repair with a number of large potholes, it is also a public Byway. The adopted section of Mill Hill Lane extends as far as the southern boundary of No.5.
- 2.2 The scheme proposes to utilise a shared private road for 3 of the dwellings (plots 2-4), which is also a public right of way and currently serves Caswell House and Birch Lodge. This is block paved at the junction with Mill Hill Lane leading to a gravelled surface (some of which is showing wear). The remaining plot (plot 1) has a separate access off Mill Hill Lane itself, utilising the existing field access.
- 2.3 The application site is located to the south east of the existing development on Mill Hill Lane, on what appears to be grassed paddock land, there is an existing gated access with an area of hardstanding and hedges/trees to the boundaries. To the north east of the site is the adjacent grade II listed building of Owl Barn Lodge.

### **3 PROPOSAL**

- 3.1 The application seeks full planning permission for 4 x 2-storey 4-bed self/custom build dwellings with garages, involving works to Mill Hill Lane from the adopted section of the road up to the access with plot 1.

- 3.2 Plot 1 - A detached, 2 storey dwelling with a detached double garage:

The dwelling measures 17.7m x 9.4m and 8.7m in height, with accommodation on the ground floor comprising lounge, kitchen/morning room, utility, study and WC, at first-floor level there are 4-bedrooms (1 with en-suite and dressing room), bathroom and landing with library area. Solar PV Panels are proposed to the south eastern roof slope.

The garage measures 7.3m x 6.5m and 5.5m in height.

- 3.3 Plot 2 - A detached, 2 storey dwelling with attached double garage:

Measuring 19.9m x 12.1m and 8.8m in height, with accommodation on the ground floor comprising garage, dining room, lounge, kitchen/morning room, utility, study and WC, at first-floor level there are 4-bedrooms (1 with en-suite and dressing room) and bathroom. Solar PV Panels are proposed to the south eastern roof slope.

- 3.4 Plot 3 - A detached, 2 storey dwelling with a detached single garage:

The dwelling measures 14.35m x 12.1m and 8.7m in height, with accommodation on the ground floor comprising, dining room, lounge, kitchen/morning room, utility, study and WC, at first-floor level there are 4-bedrooms (1 with en-suite and dressing room) and bathroom. Solar PV Panels are proposed to the south eastern roof slope.

The garage measures 3.7m x 9m and 4.3m in height.

- 3.5 Plot 4 - A detached, 2 storey dwelling with a detached single garage:

The dwelling measures 14.3m x 12.9m and 8.8m in height, with accommodation on the ground floor comprising, dining room, lounge, kitchen/morning room, utility, study and WC, at first-floor level there are 4-bedrooms (1 with en-suite and



dressing room) and bathroom. Solar PV Panels are proposed to the eastern roof slope.

The garage measures 3.7m x 9m and 4.3m in height.

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

[F/YR22/0890/F | Erect 4 dwellings with garages \(2-storey 4-bed\) involving works to Mill Hill Lane | Land South Of Field View Mill Hill Lane March Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0890/F)

#### 4 SITE PLANNING HISTORY

Relating to the development site only:

F/YR21/0265/O	Erect up to 4 dwellings (outline application with matters committed in respect of access)	Refused 2/7/2021
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Relating to the shared access:

F/YR18/0996/F	Construction of a shared access (in relation to F/YR18/0210/O)	Granted 21/1/2019
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There are no conditions restricting the use of the access.

#### 5 CONSULTATIONS

##### 5.1 Town Council (16/8/2022 and 22/11/2022)

*Recommendation: Refusal – Over-development at the location.*

##### 5.2 Cambridgeshire County Council Archaeology (31/8/2022)

*On the previous application on the site (F/YR21/0265/O) we recommended that archaeological works would not be necessary in advance of development due to archaeological investigations to the north revealing only evidence of post-medieval agricultural activity (Cambridgeshire Historic Environment Record reference ECB5341).*

*Therefore we have no objection or requirements on archaeological grounds to the development proceeding as proposed.*

##### 5.3 Cambridgeshire County Council Archaeology (16/11/2022)

*We have reviewed the amendments and can confirm that they do not alter the advice given by this office previously, namely that we have no objection or requirements in regards to this development.*

##### 5.4 Conservation Officer (FDC)

The following comments were received on the previous application (F/YR21/0265/O) however are still considered to remain relevant:

*This application seeks Outline consent for the erection of 4 2-storey houses to land to the south of 'Field View' which currently marks the furthest extent of residential development along Mill Hill Lane. The site lies to the south west of a grade II listed barn, listed as 'Barn, Rear of Numbers 29 and 31' off Knights End Road. Dating from the 1700s with early 19<sup>th</sup> century additions, the barn was listed on 22<sup>nd</sup> February 1985. To the immediate north of the redline, a footpath cuts across*

*between Mill Hill Lane and Knights End Road. Long glimpse views of St Wendreda's church spire are visible from along Mill Hill Drove and the footpath.*

*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.*

*Due regard is given to relevant planning history. There has been recent incremental development of detached executive style homes along Mill Hill Lane, however consultation from a conservation officer has not been sought for these developments. This current application stretches the residential boundary and pushes the development further into the setting of the nearby listed building.*

*The following comments are made.*

*'Owl Barn' 33 Knights End Road, listed as 'Barn, Rear of Numbers 29 and 31' currently sits within a large triangle of undeveloped, agricultural land. It is bounded to the north to Knights End Road, to the east by Wimblington Road and to the south and west by the Isle of Ely Way. This area is segmented by Mill Hill Lane, which merges with Mill Hill Drove, along which there are residential dwellings for a short distance, giving way to a sparse scattering of agricultural yards and low-level buildings. Broadly, the wider setting is unchanged since the 19<sup>th</sup> century (as illustrated by historic OS maps). The listed barn once sat in a wide and open rural landscape, presumably associated with a nearby farmstead, but appearing to be isolated in its landscape. That sense of isolation has just about been retained with development encroaching along those roads mentioned above and creeping along Mill Hill Lane, but with the land to the south and west remaining undeveloped. This survival of historic agricultural and rural landscape setting contributes to the special interest of the barn in that it serves to illustrate a relationship between a building and the surrounding farmland thereby enhancing an understanding of rural society in the post-mediaeval/ early modern periods. It is within this context that this proposal is considered.*

*The proposed development will see an extension of the current residential boundary, with houses beginning to encroach into agricultural land, rather than following the predominant building line which currently faces directly on to Mill Hill Lane. This encroachment begins to erode the open character of that land to the south and west of the listed barn. It is acknowledged that immediately to the rear of the barn there are modern sheds and barns which largely obscure the rear elevation and in addition to this, there are mature trees and hedging that offer further screening. However, it must not be assumed that either of these will have any permanent presence and must not be relied upon as buffering or screening of the listed building from the proposed development. The impact of the development is therefore one which will further encroach upon and erode the setting of the listed building, in addition to the impact of the new builds now adjacent to the site, thereby impacting on its significance.*

*The proposed plots will enclose the existing footpath and block potential views to the rear of the barn as well as potentially, long glimpse views of St Wendreda's church spire, further impacting on the setting in which both listed assets can be experienced.*

*There is a concern that if this development is granted approval the existing clear boundary for development and the linear development pattern will be eroded, setting an uncomfortable precedent for future development. This would have the result of enclosing the setting of the listed barn to within that section of land bounded by Mill Hill Drove and Wimblington Road, divorcing it from its wider setting which currently stretches to the Isle of Ely Way.*

*It is felt that the heritage statement submitted with this outline application fails to fully appreciate the setting of the barn and how this setting contributes to its special interest and significance, and therefore how the development will impact upon that significance. It therefore fails to comply with policy LP18 or paragraph 189 of the NPPF.*

*The approval of four new two storey four bed roomed houses, will amount to less than substantial harm to the significance of the listed barn, but no assessment has been made of how that harm may be outweighed by the public benefit of new dwellings. The NPPF 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....irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 193). It is felt that in order to avoid harm and preserve the setting of the listed building, no development ought to be granted beyond that which has been permitted under F/YR17/0819/O.*

#### **5.5 Cambridgeshire County Council Highways (3/2/2023)**

*Mill Hill Lane at the point of access is a Byway. You should therefore consult with CCC's Definitive Map Officer to determine if:*

- 1) access for the four additional dwellings along the Byway is acceptable and*
- 2) if the proposed works (reconstruct with compacted Type 1 overlaid with 50mm road planings) as annotated on the site layout plan CAD 572/1 Rev A are acceptable.*

*While it is strictly speaking outside of my remit, planings may become rutted over time due to the regular passage of vehicles, particularly four wheeled drive vehicles or agricultural vehicles. I would welcome Katherine's (Definitive Map Team) views on the impacts this could have on the Byway.*

*As a general principle, Mill Hill Lane is ill suited for further development due to the narrow width and lack of footways. Each additional dwelling increases the risk of vehicles meeting whereby one will need to reverse long distances or they will pass over the soft verge (which is a hazard). Further development also increases the risk of vehicle and pedestrian conflict.*

*That being said, Mill Hill Lane already provides access to circa 20 dwellings and various agricultural land parcels. The intensification which will be associated with four more dwellings is unlikely to make a material difference to the operation of the highway, so in planning terms is not objectionable.*

*There is a wider issue of incremental development as the negative safety impacts of each dwelling (or small grouping of dwellings) is negligible, but cumulatively over time the impacts could become severe. Should there be further development, at some point carriageway widening and a footway will be needed, but the burden of the infrastructure delivery is likely to be too great for one small development to foot.*

## **5.6 Cambridgeshire County Council Highways (13/2/2023)**

*In regards to Plot 1, my recommendation would be that it is accessed from the existing private drive to the north-west side rather than from Mill Hill Lane. This would reduce impact on the drain and minimise the risk of ambiguous interaction with the bellmouth immediately to the north. It would also be the less trafficked of the two options.*

*If this cannot be accommodated, I would at least remove the 6m radius and replace it was a crossover style access i.e., a traditional driveway layout. This would help distinguish the access from the shared private drive and would force vehicles to turn in and out more slowly.*

*The access to Plots 3 and 4 joins the private road at a skewed angle which can enable vehicles to enter / exit faster than desirable with limited visibility of traffic from Birch House of the adjoining path. But that being said, the risks in safety terms are minimal. Ideally the connection would be closer to perpendicular with some level of pedestrian visibility (a 1.2m hedge could obscure a child).*

*No issue with Plot 2.*

*While I don't object, I do agree that the layout is unnecessarily complex.*

## **5.7 Cambridgeshire County Council Definitive Map Team (18/10/2022)**

*The site is proposed to be accessed via public Byway 22, March, and Public Footpath 18, March. To view the location of the Byway and Footpath please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.*

*Whilst the Definitive Map Team has no objection to this proposal, the Byway and Footpath must remain open and unobstructed at all times.*

*Informatives were also recommended.*

## **5.8 Cambridgeshire County Council Definitive Map Team (13/2/2023)**

*The site is proposed to be accessed via public Byway 22, March, and Public Footpath 18, March. To view the location of the ROW please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.*

*Whilst my previous response from the 18<sup>th</sup> of October, listing our standard informatives, remains pertinent, the surfacing of the entrance to the development has been considered by my colleague, Mark.*

- Please note this is a byway, we will only maintain it to a standard that is used for walkers, equestrians and cyclists, and authority will only maintain it to that level.*
- If any improvements to the surface are proposed, then it will be the responsibility of the landowners of the said development to pay for and maintain the improved surface, any surface changes to the byway would have to be authorities by the Local Highways Authority, Cambridgeshire County Council.*

*Should you be minded to grant planning permission we would be grateful that the following informatives are included:*

- *Public Byway 22, March, and Public Footpath 18, March, must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- *The Public Byway and Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public footpath without lawful authority)*
- *No alteration to the Byway or Footpath's surfaces are permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).*
- *Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- *The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*
- *Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them*
- *The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surfaces of the byway or footpath are damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain them to a byway or footpath standard (respectively). Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.*

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

#### **5.9 Cambridgeshire County Council Definitive Map Team (15/2/2022)**

*The applicant would need to apply for this through a Change of Surface Authorisation form. Further factors such as type of surfacing, structure and widths will need to be considered and discussed with both the Definitive Map Team, our Rights of Way Officer, and Highways Development Management, before it can be approved, and changed via legal process.*

#### **5.10 The March Society**

*This is over-development in this area.*

*Stance: Object*

#### **5.11 Environmental Health (FDC) (23/8/2022)**

*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.*

#### **5.12 Environmental Health (FDC) (17/11/2022)**

*The Environmental Health Team note and accept the submitted re-consultation information in respect of the above application and have 'No Objections'.*

#### **5.13 Refuse Team (FDC)**

*No Objections from a waste collection view point. Shared bin collection point at the end of the private driveway suitable to allow collections.*

#### **5.14 Arboricultural Officer (FDC) (13/2/2023)**

*Regarding the access, if the intention is to only widen the lane to the access for the proposed development then I do not consider that there will be a major impact on the hedge in that area.*

*The problem with hedges being taken into residential developments is that once the hedge is within or marks the boundary of a private garden, it is not protected.*

*Referencing the group of 3 trees in the northeast corner, bit difficult to see if they are within the plot or only one within the plot or all outside, so could do with a site plan with the trees plotted. Either way it is likely that the RPAs will be within the plot and therefore protection measures will be required to prevent the use of plant within the RPA.*

*Wouldn't want to lose that group as they are clearly established trees and would make no sense to remove and replant. The trees are away from the main building so there is little conflict.*

*The tree in the ditch is unlikely to be implicated as it is growing at a lower level and adjacent to an existing track that has been compacted over the years, it is unlikely that there will be too many roots beneath the track.*

#### **5.15 Arboricultural Officer (FDC) (27/2/2023)**

*The placement of the post and rail fence along the east boundary and adjacent to the plotted Willow tree should not be an issue. In the case of the Willow it is a matter of adjusting spacing so that posts are not against the trunk to reduce the possibility of root damage.*

*All retained trees will require protective fencing to ensure there is no damage to the trunks or compaction of the soil. The applicant will need a tree protection plan to ensure that contractors are aware of their obligation to preserve the trees/hedges.*

#### **5.16 Wildlife Officer (FDC)**

*It looks like fundamentally that the biodiversity checklist has been filled out incorrectly, with question 6 being a yes as a linear feature is being directly impacted and question 2 as works are being completed within 5m of a ditch. This should have meant they got a Preliminary Ecological Appraisal completed.*

*The PEA should have then flagged up the fact there is a known population of newts near and Fenlands GCN are often found in features they would normally avoid elsewhere.*

*The ditch does look alright for Watervoles.*

*My recommendation is that a PEA is completed.*

#### **5.17 Local Residents/Interested Parties**

1 objection/1 representation have been received (from Mill Hill Lane, March) in relation to:

- The development is very close to the boundary hedge leading up to Caswell House and Birch Lodge/the location of the boundary fence in relation to the hedge would make maintenance impossible
- Is the private drive suitable for additional traffic/existing drive is around 4m wide only allowing 1 way traffic, no room to park and potential for congestion and restriction of footpath, only a small turning area
- Mill Hill Lane is in a terrible state of repair with huge potholes, and is narrow will the road be adequately repaired/widened to take into account the extra traffic and ongoing farm vehicles
- Development close to boundary with Birch Lodge resulting in a feeling of being overcrowded and this part of the development out of character with the existing dwellings (suggestions made to amend plot 4)
- Impact of additional traffic on residential amenity

10 supporting comments have been received (2 from Upwell Road, 1 from Burrowmoor Road, 2 from High School Close, 4 from Mill Hill Lane, 1 from Linwood Lane, March) in relation to:

- In keeping with other new builds in the vicinity/will enhance area
- Will produce work for local people, assisting economy
- Housing for local families/assist with lack of housing/high quality housing needed
- Good use of land

Matters where they relate to material planning considerations will be addressed in the sections below.

It is noted that suggestions have been made regarding potential amendments to the scheme; the development submitted is what is being applied for and amendments would only be requested by the Council if the impacts were considered significantly adverse and/or the amendments would result in the development being considered acceptable. Nevertheless, the site plan has been updated to relocate the fence serving plot 4 away from the existing hedge to allow for maintenance.

## **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).

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

## **National Design Guide 2021**

Context – C1, C2

Identity - I1, I2

Built Form – B2

Movement – M3

Homes and Buildings – H1, H2, H3

## **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP7 – Urban Extensions

LP9 – March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic 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

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP12 – Meeting Housing Needs

LP13 - Custom and Self Build

LP18 – Development in the Countryside

LP20 – Accessibility and Transport

LP21 – Public Rights of Way

LP22 – Parking Provision (Appendix 6)

LP23 – Historic Environment

LP26 – Carbon Sinks and Carbon Sequestration

LP27 – Trees and Planting

LP28 – Landscape

LP32 – Flood and Water Management

LP39 – Site Allocations for March

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

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

DM4 – Waste and Recycling Facilities

## **March Neighbourhood Plan 2017**

H1 – Large Development Sites



## 8 KEY ISSUES

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

## 9 BACKGROUND

9.1 Whilst not material to the determination of the application it should be noted that the applicant is a Fenland District Council employee.

9.2 The application site has been subject to a previous outline application for 4 dwellings on a smaller site (F/YR21/0265/O), which was refused by Planning Committee in June 2021 for the following reasons:

- 1 *Policies LP9, LP16 (a) and LP18 of the Fenland Local Plan 2014, paras 189, 193 and 196 of the NPPF 2019 and chapter C2 of the NDG 2019 seek to retain the setting and character of Owl Barn Lodge, protect and enhance affected heritage assets and their settings, ensure that the potential impact on the significance of any heritage asset is assessed and weighed against the public benefit of a proposal whilst giving great weight to an assets conservation.*

*The Heritage Statement submitted fails to fully appreciate the setting of the barn and how this setting contributes to its special interest and significance and is not considered that the provision of four additional dwellings on this site would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge. As such, the proposal is considered contrary to the aforementioned policies.*

- 2 *Policy LP2 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 127 of the NPPF 2019 and chapters C1 and I1 of the NDG 2019 seek to ensure that developments avoid adverse impacts, make a positive contribution to the local distinctiveness and character of the area and that the local built environment and landscape setting inform proposed development.*

*The proposed development does not retain a presence fronting Mill Hill Lane at odds with the predominant character of the area and is considered to erode the open character and rural nature of the area to its significant detriment, with potential to set a precedent for further encroachment and therefore harm. As such, the proposal is considered contrary to the aforementioned policies.*

- 3 *Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 108 of the NPPF 2019 which seek to achieve a safe and suitable access for all users.*

*Mill Hill Lane is a single track in a poor state of repair, with a poor surface and*

*large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, there is also a lack of turning areas. The existing infrastructure is not considered suitable for further development in its current form and as such the proposal is considered contrary to the aforementioned policies.*

- 9.3 The current submission seeks to overcome the above reasons for refusal, however it should be noted that the impact of developing the site in relation to the setting of the Grade II listed Owl Barn Lodge and the encroachment into the open countryside and resultant significant detrimental impact on the character of the area remains, in fact the application site has now extended creating additional incursion and Mill Hill Lane remains unsuitable for further development.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The application site is located on the edge of 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 heritage, residential or visual amenity, highways and parking, flood risk and drainage and ecology.
- 10.2 The site is located within the south-west March broad location for growth. Policy LP7 advises that urban extensions such as this must be planned and implemented in a co-ordinated way through an agreed overarching broad concept plan (BCP). A preliminary BCP was put forward as part of application FYR15/0961/F, however this fell short of the requirements of LP7 and as such was not endorsed.
- 10.3 Policy LP5, Part C seeks to provide, in appropriate circumstances, housing solutions that meet market expectations including self-build homes, which is supported by para 62 of the NPPF. Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Weight would therefore be given to this, the amount dependant on identified demand.
- 10.4 Self-build or custom build housebuilding covers a wide spectrum, however LPA's must be satisfied that the initial owner of the home will have primary input into its design. Off plan housing is not considered to meet the definition of self and custom build. This application provides full details of all 4 plots and as such it is not considered to meet this definition, however, even if the proposal was considered to meet the definition, the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can be afforded to this.
- 10.5 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; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement. LP39 defines residential site allocations in March and this site does not have such an allocation. As such the proposal would also be considered contrary to the aforementioned policies of the emerging local plan.

### **Heritage**

- 10.6 Policy LP9 indicates that any comprehensive development of the area (south-west March broad location for growth) is expected to be predominately residential (around 500 dwellings) with some business development towards the south of the area. The policy states that the '*setting and character of Owl Barn Lodge should be retained*'. The proposal is considered to be located within the setting of the Grade II listed Owl Barn Lodge.
- 10.7 Policy LP18 of the Fenland Local Plan 2014 and para 194 of the NPPF 2021 require proposals which affect heritage assets to describe and assess the significance of the asset, identify the impact of the proposed works on the special character of the asset and provide a clear justification of the works, to enable any harm created to be weighed against any public benefits of the proposal. A detailed Heritage Statement has been submitted to accompany the application which is considered to comply with the aforementioned policies and as such overcomes that element of the previous reason for refusal.
- 10.8 However, para 199 of the NPPF states that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm. The Heritage Statement acknowledges that '*The dwellings would lead to a further erosion of part of the undeveloped agricultural backdrop to the listed building having a negative effect on the setting of the listed building*' and considers the proposed development to have less than substantial harm on the significance of the listed barn, which is concurred with.
- 10.9 Para 202 of the NPPF states that where a development would have less than substantial harm, this harm should be weighed against the public benefits of the proposal. The proposal is for self/custom build dwellings, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and a sufficient supply of housing (6.69 years), hence there is no overriding need for the development. It is acknowledged that the development proposes works to Mill Hill Lane (Byway 22, March), from the southern boundary of No.5 to the access serving plot 1, an extent of approximately 65m. Cambridgeshire County Council's Definitive Map Team have advised that the Byway would be maintained by them to a standard use for walkers, equestrians and cyclists, which are likely to be the majority of users; hence these works are only of real benefit to the existing/approved dwellings which are accessed beyond the adopted highway and the proposal, rather than a benefit to the wider public.
- 10.10 As such, Officers do not agree with the conclusion of the submitted Heritage Statement in respect of this matter, and do not consider that the provision of four additional dwellings on this site would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge. The proposal is therefore considered contrary to Policies LP9, LP16 (a) and LP18 of the Fenland Local Plan

2014, paras 194, 199 and 202 of the NPPF 2021 and chapter C2 of the NDG 2021.

- 10.11 Whilst it is acknowledged in the Minutes of Planning Committee on 30/6/2021 regarding the previous application on this site (F/YR21/0265/O) that some Members did not agree with Officers' assessment of heritage impact, the Committee ultimately agreed with the Officer recommendation of refusal and the reasons for refusal put forward, there has been no material change in circumstance since this time which would overcome these reasons.
- 10.12 Cambridgeshire County Council Archaeology have no objection or requirements in relation to the scheme, advising that archaeological works would not be necessary in advance of development, due to archaeological investigations to the north revealing only evidence of post-medieval agricultural activity.

**Design considerations and visual amenity of area**

- 10.13 The design of existing dwellings along Mill Hill Lane is diverse with a mix of single-storey and 2 storey properties of a range of eras and architectural detailing, constructed in a variety of materials. Those in the immediate vicinity of the site are modern, detached 2-storey dwellings constructed in a mix of red, red multi and buff bricks with red and grey roof tiles. The Barn, 7 Mill Hill Lane, and the approved dwelling on the plot to the north of the site (F/YR22/0936/F) feature detached garage in front of the dwellings. The application proposed 4 large detached 2-storey dwellings of a design and scale comparable to the recently constructed dwellings to the north. Plot 1 has been slightly amended to provide an access from and therefore a frontage presence with Mill Hill Lane, though this does not face directly towards the byway, but at an angle so the side elevation has a more direct relationship. The applicant's agent has withdrawn details of materials from the submission and as such these would be subject to a condition should the application be successful.
- 10.14 Mill Hill Lane is characterised in the main by large, detached dwellings on plots of varying sizes, development is largely linear facing Mill Hill Lane, though there is some in depth development either built or granted at Mulberry Close and to the rear of Field View and No.s 4-5 Mill Hill Lane. These developments were located within established residential gardens (such as the development to the north of the application site) or on land which is surrounded by gardens and which does not extend any further south than the existing built form and would therefore not have a significant impact on the character of the area as a result of encroachment into the open countryside.
- 10.15 The developments furthest south on Mill Hill Lane are separated from the wider countryside by boundaries of hedges, trees and/or ditches, there is a clear character change beyond this as the byway narrows further, enclosed by high hedges and the area is characterised by open fields with sporadic development, indicating where the settlement ends, and open countryside begins. The proposal is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would erode the open character and rural nature of the area to its significant detriment. It is acknowledged that the site is located in a broad location for growth, however that would come forward as a planned, comprehensive development and not piecemeal erosion which would set a precedent for further encroachment and therefore harm. As such the proposal is considered contrary to Policy LP2 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 130 of the NPPF 2021 and chapters C1 and I1 of the NDG 2021.

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

- 10.16 The relationships and distances between proposed dwellings and proposed and existing/approved dwellings is considered to be acceptable, subject to ensuring that en-suite windows to plots 3 and 4 are obscure glazed (a condition could be imposed). It is acknowledged that overlooking from plot 1 to plot 2 would be slightly more direct due to the siting of plot 1 and that outlook from plots 2 and 4 would be impacted by the garages of the adjoining plots.
- 10.17 The closest relationship between the proposal and existing dwellings would be with Birch House and plot 4; Birch House has 2 secondary windows serving the lounge on the ground floor and 2 en-suite windows on the first floor which face towards the application site, the proposed garage serving plot 4 is located approximately 4.7m from Birch House and the closest point of the proposed dwelling is approximately 9m distant. The southern boundary of Birch House is in very close proximity to the boundary fence and as such the lounge windows would already experience a poor outlook and loss of light, this would also limit any potential loss of privacy from the proposed development to these windows, and the first floor windows are obscure glazed (as indicated on the approved plans for F/YR19/0563/RM under which Birch House was built).
- 10.18 It is acknowledged that the use of the existing private access road by 3 additional dwellings would result in some additional noise and disturbance, particularly as the surface is gravel, however this is not considered to be significantly adverse and any loss of privacy would already be experienced as a result of visitors to the site and users of the public right of way, which runs along the access and then alongside Birch House.
- 10.19 The proposed dwellings have in excess of a third of the plot for private amenity space in accordance with Policy LP16 (h) of the Fenland Local Plan 2014.
- 10.20 It has verbally been confirmed that the refuse team currently collect from Mill Hill Lane using a small 7.5 tonne refuse truck due to the narrowness of the road, and that a further 4 dwellings would not compromise their ability to provide this service. The proposed site layout indicates a bin collection area of a suitable size to serve the proposed development, however due to the location of the plots this would result in distances of in excess of 30m for future residents of some plots to carry bins between storage and collection areas, across a mainly gravelled surface contrary to the advice within Policy DM4 and RECAP guidance. It does not appear that a formal bin collection point was established for Caswell House and Birch House and unfortunately this cannot be secured as part of this application as it does not relate to it.

### **Highways and Parking**

- 10.21 Mill Hill Lane is a single track in a poor state of repair, with large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, of varying widths however there are no formal passing places and a lack of turning areas, consequently there is potential for vehicle to vehicle conflict and for pedestrians, cyclists and equestrians to conflict with vehicles. Mill Hill Lane currently serves 19 dwellings at the top of the road with a further 2 mobile homes, a farm and associated bungalow further south. There is also planning permission for 2 dwellings west of 4-5 Mill Hill Lane (F/YR20/0335/O and F/YR21/1192/RM) and a plot south of Field View for which permission for 1 dwelling has recently been obtained (F/YR22/0936/F). Hence the potential for this

to be used by up to 25 dwellings and a farm (there may be other uses for which there are no postal address records).

- 10.22 The LHA have raised concerns regarding the impact of further incremental development increasing the likelihood of conflict, with potential for impacts to become severe, and questioning the suitability of the existing infrastructure to support further development. It is considered that in its current form Mill Hill Lane has reached its limit in terms of development.
- 10.23 It is acknowledged that the development proposes works to Mill Hill Lane (Byway 22, March), from the southern boundary of No.5 to the access serving plot 1, an extent of approximately 65m. This involves resurfacing and minimal widening, which would provide some improvement, albeit primarily to the existing/approved dwellings which are accessed beyond the adopted highway and the proposal, rather than a benefit to the wider public. Cambridgeshire County Council's (CCC) Definitive Map Team have advised that the Byway would be maintained by them to a standard use for walkers, equestrians and cyclists and any improvement to the surface would be the responsibility of the landowner of the proposed development to pay for and maintain going forward. Furthermore, an application to CCC for these works would be required and factors such as the type of surfacing, structure and widths would need to be considered and discussed with both the Definitive Map Team, Rights of Way Officer, and Highways Development Management, before it could be approved, and changed via legal process. As such, there are no guarantees that the works indicated could be achieved and if minded to grant the application a pre-commencement condition would be required in this respect, with the development unable to go ahead if a suitable solution cannot be achieved.
- 10.24 Nevertheless, the fundamental issue of the suitability of Mill Hill Lane for further development and thereby potential for conflict remains. As such the proposal is considered contrary to Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 which seek to achieve a safe and suitable access for all users.
- 10.25 The development proposes to share the access road constructed under F/YR18/0996/F in relation to the development of Caswell House and Birch House. This access is 5m wide for the first 10m allowing for cars to pass one another at the junction, narrowing to 4.3m for the remainder and a turning head is provided. The access is also a public footpath, hence any number of pedestrians may use this in addition to residents. If permitted this private drive would serve 6 dwellings. Whilst this situation is not ideal, there is space for cars to pass/wait at the junction and turn and sufficient width for vehicles and pedestrians to pass safely, it would also be possible to view vehicles/pedestrians using the private road and wait accordingly if necessary. The private drive is currently utilised by 2 existing dwellings, it is already showing signs of wear and was finished less than 2 years ago, it does not appear that a management and maintenance strategy was established under the previous permissions, hence if would be necessary to condition this should the application be successful to ensure that a suitable access is achieved going forward.
- 10.26 The access arrangement for each of the proposed dwellings is convoluted and whilst the LHA have no objections, they do agree that the layout is unnecessarily complex; amendments suggested by them to provide some improvement to the scheme have however been incorporated.

- 10.27 Each proposed dwelling has parking for at least 3 vehicles in accordance with Policy LP15 and Appendix A of the Fenland Local Plan and turning is available, albeit again it is acknowledged this arrangement, in particular for plots 3 and 4, is convoluted.
- 10.28 It is considered that due to the constraints of the area, if the application is successful, a Construction Management Plan would be required, which could be secured by condition.

#### **Flood Risk and Drainage**

- 10.29 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development in this respect and does not require the submission of a flood risk assessment or inclusion of mitigation measures.
- 10.30 Whilst some surrounding areas are at high risk of surface water flooding, the most recent data ([Learn more about this area's flood risk - GOV.UK \(flood-warning-information.service.gov.uk\)](https://www.gov.uk/government/collections/flood-warning-information-service)) confirms the site to be at low/very low risk of surface water flooding. Ultimately issues of surface water will be considered under Building Regulations, as such there are no issues to be address in relation to Policy LP14.

#### **Trees/Hedges**

- 10.31 The application site is bounded by trees and hedges and there is a Tree Preservation Order (TPO 10/1974) on the western side of Mill Hill Lane. The Council's Arboricultural Officer has no objections to the scheme, however makes recommendations in relation to the proposed post and rail fencing, advises that all retained trees will require protective fencing and a tree protection plan would be required to ensure that contractors are aware of their obligations, full details of which could be secured by condition.
- 10.32 The existing hedge which forms the boundary of the site and Mill Hill Lane is currently protected, however should the application be successful it would form the boundary of a private garden (plot 1) which would remove this protection, as such it is considered necessary to impose a condition to secure its retention.

#### **Ecology**

- 10.33 Public Authorities have a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to conserving biodiversity in policy and decision making.
- 10.34 Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.
- 10.35 Paragraph: 018 of the NPPG (Reference ID: 4-018-20170728) states that:

*Information on biodiversity and geodiversity impacts and opportunities needs to inform all stages of development (including site selection and design, pre-application consultation and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate.*

*Even where an Environmental Impact Assessment is not needed, it might still be appropriate to undertake an ecological survey, for example, where protected species may be present or where biodiverse habitats may be lost.*

- 10.36 The Council's Wildlife Officer considers that the submitted biodiversity checklist has been completed incorrectly, that the development has potential to impact protected species and as such a Preliminary Ecology Appraisal should have been undertaken.
- 10.37 Hence, insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species, or identify any mitigation which may be necessary to make the development acceptable, as such the application is considered contrary to the aforementioned policies.
- 10.38 It should be noted that the development site differs from the previously submitted application (F/YR21/0265/O) and additional data is now available from Natural England in relation to Great Crested Newt Zones, for which this site is amber, advice was therefore sought from the Wildlife Officer regarding the necessity for further information in this regard.
- 10.39 The applicant's agent has advised that a survey is proposed to be undertaken, however at the time of writing this was not available. Should further information be forthcoming an update will be provided to Members. Given that there are other issues with this application resulting in a recommendation of refusal it was considered prudent to progress the application with an additional reason for refusal in this regard. Please be advised that to grant this application without the necessary consideration of this matter would result in the Council failing to meet its legal duty.

## **11 CONCLUSIONS**

- 11.1 There are no issues to address in relation to residential amenity or flood risk, and tree and hedge impacts are considered acceptable subject to conditions.
- 11.2 However, the proposal is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would erode the open character and rural nature of the area to its significant detriment, with potential to set a precedent for further incremental encroachment and therefore harm.
- 11.3 This erosion of the undeveloped agricultural backdrop to the grade II listed building of Owl Barn Lodge, is considered to have a negative effect on its setting, resulting in less than substantial harm and it is not considered that the works to a section of Mill Hill Lane and the provision of four additional dwellings on this site, would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge.
- 11.4 Mill Hill Lane is a single track in a poor state of repair, with large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, there are no formal passing places and a lack of turning areas. The existing infrastructure is not considered suitable for further development; the proposed works to Mill Hill Lane are not considered adequate to mitigate this and may not be achievable.



- 11.5 Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species, or identify any mitigation which may be necessary to make the development acceptable.

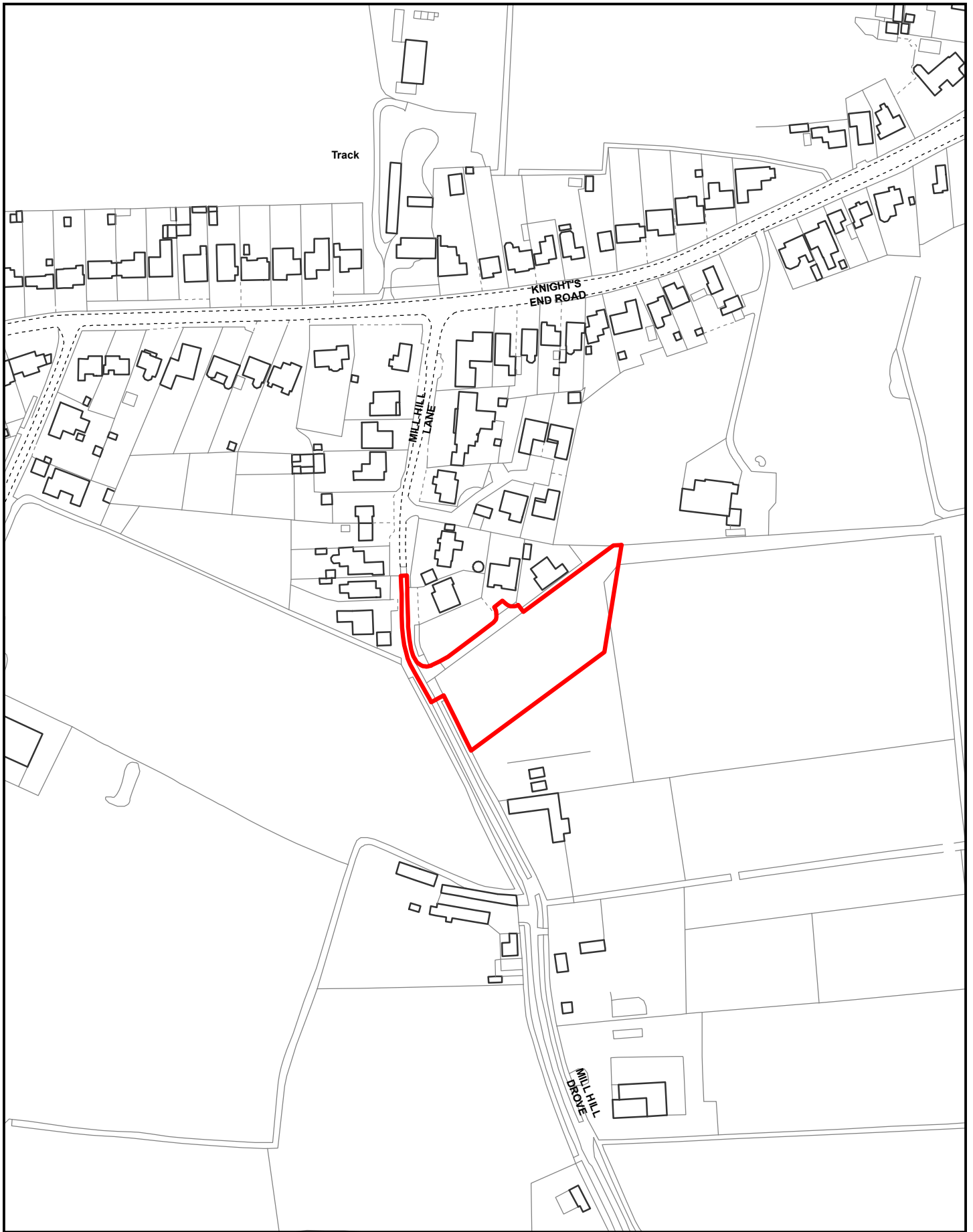
## 12 RECOMMENDATION

**Refuse;** for the following reasons:

1.	<p>Policies LP9, LP16 (a) and LP18 of the Fenland Local Plan 2014, paras 194, 199 and 202 of the NPPF 2021 and chapter C2 of the NDG 2021 seek to retain the setting and character of Owl Barn Lodge and protect, conserve and enhance heritage assets and their settings.</p> <p>The proposed development is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would lead to a further erosion of the undeveloped agricultural backdrop to the listed building, having a negative effect on its setting, resulting in less than substantial harm.'</p> <p>It is not considered that the works to a section of Mill Hill Lane and the provision of four additional dwellings on this site, would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge. As such, the proposal is considered contrary to the aforementioned policies.</p>
2.	<p>Policy LP2 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 130 of the NPPF 2021 and chapters C1 and I1 of the NDG 2021 seek to ensure that developments avoid adverse impacts, make a positive contribution to the local distinctiveness and character of the area and that the local built environment and landscape setting inform proposed development.</p> <p>The proposal is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would erode the open character and rural nature of the area to its significant detriment, with potential to set a precedent for further incremental encroachment and therefore harm. As such, the proposal is considered contrary to the aforementioned policies.</p>
3.	<p>Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 seek to achieve a safe and suitable access for all users.</p> <p>Mill Hill Lane is a single track in a poor state of repair, with large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, there are no formal passing places and a lack of turning areas. The existing infrastructure is not considered suitable for further development; the proposed works to Mill Hill Lane are not considered adequate to mitigate this and may not be achievable, as such the proposal is considered contrary to the aforementioned policies.</p>
4.	<p>Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021 seek to conserve, enhance and promote biodiversity.</p>

Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.

Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species, or identify any mitigation which may be necessary to make the development acceptable, as such the application is considered contrary to the aforementioned policies.



Created on: 10/08/2022

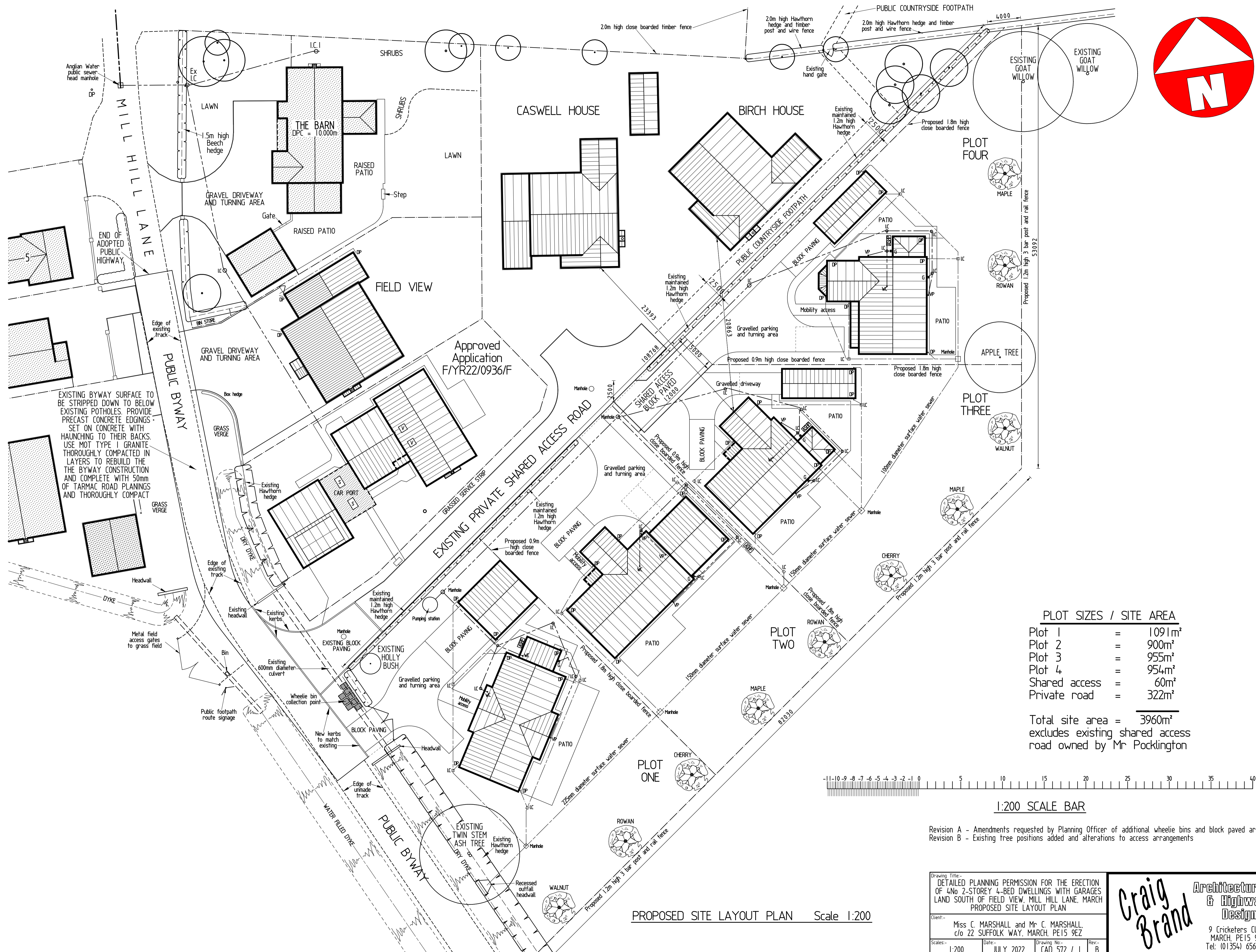
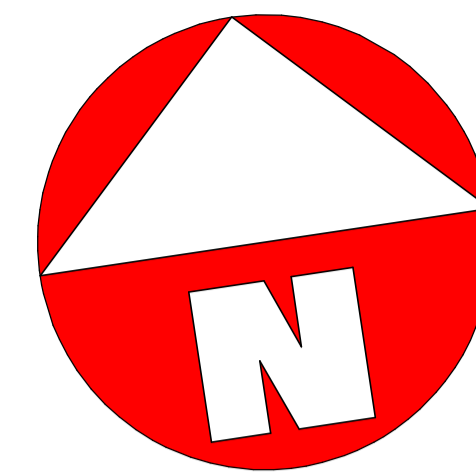
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**F/YR22/0890/F**

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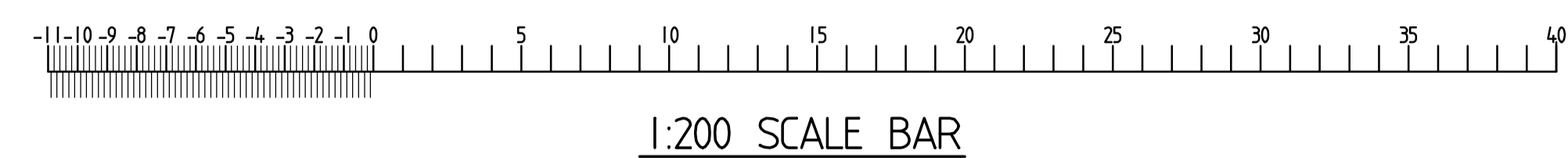
EXISTING BYWAY SURFACE TO BE STRIPPED DOWN TO BELOW EXISTING POTHoles. PROVIDE PRECAST CONCRETE EDGINGS SET ON CONCRETE WITH HAUNCHING TO THEIR BACKS. USE MOT TYPE 1 GRANITE THOROUGHLY COMPACTED IN LAYERS TO REBUILD THE THE BYWAY CONSTRUCTION AND COMPLETE WITH 50mm OF TARMAC ROAD PLANNING AND THOROUGHLY COMPACT

Approved Application F/YR22/0936/F

**PLOT SIZES / SITE AREA**

Plot 1	=	1091m <sup>2</sup>
Plot 2	=	900m <sup>2</sup>
Plot 3	=	955m <sup>2</sup>
Plot 4	=	954m <sup>2</sup>
Shared access	=	60m <sup>2</sup>
Private road	=	322m <sup>2</sup>

Total site area = 3960m<sup>2</sup>  
excludes existing shared access road owned by Mr Pocklington



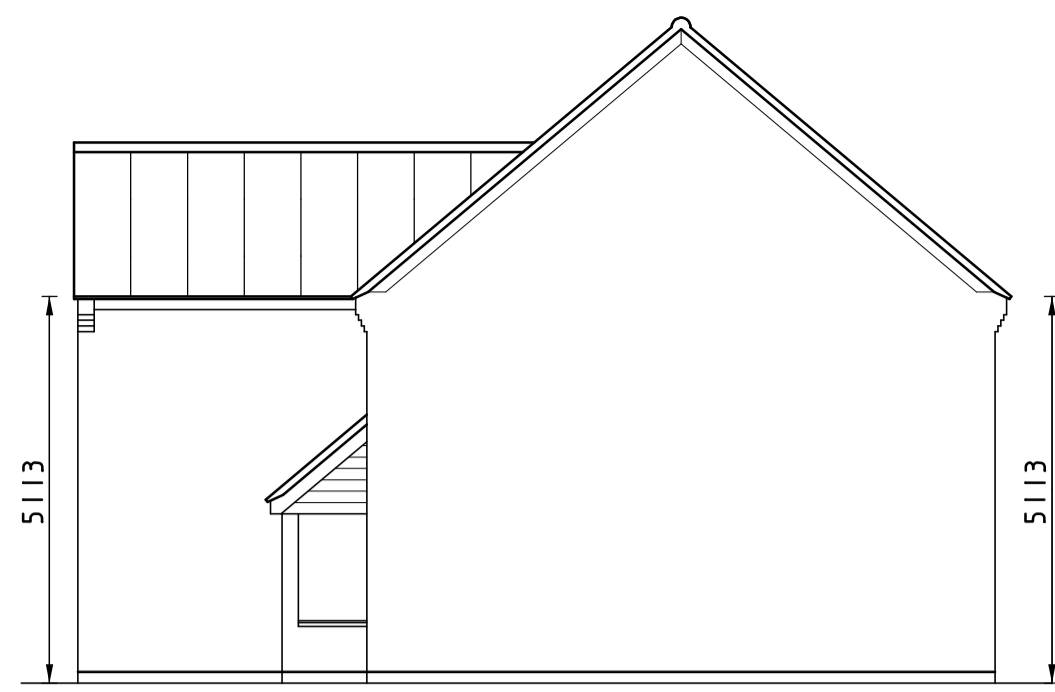
Revision A - Amendments requested by Planning Officer of additional wheelie bins and block paved areas.  
Revision B - Existing tree positions added and alterations to access arrangements

Drawing Title:-  
DETAILED PLANNING PERMISSION FOR THE ERECTION OF 4No 2-STORY 4-BED DWELLINGS WITH GARAGES LAND SOUTH OF FIELD VIEW, MILL HILL LANE, MARCH PROPOSED SITE LAYOUT PLAN  
Client:-  
Miss C. MARSHALL and Mr C. MARSHALL, c/o 22 SUFFOLK WAY, MARCH, PE15 9EZ  
Scales:- 1:200 Date:- JULY 2022 Drawing No:- CAD 572 / 1 Rev:- B

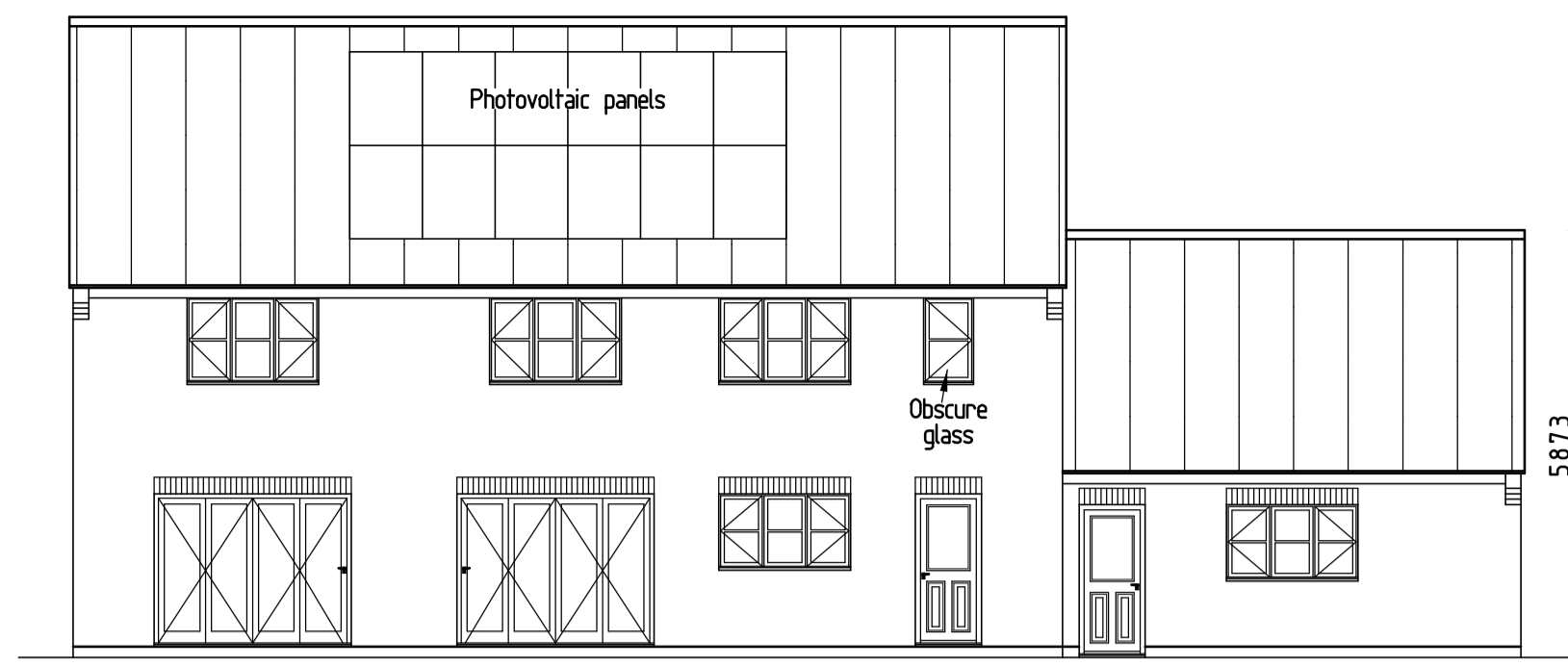
**Craig Brand** Architectural & Highway Design.  
9 Cricketers Close, MARCH, PE15 9RU, Tel: (01354) 656977.

PROPOSED SITE LAYOUT PLAN Scale 1:200

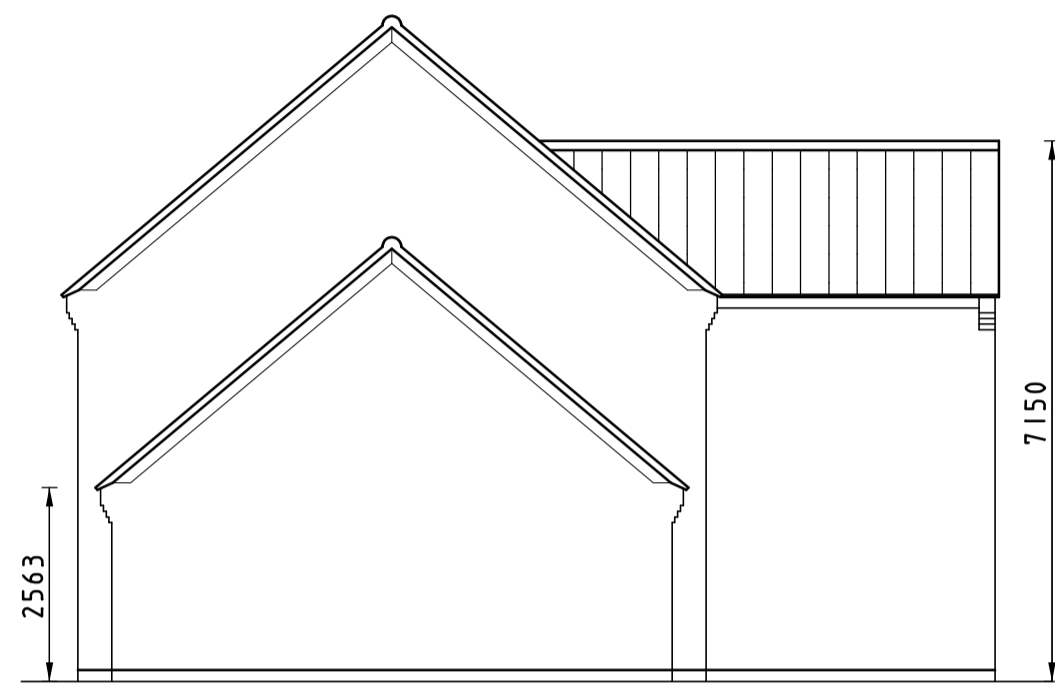




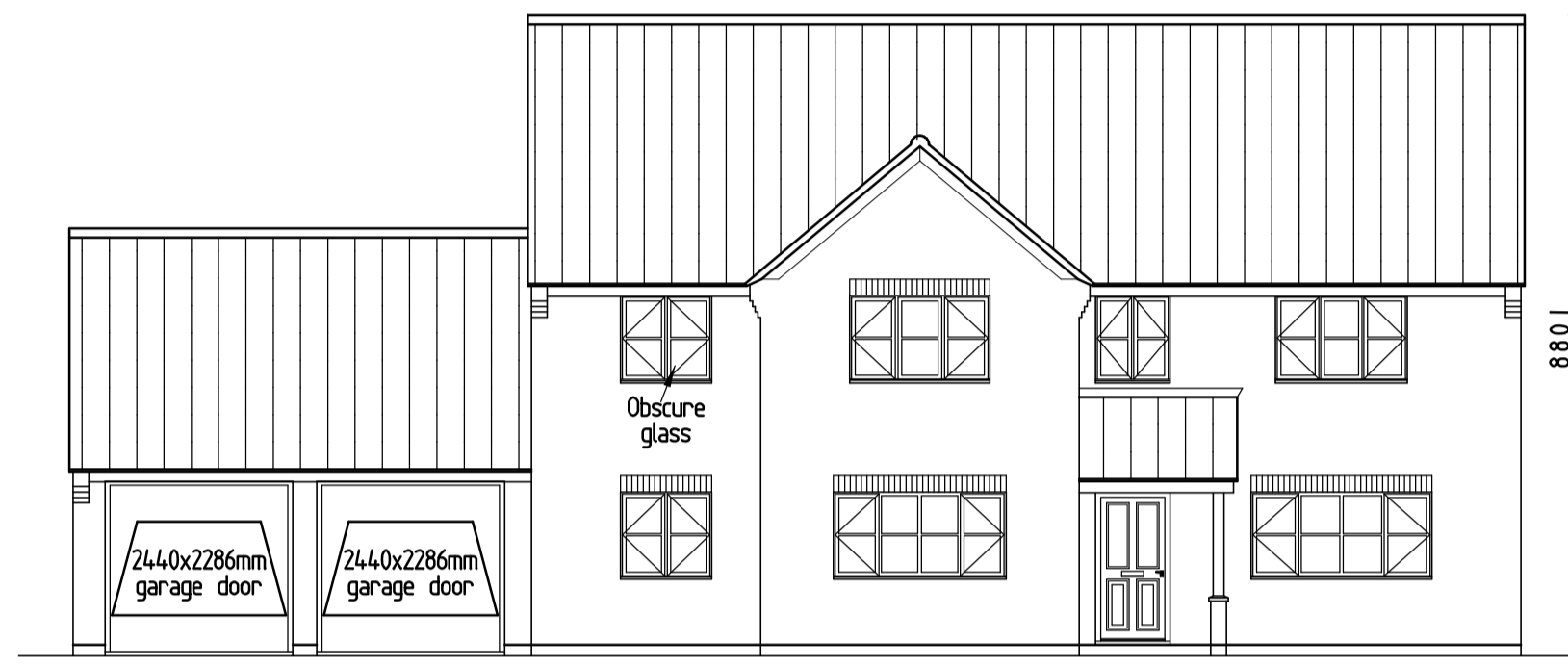
SOUTH-WEST ELEVATION



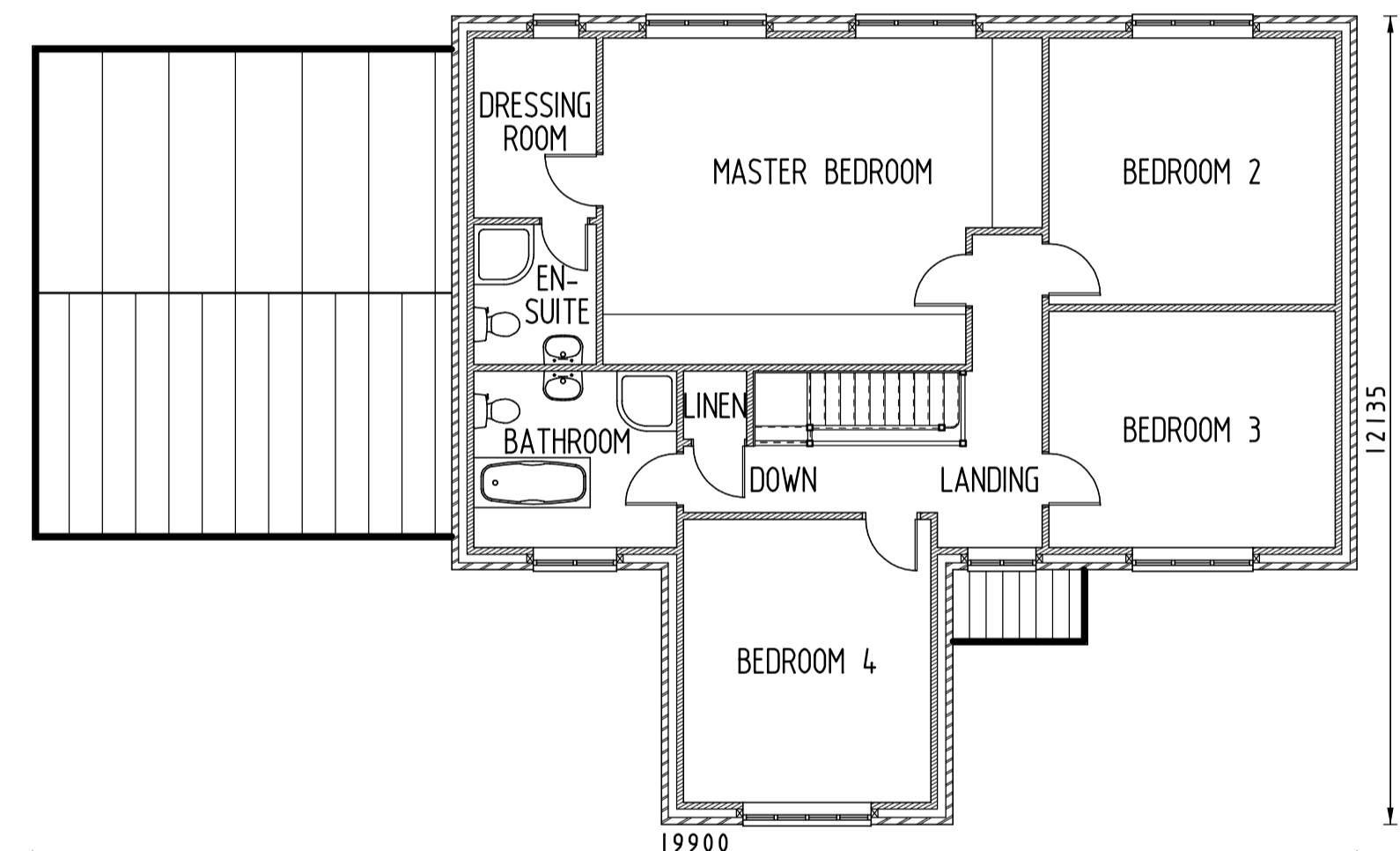
SOUTH-EAST ELEVATION



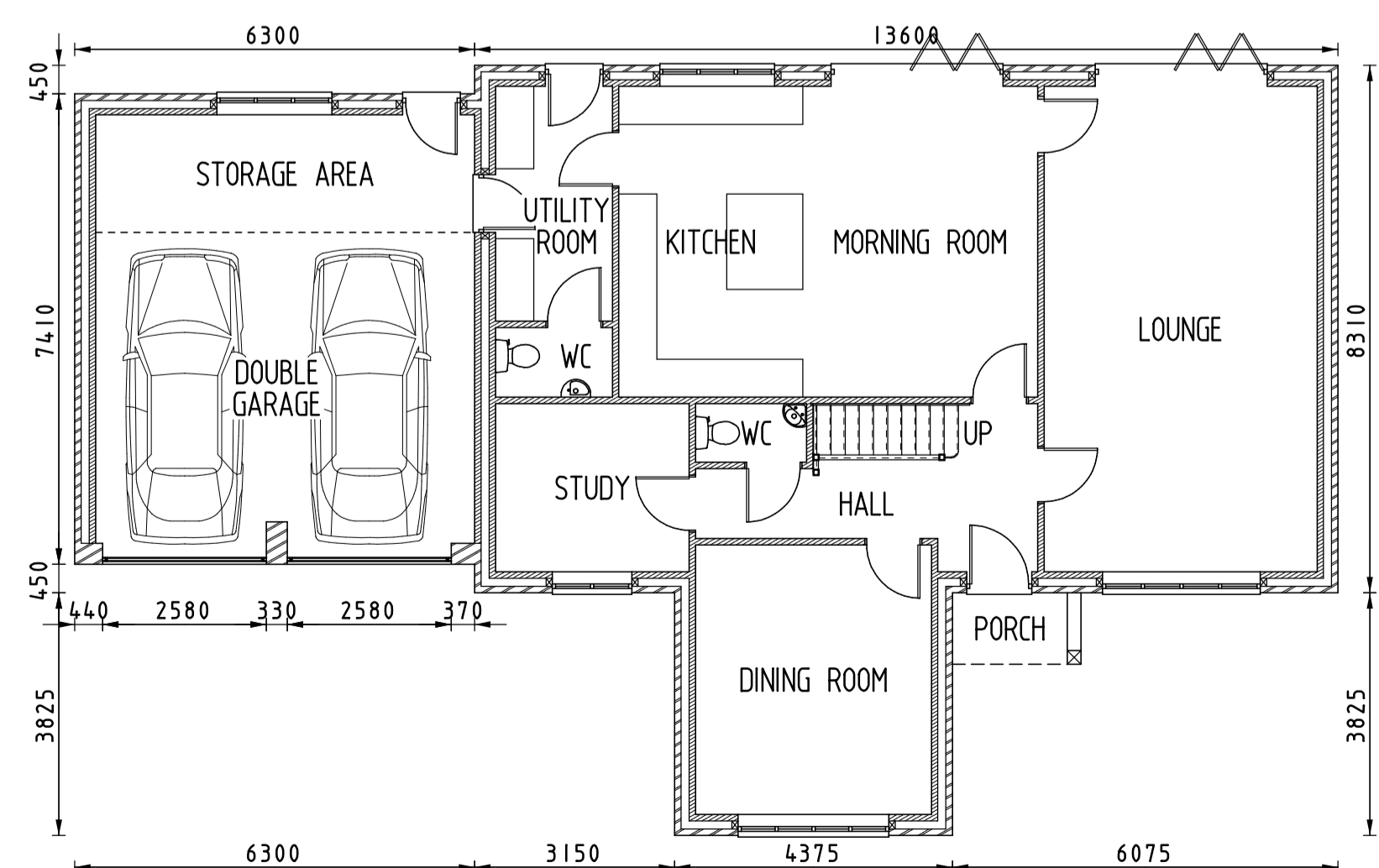
NORTH-EAST ELEVATION



NORTH-WEST ELEVATION

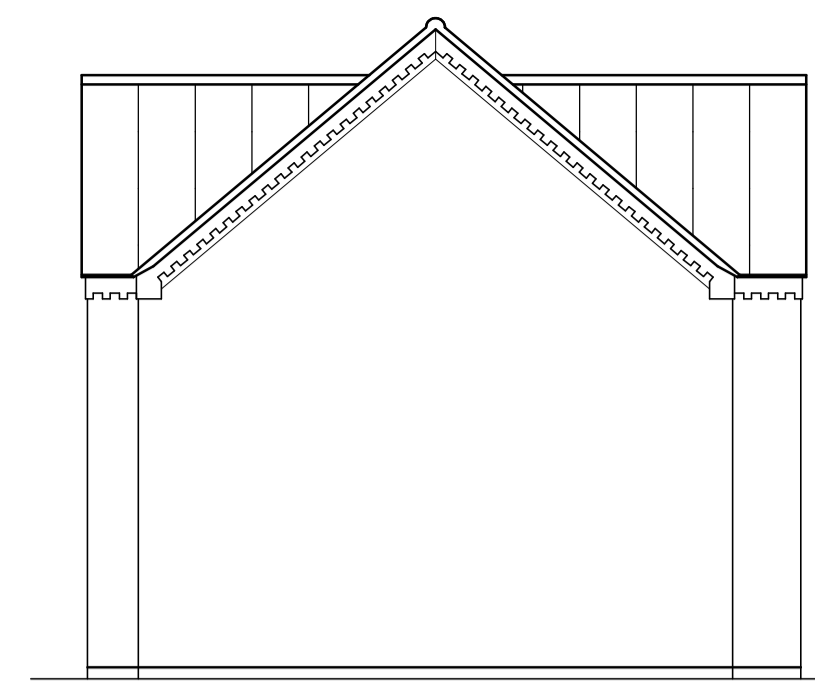


FIRST FLOOR LAYOUT PLAN

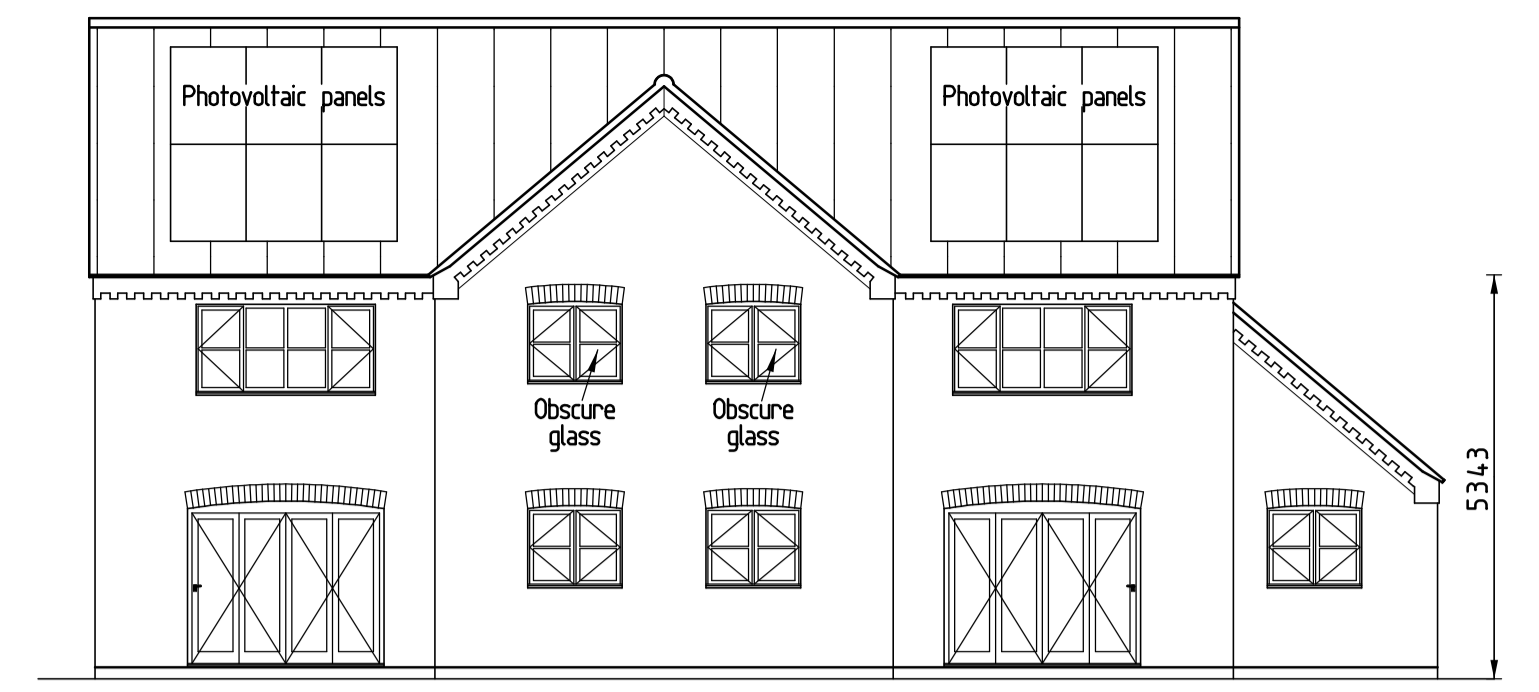


GROUND FLOOR LAYOUT PLAN

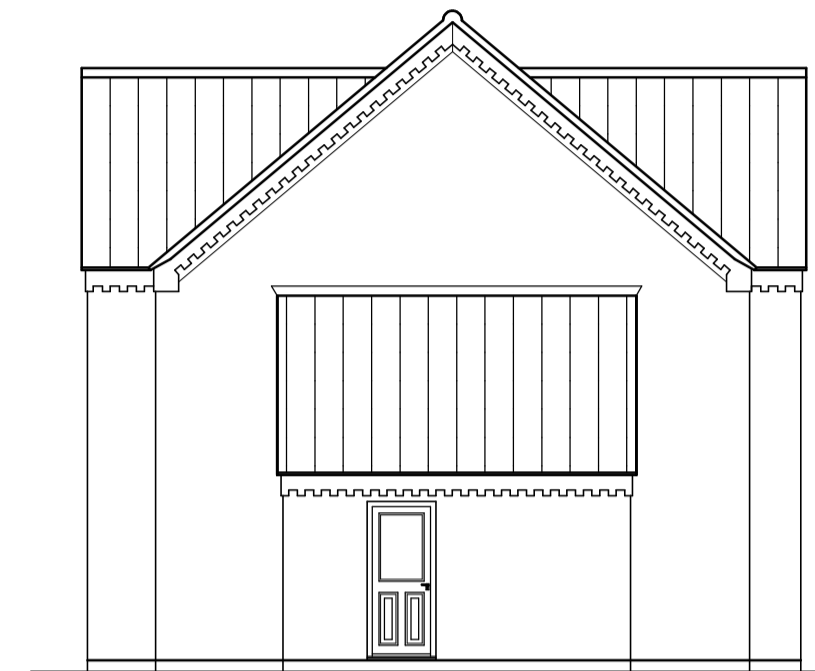
PLOT 2: 4-BED HOUSE WITH ATTACHED DOUBLE GARAGE DESIGN



SOUTH-WEST ELEVATION



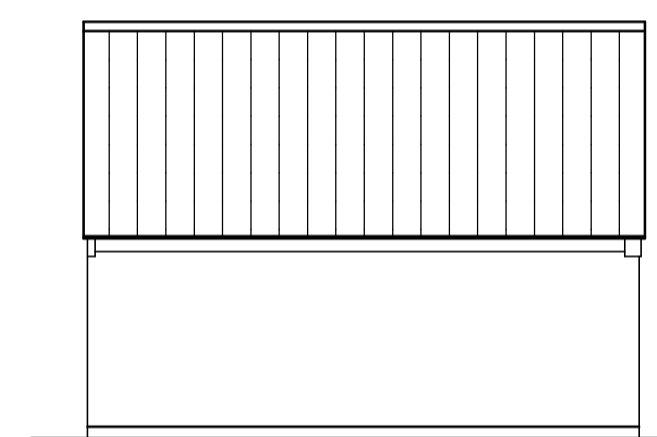
SOUTH-EAST ELEVATION



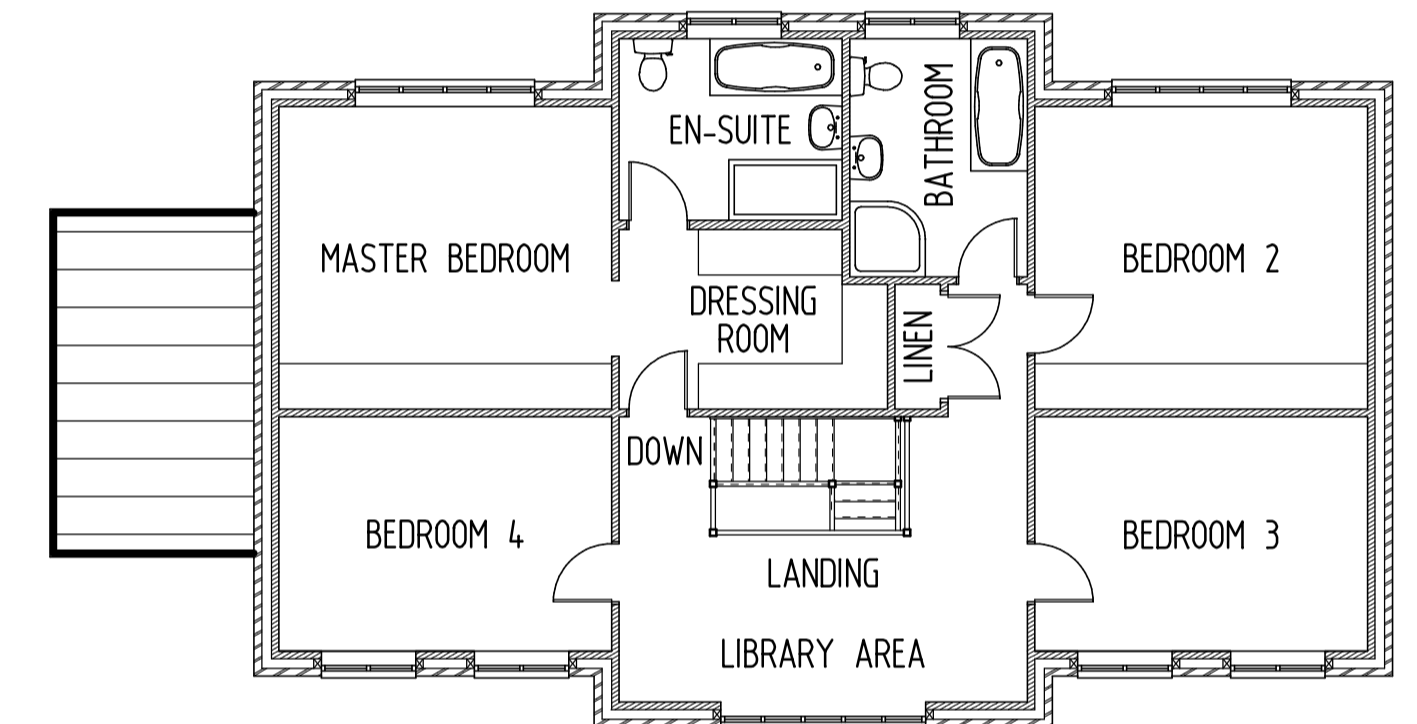
NORTH-EAST ELEVATION



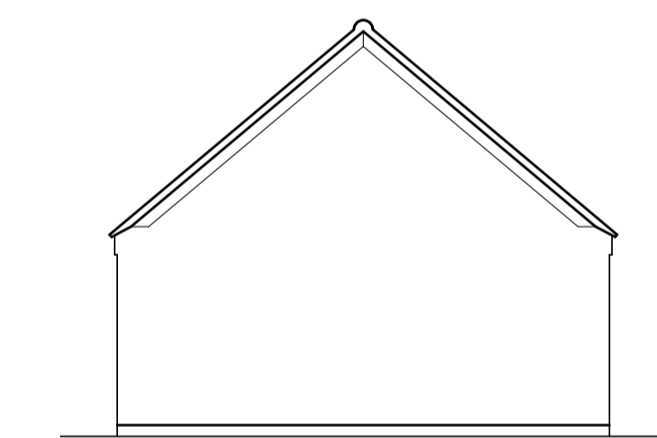
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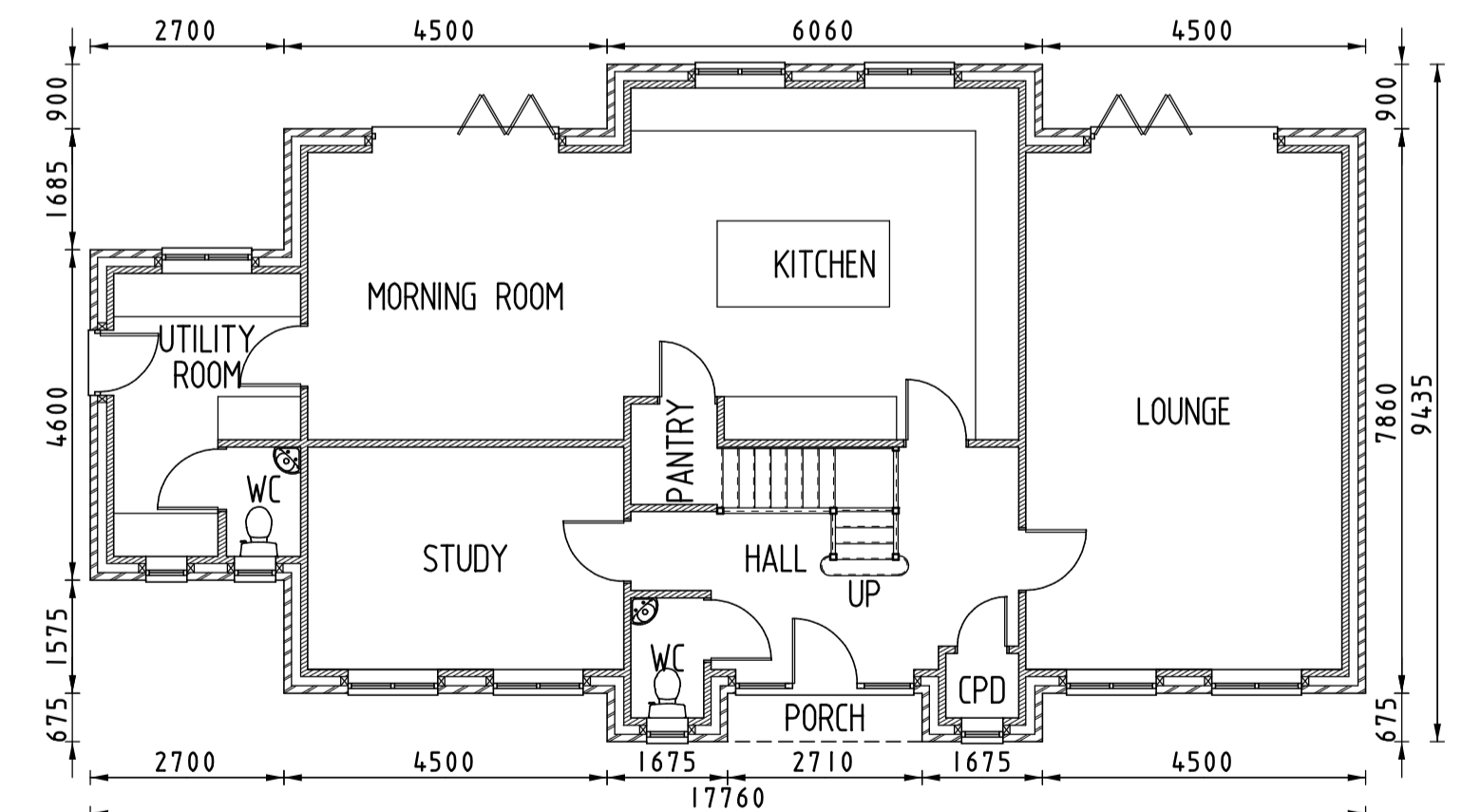
NORTH-WEST ELEVATION



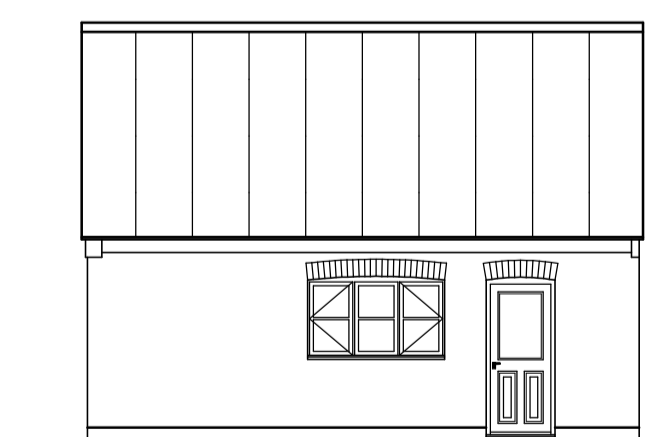
FIRST FLOOR LAYOUT PLAN



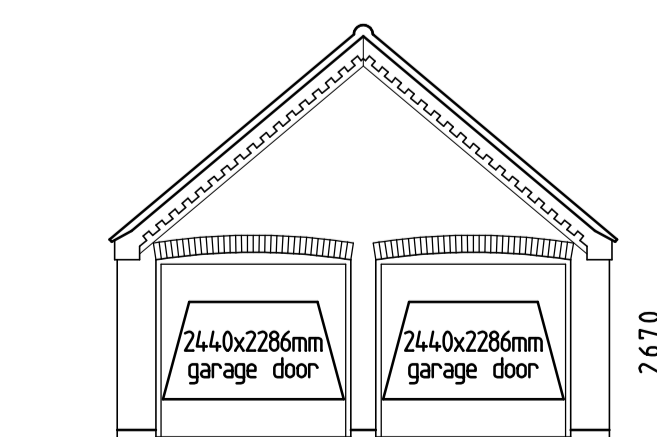
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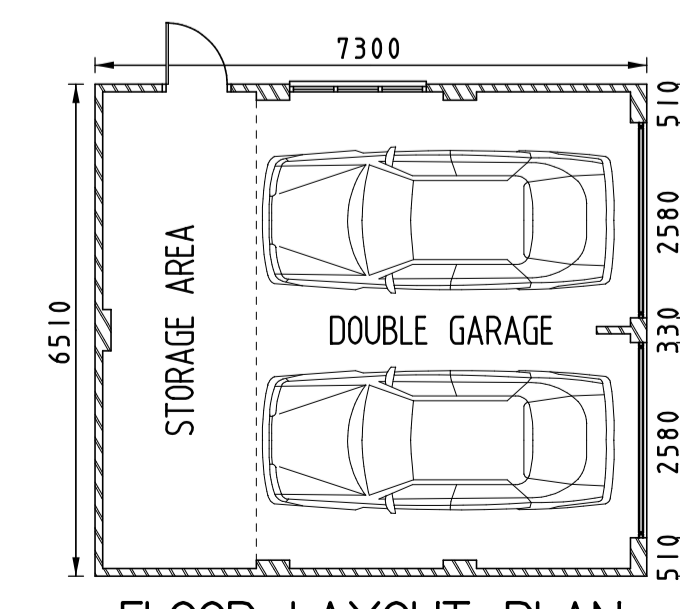
GROUND FLOOR LAYOUT PLAN



SOUTH-EAST ELEVATION



SOUTH-WEST ELEVATION



FLOOR LAYOUT PLAN

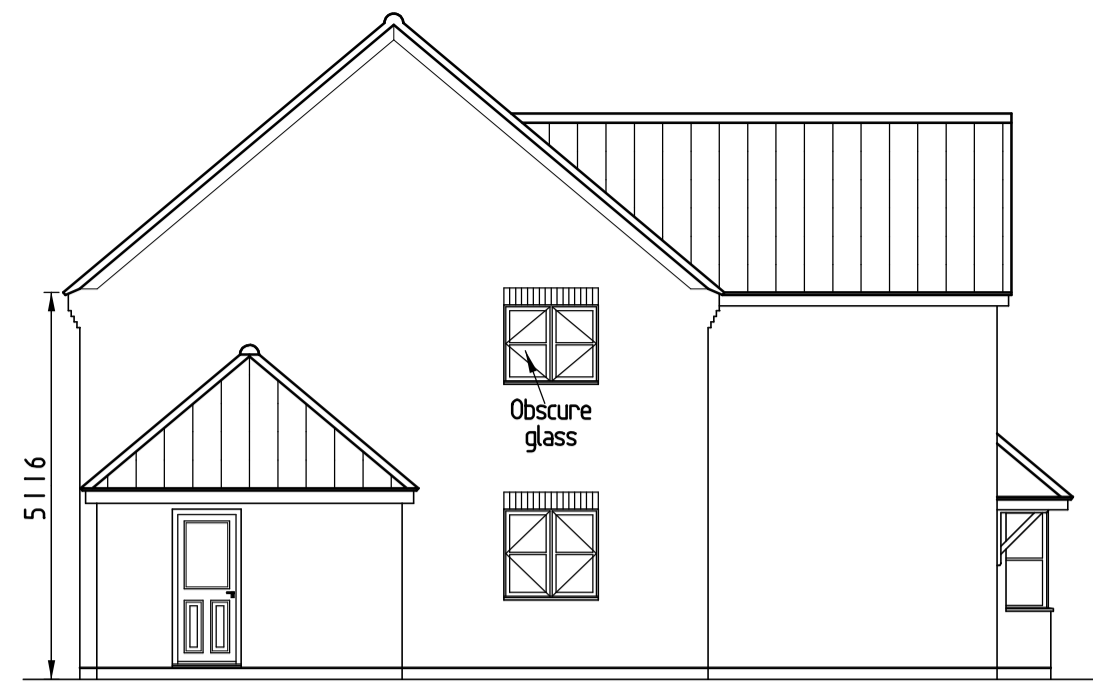
PLOT 1: 4-BED HOUSE AND DOUBLE GARAGE DESIGNS

Drawing Title:-  
 DETAILED PLANNING PERMISSION FOR THE ERECTION  
 OF 4 No 2-STORY 4-BED DWELLINGS WITH GARAGES  
 LAND SOUTH OF FIELD VIEW, MILL HILL LANE, MARCH  
 PROPOSED DWELLING AND GARAGES PLOTS 1 AND 2

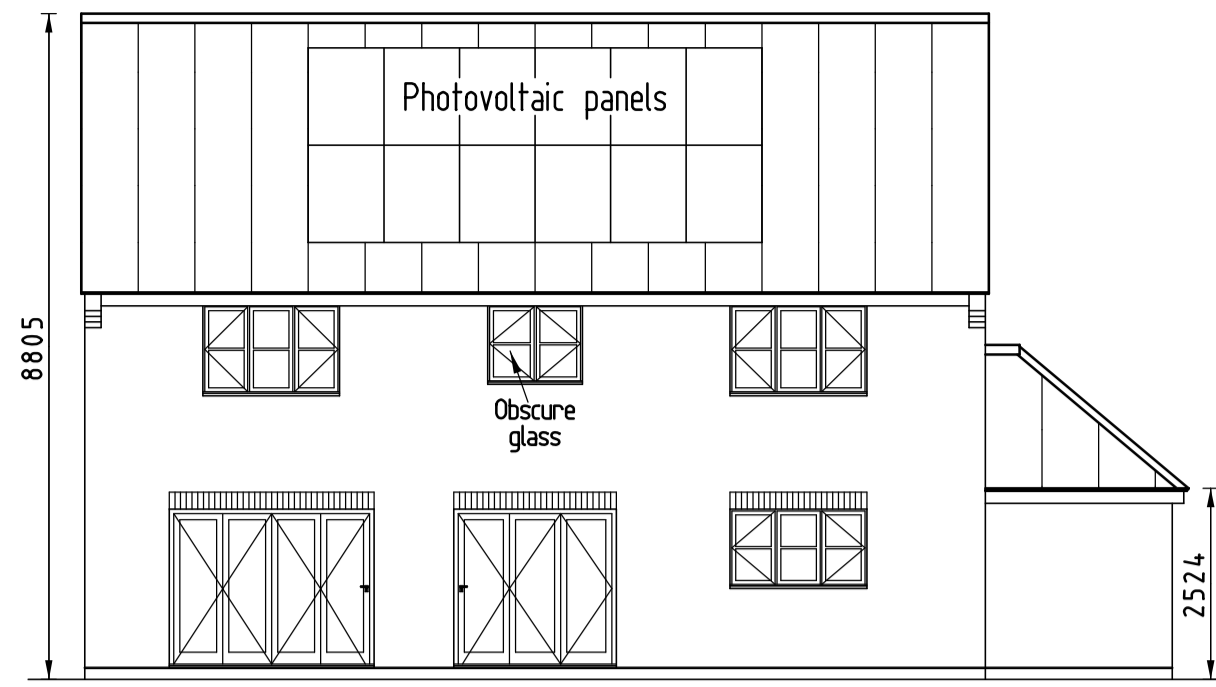
Client:-  
 Miss C. MARSHALL,  
 22 SUFFOLK WAY, MARCH, PE15 9EZ.

Scale:- 1:100	Date:- JULY 2022	Drawing No:- CAD 572 / 2	Rev:-
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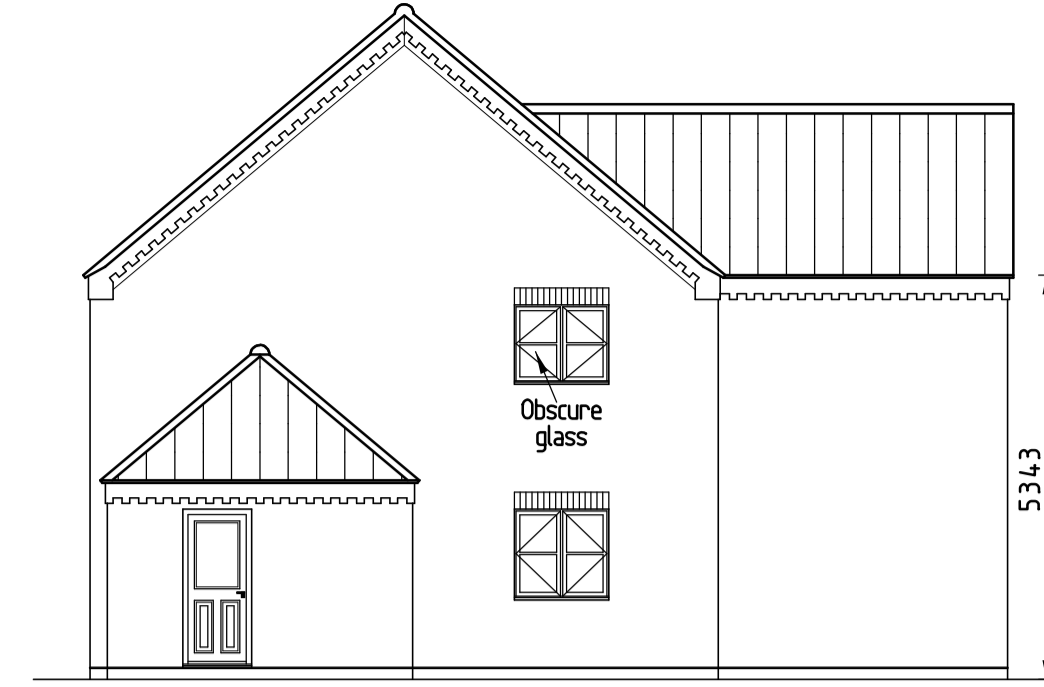
**Craig Brand** Architectural & Highway Design.  
 9 Cricketers Close, MARCH, PE15 9RU. Tel: (01354) 656977.



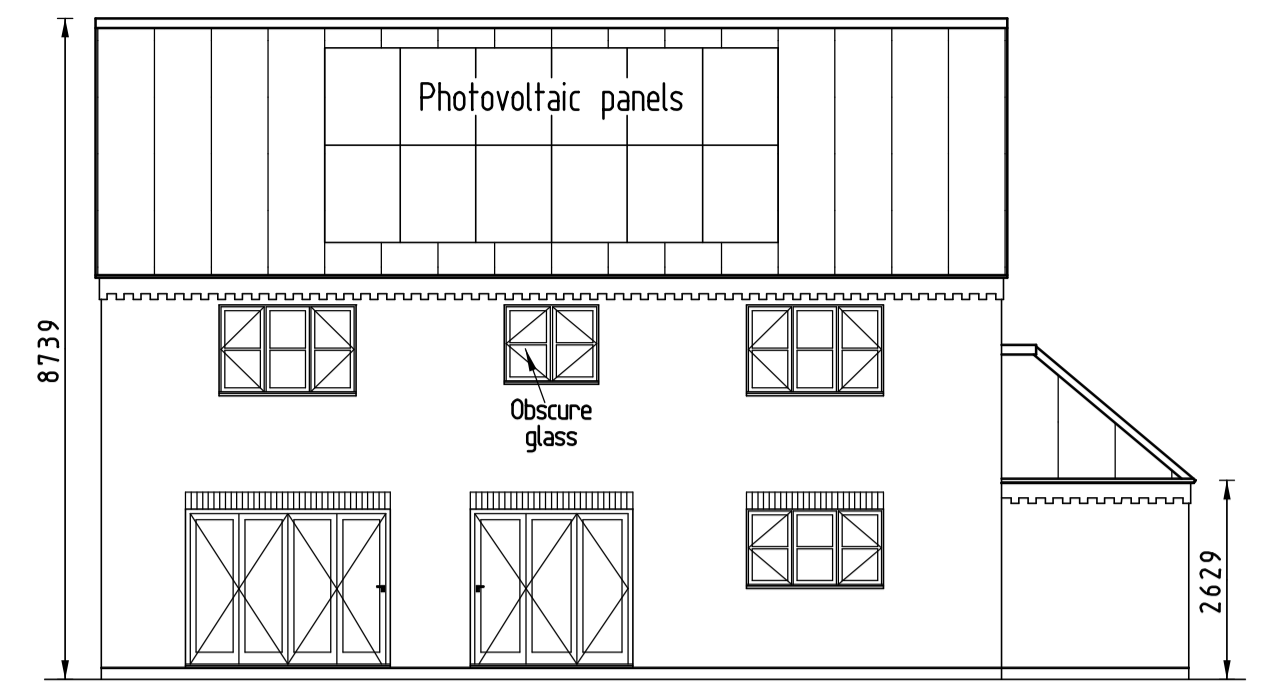
NORTH ELEVATION



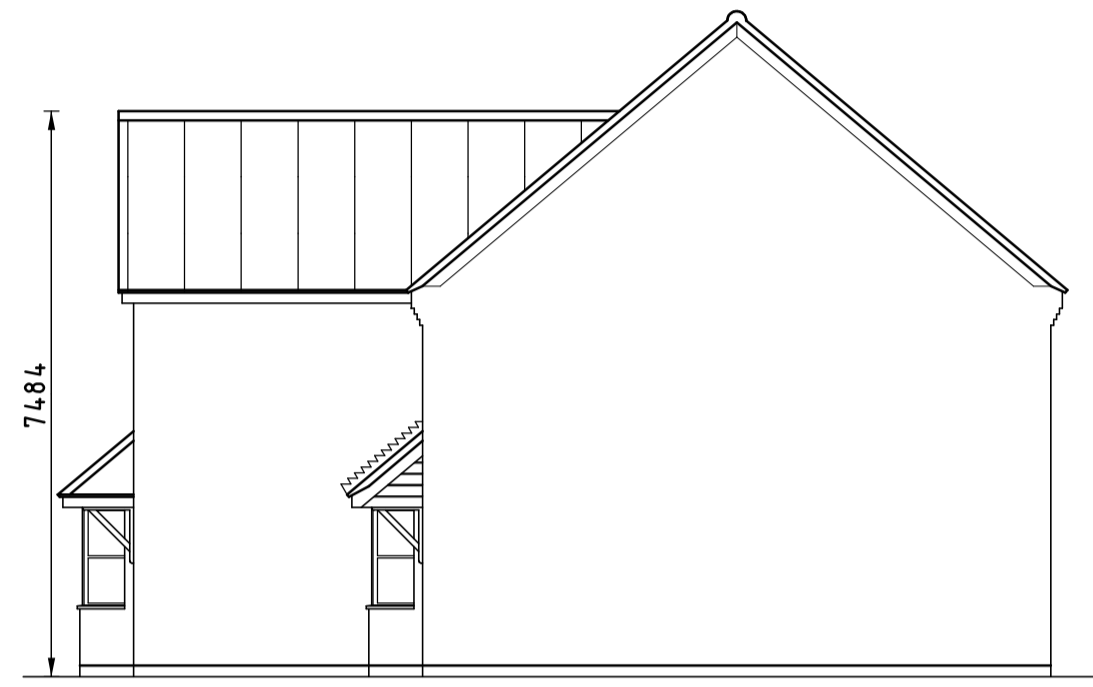
EAST ELEVATION



NORTH-EAST ELEVATION



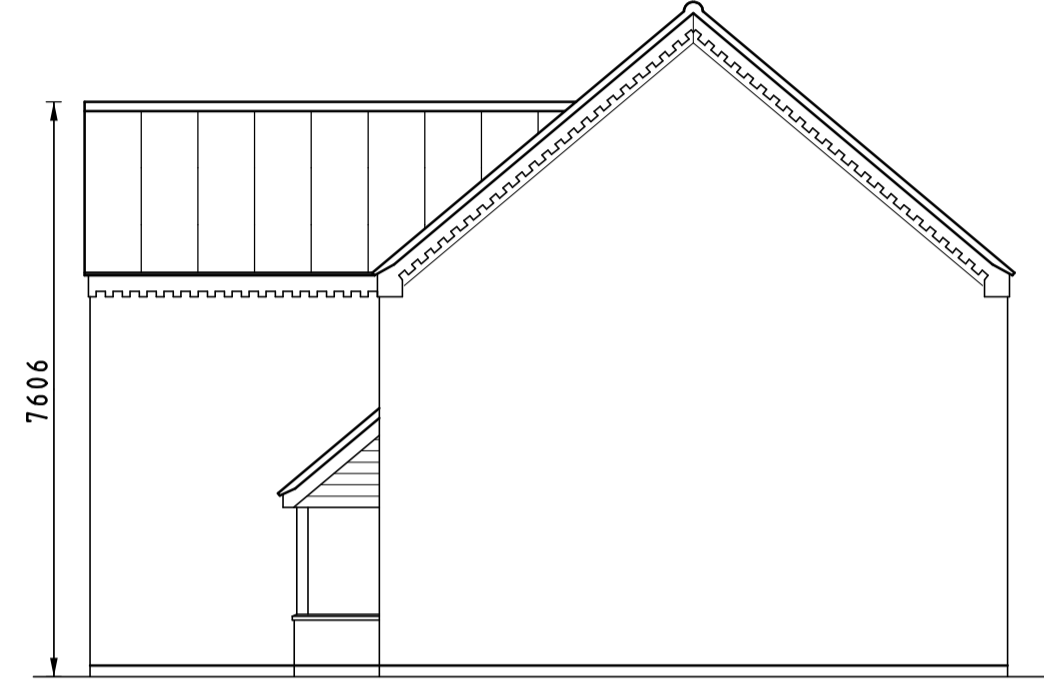
SOUTH-EAST ELEVATION



SOUTH ELEVATION



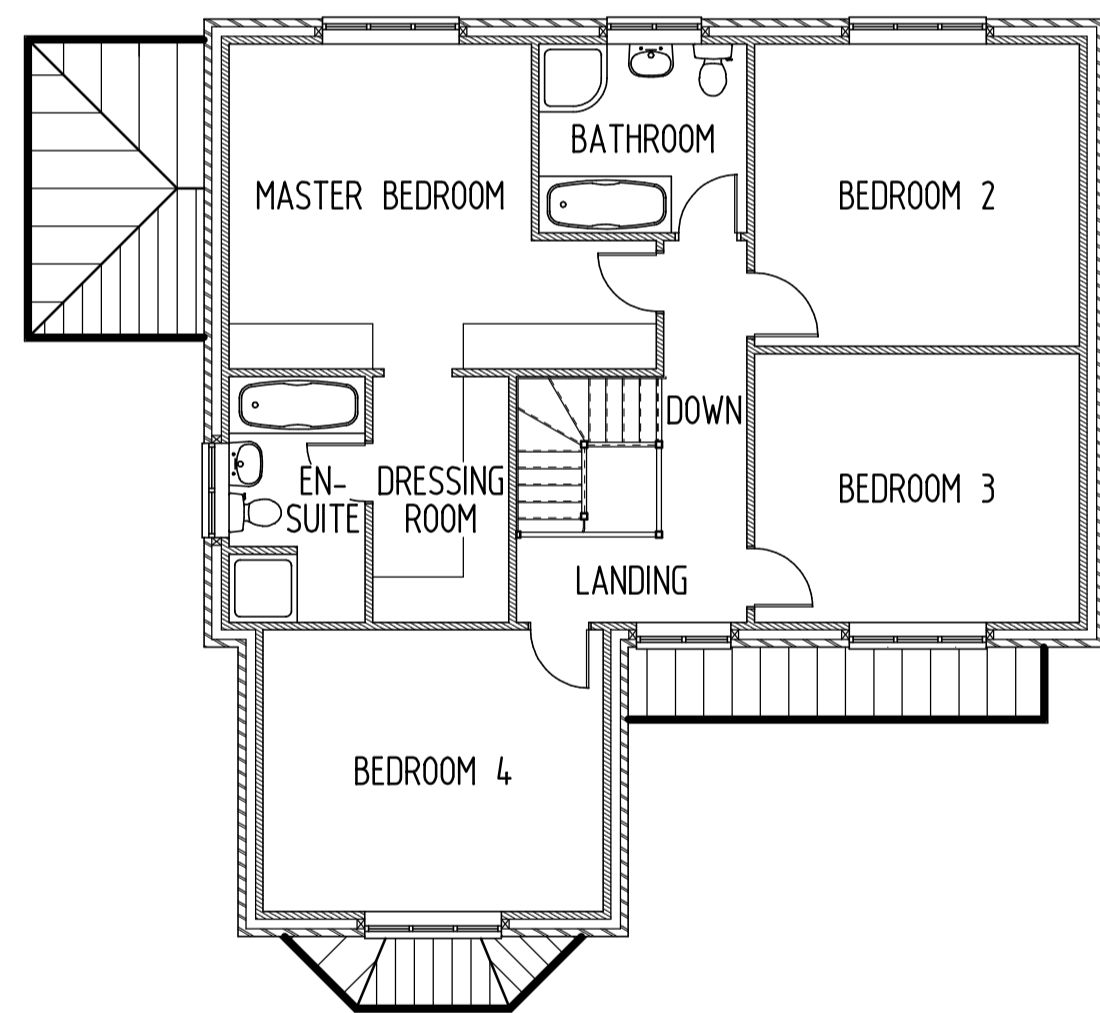
WEST ELEVATION



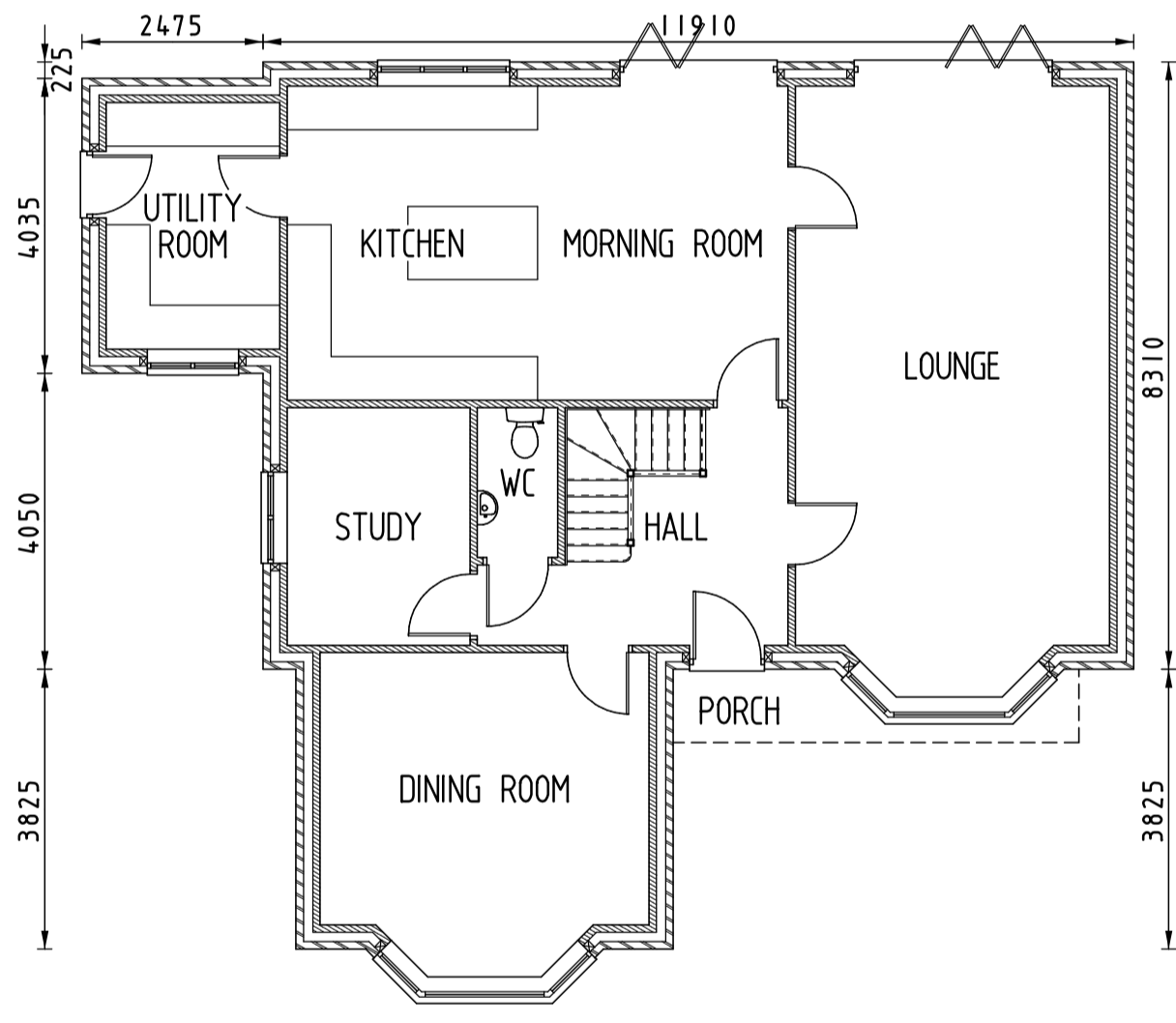
SOUTH-WEST ELEVATION



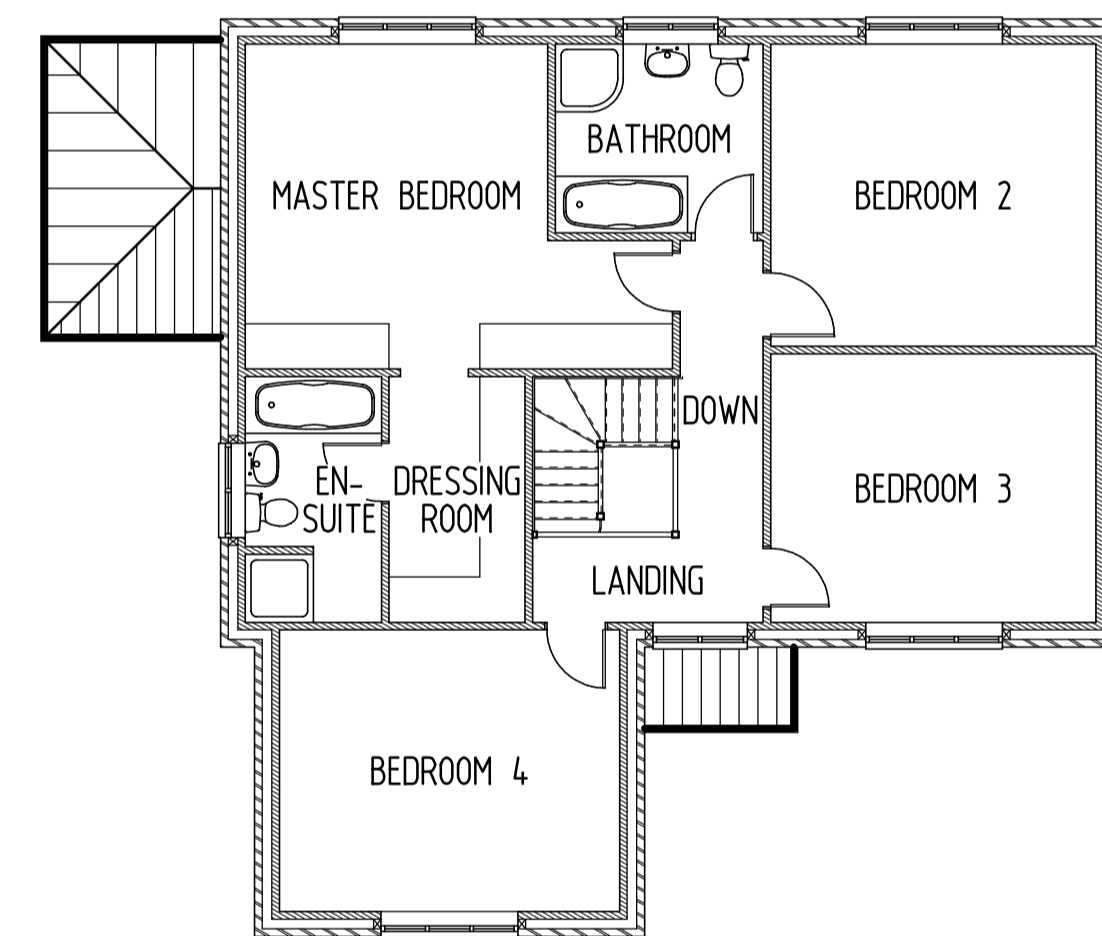
NORTH-WEST ELEVATION



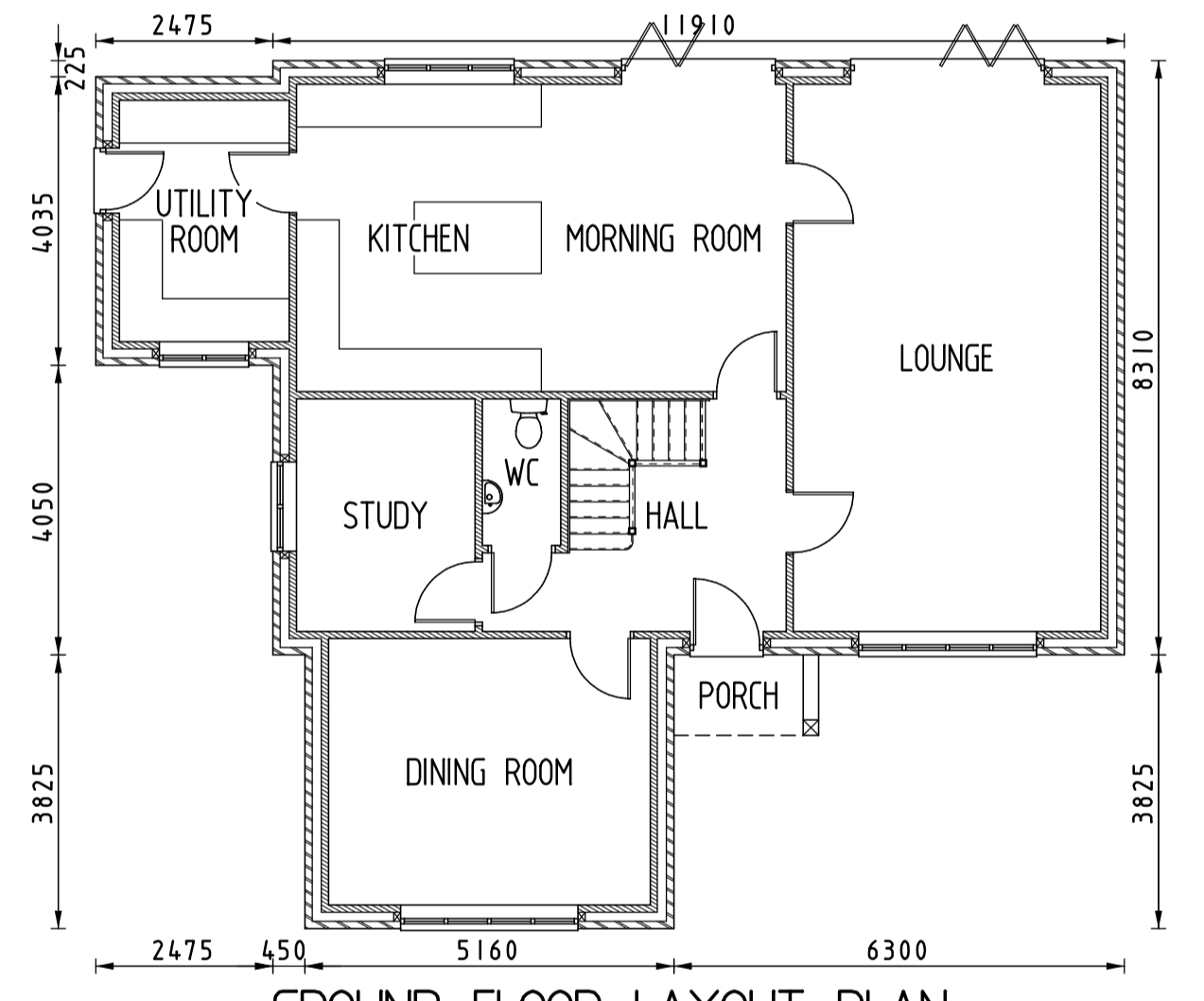
FIRST FLOOR LAYOUT PLAN



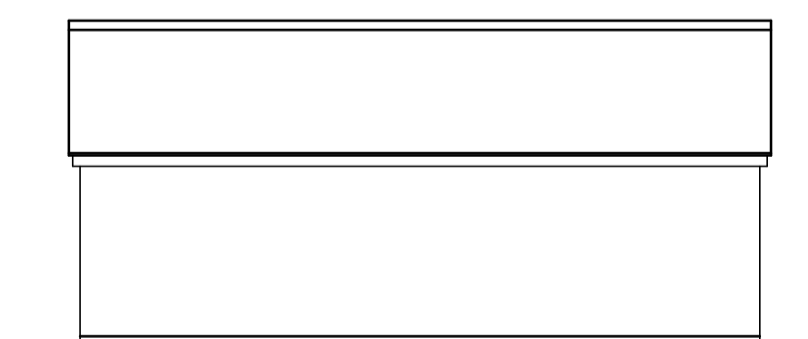
GROUND FLOOR LAYOUT PLAN



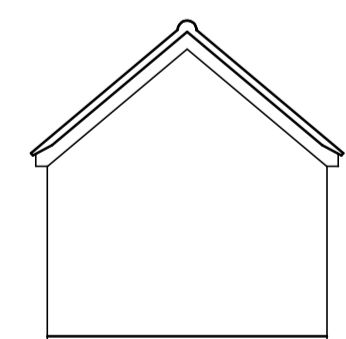
FIRST FLOOR LAYOUT PLAN



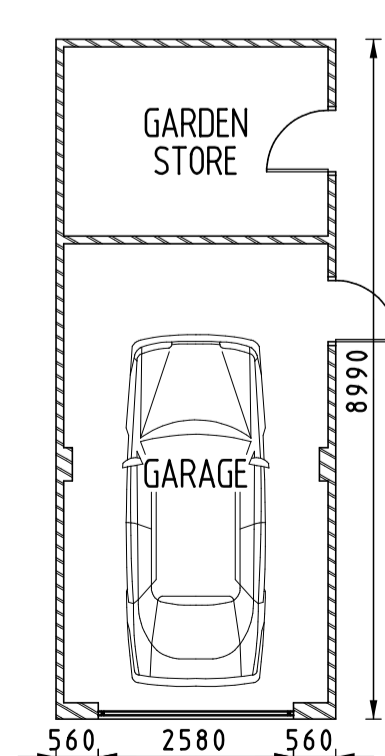
GROUND FLOOR LAYOUT PLAN



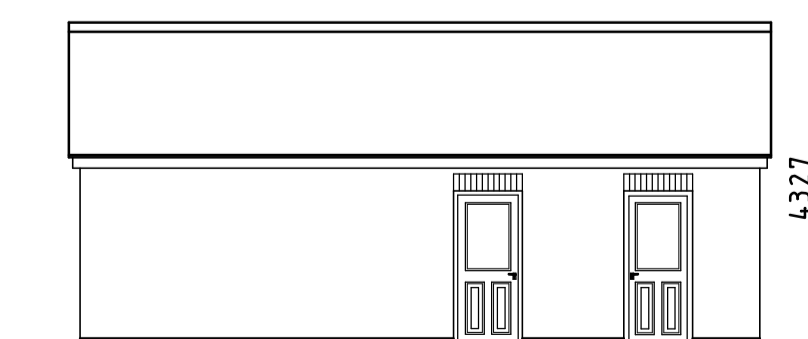
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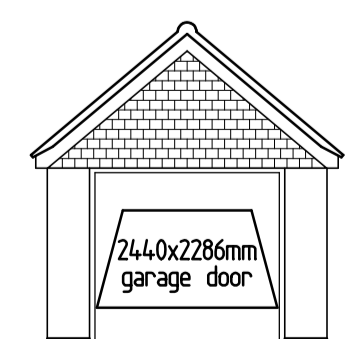
NE ELEVATION



FLOOR LAYOUT

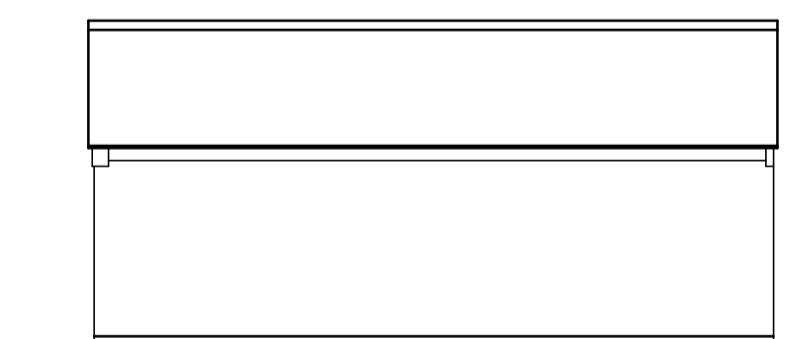


SOUTH-EAST ELEVATION

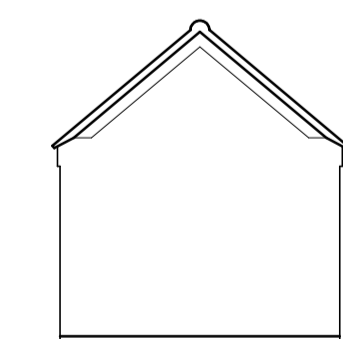


SW ELEVATION

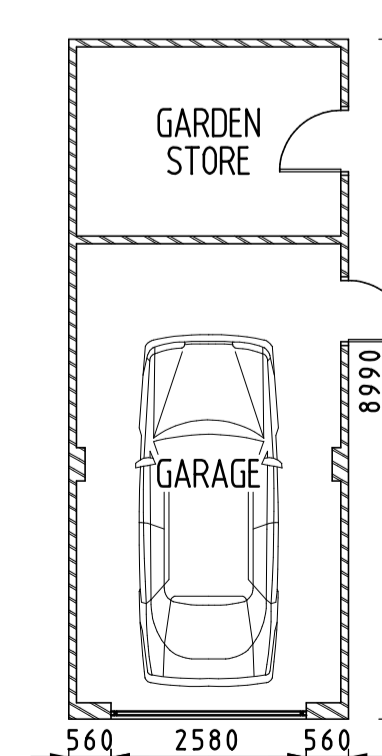
PLOT 4: 4-BED HOUSE AND DETACHED GARAGE DESIGNS



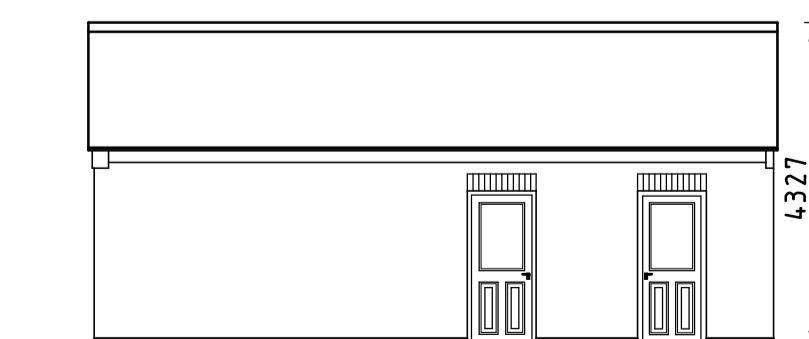
NORTH ELEVATION



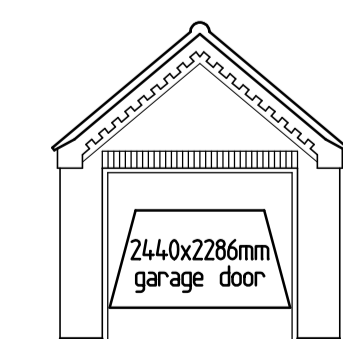
EAST ELEVATION



FLOOR LAYOUT



SOUTH ELEVATION



WEST ELEVATION

PLOT 3: 4-BED HOUSE AND DETACHED GARAGE DESIGNS

Drawing Title:-  
 DETAILED PLANNING PERMISSION FOR THE ERECTION  
 OF 4 No 2-STORY 4-BED DWELLINGS WITH GARAGES  
 LAND SOUTH OF FIELD VIEW, MILL HILL LANE, MARCH  
 PROPOSED DWELLING AND GARAGES PLOTS 3 AND 4

Client:-  
 Miss C. MARSHALL,  
 22 SUFFOLK WAY, MARCH, PE15 9EZ.

Scales:- 1:100 Date:- JULY 2022 Drawing No:- CAD 572 / 3 Rev:-

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

F/YR22/1242/F

**Applicant: Mrs Pamela Knowles**

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

**Land West Of 29, March Road, Wimblington**

**Erect a dwelling (2-storey, 5-bed) and entrance gates (2.3m max) including formation of a new access**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission for a detached, 2-storey 5-bed dwelling with attached triple garage, formation of an access off March Road and the erection of 2.3m high entrance gates. The proposed dwelling is an open market dwelling and not in association with Knowles Transport.
- 1.2 There are no issues to address in relation to residential amenity, flood risk or waste and minerals and highways, ecology and tree impacts are considered acceptable subject to conditions.
- 1.3 However, the proposed development introduces in depth, tandem development which is not characteristic on the western side of March Road. It encroaches significantly into the open countryside reducing one of the only open areas surrounding Wimblington that allows clear views of the countryside which surrounds it. As such, is considered to create a significant adverse impact on the character and visual amenity of the area. It would also set a dangerous precedent for further incremental development, erosion of openness and rural character. Furthermore, the development does not make an effective use of land, utilising approximately 2.1ha of agricultural land for a single dwelling.
- 1.4 Long range views of the development would be afforded to the south, from March Road, public footpath 263/2 (which is parallel to the site) and Blue Lane, due to the location of the site and siting of the proposal. The scale, siting and design of the proposal are considered to compete with and restrict views, and therefore the appreciation, of Eastwood Hall a non-designated heritage asset, resulting in a significantly detrimental impact on its setting and significance.
- 1.5 The recommendation is therefore one of refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site is located on the western side of March Road, it covers a substantial area of approximately 2.1ha and consists of agricultural land bounded by trees and hedges to the north and east (some of which are protected by TPO M/2/465/17), to the south and west is further open agricultural land. The site

appears to have already been marked out within the field and there is an existing field access from March Road. The site is located in Flood Zone 1.

- 2.2 To the north of the site is Eastwood Hall, 31 March Road which is set back a considerable distance from the road on a substantial plot and is considered to be a non-designated heritage asset. Further north of this is a site for 4 dwellings (F/YR22/0332/F) which was approved by Planning Committee in November 2022. To the east of the site is the modest 2-storey dwelling of 29 March Road, which is located on a long narrow plot alongside March Road and to the south is open agricultural land. On the eastern side of March Road is in depth estate type development.

### **3 PROPOSAL**

- 3.1 The application seeks full planning permission for a detached, 2-storey 5-bed dwelling with attached triple garage, formation of an access off March Road and the erection of 2.3m high entrance gates.
- 3.2 The dwelling measures approximately 38.8m x 21.9m and 11.9m in height. Accommodation comprises triple garage, utility, kitchen/diner, lounge, garden room, drawing room, study, snug, WC and plant rooms at ground floor level and 5 bedrooms (all with dressing room and en-suite) and laundry room at first floor.
- 3.3 Full plans and associated documents for this application can be found at:

[F/YR22/1242/F | Erect a dwelling \(2-storey, 5-bed\) and entrance gates \(2.3m max\) including formation of a new access | Land West Of 29 March Road Wimblington Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-and-building-control/development-control/development-control-applications/F/YR22/1242/F)

### **4 SITE PLANNING HISTORY**

No planning history

### **5 CONSULTATIONS**

#### **5.1 Parish Council**

*Councillors had no objections to the above planning application.*

#### **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 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) –*

- *The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Preliminary Ecological Appraisal (Philip Parker Associates Ltd, October 2022) 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.*

- *The development hereby permitted shall not be occupied until at least 2 bird boxes and 2 bat boxes have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection of Birds and Bat Conservation Trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority. 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:*

*There are several recommendations made within the ecological documents associated with this proposal, that aim to ensure that the development will result in no new negative impacts. The conditions above aim to capture all of those recommendations and ensure they are incorporated into the final construction.*

*As the landscaping and the existing habitats present on site stand, it is extremely unlikely that the proposed development will result in a net loss of biodiversity. As such I am confident that no further landscaping documentation is needed from a wildlife perspective. Please however pay particular attention to the informative above.*

#### **5.4 Arboricultural Officer (FDC)**

*I have no objection to the proposed development.*

*The submitted arboricultural impact assessment and proposed site plan (reference 6539/01E) confirms retention of all trees and that all construction is away from the root protection areas of those trees.*

*There is sufficient space on site that all plant/materials can be stored away from the root protection areas of the trees.*

*The only concern would be potential impacts on the trees if landscaping work is carried out near the boundary trees e.g. for new grass etc. In such situations, rotovators must not be used and all ground preparation must be carried out using hand tools.*

*The proposed planting of a native species hedge and trees will lead to a net gain in biodiversity.*

## **5.5 Cambridgeshire County Council Highways**

*The proposed development is accessed via March Road, which by proxy of the presence of street lighting and no order to the contrary is a 30mph road. Therefore, the access design and the achievable visibility splays are acceptable.*

*Within the site, parking and turning arrangements are (more than) sufficient and while a gravel surfacing is in use, it is suitably set back from the highway so as not to be an issue.*

*I therefore do not object to the application and would recommend the following Conditions and Informative.*

### *Conditions*

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

*Gates: Prior to the first occupation of the development hereby approved/Prior to the commencement of the use hereby approved any gate or gates to the vehicular access shall be set back 5 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter.*

*Non Standard Condition: Before the dwelling hereby permitted is occupied, the vehicular access shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.*

## **5.6 Cambridgeshire County Council Archaeology**

*Our records indicate the proposed development area lies in an area of archaeological potential, to the north of the historic core of Wimblington. Archaeological investigations have been undertaken to the immediate east of the site which revealed Iron Age to Roman settlement activity (CHER ref. ECB4671). The earliest activity on the site dated to the Late Bronze Age to early Iron Age, where a barrow and later roundhouse, waterholes, pits and a cremation were identified (CHER ref. MCB20356). The settlement developed into the middle to late Iron Age where a farmstead was created to the north-east. The Roman period saw the settlement shift to the west, where enclosures and a metalled trackway were identified. Geophysical survey and archaeological investigation to the immediate north of the settlement revealed a Roman trackway to the west, along with a series of Roman features including a pit with substantial amounts of domestic waste including kiln/oven furniture (CHER ref. MCB31818). The Iron Age to Roman settlement activity was likely to have extended southwards, with cropmarks 250m to the south indicating the presence of a series of irregular shaped enclosures and associated linear feature (CHER ref 11646).*

*Medieval activity is known in the wider vicinity, namely from the deserted Medieval village of Eastwood End to the west of the development area (CHER ref. 11416B), identified in archaeological investigations which revealed the remains of timber structures (CHER ref. ECB576). The development area however was likely utilised for agriculture in the medieval period with the earthwork remains of ridge and furrow surviving at Eastwood Hall to the immediate north.*

*Due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the*

development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

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

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

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

*Informatives:*

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

- 5.7 The following comments were received on the previous application north of Eastwood Hall, 31 March Road (F/YR22/0332/F) but remain relevant in relation to its status and setting in the context of the current application:**

**Cambridgeshire County Council Archaeology**

The following comments are an extract received on the previous application north of Eastwood Hall, 31 March Road (F/YR22/0332/F) but remain relevant in relation to its status:

*Only 50m north of the site lies No.33 March Road which is the old toll house associated with the turnpike road (now sadly diminished by unsympathetic alterations), while 100m south-west of the site is Eastwood Hall, formerly the Rectory to the parish of Wimblington; both are recorded as undesignated heritage assets on the Cambridgeshire HER (CHER (Cambridgeshire Historic Environment Record) refs 05914 and 12253 respectively).*

**Conservation Officer (FDC)**

The following comments were received on the previous application north of Eastwood Hall, 31 March Road (F/YR22/0332/F)

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

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

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

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

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

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

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

*From a conservation perspective, I cannot support the application in its current form, as no assessment of heritage value or impact has been made, and I therefore consider the application to be contrary to para 194, 197 and 203 of the NPPF.*

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

11 Supporting comments have been received (2 from Addison Road, 3 from March Road, 1 from Clayfields Drive, 1 from Doddington Road, 1 from Hassock Way, 1 from Greenwood Way, 2 from Bridge Lane, all Wimblington) in relation to:

- High quality development, would enhance area, executive style dwelling
- Position unobtrusive, set back from the road, little visual impact.
- Continuation of March Road development/infill
- Looks similar to neighbouring property/Eastwood Hall
- Within boundary of the village/opposite Bellway site

- Village accessible via existing footpath
- Bring more people to the village to support the area
- Access already exists and is safe
- Proximity to Knowles Transport head office, would support continued growth of business

Matters where they relate to material planning considerations will be addressed 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).

## **7 POLICY FRAMEWORK**

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

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

### **National Design Guide 2021**

Context – C1, C2

Identity – I1, I2

Built Form – B2

Movement – M3

Nature - N3

Homes and Buildings – H1, H2, H3

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

### **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan.

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

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development  
LP5 – Health and Wellbeing  
LP7 – Design  
LP8 – Amenity Provision  
LP11 – Community Safety  
LP18 – Development in the Countryside  
LP20 – Accessibility and Transport  
LP22 – Parking Provision (Appendix 6)  
LP23 – Historic Environment  
LP24 – Natural Environment  
LP25 – Biodiversity Net Gain  
LP26 – Carbon Sinks and Carbon Sequestration  
LP27 – Trees and Planting  
LP28 – Landscape  
LP32 – Flood and Water Management  
LP50 – Residential site allocations in Wimblington

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

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

Policy DM4 – Waste and Recycling Facilities

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

Policy 5: Mineral Safeguarding Areas (MSAs)

## **8 KEY ISSUES**

- **Principle of Development**
- **Heritage, design considerations and visual amenity of area**
- **Loss of Agricultural land**
- **Residential Amenity/Health and wellbeing**
- **Parking and Highways**
- **Flood Risk and Drainage**
- **Ecology and Trees**
- **Waste and Minerals**
- **Link to existing business**

## **9 BACKGROUND**

9.1 Application F/YR22/0332/F for 4 x self/custom build dwellings on land to the north of Eastwood Hall was approved by Planning Committee in November 2022, subject to conditions and a Section 106 Agreement to secure the dwellings as self-build. This decision was contrary to the Officer recommendation. Members did not feel that the site was a heritage asset where a heritage statement was required, that the proposal would enhance the area and not detract from it, and that sand and gravel extraction was not an issue. The formal decision has not yet been issued as work on the Section 106 Agreement is ongoing.

9.2 Whilst the above application is relevant in considering the context of the application site, it is clear that this scheme and the development proposed as part of this application are not comparable due to the scale of the site and dwelling, it's siting in relation to Eastwood Hall and its location behind frontage development. Furthermore, every application should be considered on its own merits.

## **10 ASSESSMENT**

## **Principle of Development**

- 10.1 Policy LP3 of the Fenland Local Plan 2014 identifies Wimblington as a Growth Village where development within the existing urban area or a small village extension will be acceptable in principle, subject to compliance with all other relevant policies which are considered in the sections below.
- 10.2 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

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

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

- 10.3 Policy LP18 of the Fenland Local Plan 2014, paras 194, 195, 197 and 203 of the NPPF 2021 and Chapter C2 of the NDG 2021 seek to ensure that the significance of heritage assets is identified and assessed and to protect, conserve and enhance heritage assets and their settings.
- 10.4 Policies LP2 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 and 174 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021, seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.
- 10.5 Policy LP12, Part A supports development in villages subject to compliance with criteria a to k. However, the scheme is considered to be contrary Policy LP12 (a), (c) and (d):

*(a) The site is in or adjacent to the existing developed footprint\* of the village (except for those villages listed in the settlement hierarchy in Policy LP3 as being 'Small' or 'Other' villages, where only infill sites will normally be considered favourably); and*

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

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

The footnote for Policy LP12 clarifies that the developed footprint excludes:

*(a) individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area of the settlement;*

*(b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where that land relates more to the surrounding countryside than the built-up area of the settlement;*

*(c) Agricultural buildings and associated land on the edge of the settlement;*

*(d) outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.*

- 10.6 Development in Wimblington is focussed on the eastern side of March Road and it is acknowledged that the character of this side of March Road has changed significantly in recent years, with the construction of estate developments. However, there is a distinctly different character on the western side, which is therefore incomparable to settlement character on the eastern side.
- 10.7 The application site is located on the western side of March Road in an area characterised in the main by open countryside, with areas of substantial mature trees and the loose knit, sparse development of 33 March Road, Eastwood Hall 31 March Road and 29 March Road. 33 and 29 March Road are modest dwellings located along the road frontage. Eastwood Hall, the former Rectory is a significant building, located on a substantial plot, set back a considerable distance from the road. Eastwood Hall is a non-designated heritage asset, or 'building of local importance' (as identified in the Cambridgeshire Historic Environment Record), set in rural, agricultural surroundings, and the impact on this setting and thereby on the significance and interest of this asset, should be considered as part of this application, it is in this context that the application is assessed.
- 10.8 The application has been accompanied by a Heritage Impact Assessment; however, this does not describe the significance of Eastwood Hall and therefore no assessment of this has been made.
- 10.9 The submitted documentation refers to the historic presence of a group of buildings within the wider field, from a review of aerial photographs these appear to have been demolished between 1999 and 2003, and as such have not been present for around 20 years. Nevertheless, these appear to be agricultural in nature, which would be expected in this open countryside location, they were not immediately adjoining Eastwood Hall and set further back from March Road, as such would not be comparable to the proposed development.
- 10.10 The proposed development sits behind the modest frontage dwelling of 29 March Road, encroaching significantly into the open countryside, and introducing in depth, tandem development, which is not characteristic of the area. The development would reduce one of the only open areas surrounding Wimblington that allows clear views of the countryside which surrounds it and is considered to create a significant adverse impact on the character and visual amenity of the area. It would also set a dangerous precedent for further incremental development, erosion of openness and rural character.
- 10.11 Long range views of the development would be afforded to the south, from March Road, public footpath 263/2 (which is parallel to the site) and Blue Lane, due to the location of the site and siting of the proposal. The scale, siting and design of the proposal are considered to compete with and restrict views, and therefore the appreciation, of Eastwood Hall resulting in a significantly detrimental impact on its setting and significance.
- 10.12 The application is therefore considered contrary to the aforementioned policies.

#### **Loss of Agricultural land**

- 10.13 The site comprises of approximately 2.1ha of Grade 3 Agricultural land as defined by DEFRA ([Defra Spatial Data Download](#)) and classified as good to moderate.
- 10.14 Para 174 of the NPPF 2021 recognises the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most



versatile (BMV) agricultural land (defined as Grades 1, 2 and 3a) and para 175 (footnote 58) advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

- 10.15 Having regard to the wider DEFRA mapping site, it is acknowledged that a significant majority of the Fenland District falls within the BMV land with only the urban areas of the main Market Towns, the Kings Delph and Morton's Leam areas and the north of March including the prison area falling within the lower grades. As such, it is recognised that there are very few areas of poorer quality agricultural land, and it would not be possible therefore for Fenland to meet its housing demands without developing areas of BMV land.
- 10.16 This does not however confer that all agricultural land should be developed, especially where it relates more to open countryside than to the settlement and Officers consider that this is the intention of LP12, Part A (c), supported by the preamble at paragraph 4.7.1 of the Fenland Local Plan. An assessment however should be made as to the relationship of the land to the open countryside, in comparison to the built envelope of the settlement.
- 10.17 As stated in the section above, the application site is considered to relate more to the open countryside than the built form and would result in the loss of 2.1ha of agricultural land for the benefit of just 1 additional dwelling, it could therefore be argued that this development does not make an effective use of land, contrary to para 119 of the NPPF 2021, and as such would not justify the loss of this extent of land for agricultural purposes.

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

- 10.18 The proposed dwelling is located on a substantial plot and as such has a significant amount of amenity space which is proposed to be bounded by 2m high metal railings inside a native hedgerow. There are not considered to be any relationship issues in relation to residential amenity due to the scale of the plot and distances involved, though it is acknowledged that 29 March Road could experience a level of privacy loss if residents are utilising the paddock until such time that the boundary hedge becomes established.
- 10.19 The application form indicates that refuse will be collected by the Council and collection will be at the access, no collection point has been indicated however there is sufficient space close to the highway to enable this. Due to the scale of the plot and siting of the proposed dwelling this would however result in a distance far in excess of 30m for future residents to carry bins between storage and collection areas, across a gravel drive, contrary to the advice within Policy DM4 and RECAP guidance.

#### **Parking and Highways**

- 10.20 Access is proposed from March Road utilising the existing field access (which will also continue to be used as such), the LHA have no objections to the scheme advising that the access design and visibility splays are acceptable, as are the parking and turning areas within the site. Conditions are however recommended to ensure there are adequate drainage measures to prevent surface water run off onto the highway, the access gates are located appropriately, and a sealed surface is provided for a minimum of 5m from the edge of the existing carriageway.

- 10.21 An attached garage and substantial driveway are provided, hence in excess of the 3 parking spaces required by Policy LP15 and Appendix A of the Fenland Local Plan 2014 can be accommodated.

### **Flood Risk and Drainage**

- 10.22 The application site is located within Flood Zone 1 (low risk) in relation to flooding from rivers or the sea. The area of the site where the dwelling is proposed to be located has a very low risk of surface water flooding, however a large area of the site frontage has a medium to high risk of surface water flooding, given that this area is proposed to be paddock land and as such no development is proposed thereon, it is not considered necessary to seek further information in this regard. As such the proposal is considered to be appropriate development and there are no issues to address in respect of Policy LP14.
- 10.23 Foul drainage is proposed to a package treatment plant, information from the Environment Agency advises that connection to the existing public foul sewage network should be considered potentially feasible where the distance from the development site is less than the number of properties multiplied by 30m, however given the location of the dwelling this is considered unlikely to be achievable and as such a package treatment plant may be acceptable subject to building regulations and/or an Environmental Permit as necessary.

### **Ecology and Trees**

- 10.24 The application is accompanied by a Preliminary Ecology Appraisal; The Council's Wildlife Officer has no objections to the development, subject to conditions to ensure that the recommendations made within the submitted ecological documents are incorporated, to ensure that the development will result in no new negative impacts.
- 10.25 The site is bounded by trees and hedges to the north and east (some of which are protected by TPO M/2/465/17), the application is accompanied by an Arboricultural Impact Assessment and the proposal does not involve the removal of any trees. The Council's Arboricultural Officer advises that all construction is away from the root protection areas of the trees, and there is sufficient space on site that all plant/materials can be stored away from the root protection areas of the trees (a condition can be imposed in this regard). The only concern raised was with regards to the potential impacts from landscaping works and a condition can be imposed to ensure that any works within the root protection areas is carried out using hand tools.

### **Waste and Minerals**

- 10.26 The site is partially located (narrow strip of land alongside March Road) within a Sand and Gravel Mineral Safeguarding Area (MSA) which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). Given that this affects such a small element of the application site and an area which is to be undeveloped paddock land, the proposal is not considered to detrimentally affect any potential resources.

### **Link to existing business**

- 10.27 The submitted documentation infers that the proposed dwelling has links to Knowles Transport and local resident comments refer to the development supporting the existing business. However, the development is not being applied for in association with the business and no evidence has been provided to that effect, as such the application should therefore be considered as an open market dwelling with no weight afforded to this matter.

## 11 CONCLUSIONS

- 11.1 There are no issues to address in relation to residential amenity, flood risk or waste and minerals and highways, ecology and tree impacts are considered acceptable subject to conditions.
- 11.2 However, the proposed development introduces in depth, tandem development which is not characteristic on the western side of March Road. It encroaches significantly into the open countryside reducing one of the only open areas surrounding Wimblington that allows clear views of the countryside which surrounds it. As such, is considered to create a significant adverse impact on the character and visual amenity of the area. It would also set a dangerous precedent for further incremental development, erosion of openness and rural character. Furthermore, the development does not make an effective use of land, utilising approximately 2.1ha of agricultural land for a single dwelling.
- 11.3 Long range views of the development would be afforded to the south, from March Road, public footpath 263/2 (which is parallel to the site) and Blue Lane, due to the location of the site and siting of the proposal. The scale, siting and design of the proposal are considered to compete with and restrict views, and therefore the appreciation, of Eastwood Hall resulting in a significantly detrimental impact on its setting and significance.

## 12 RECOMMENDATION

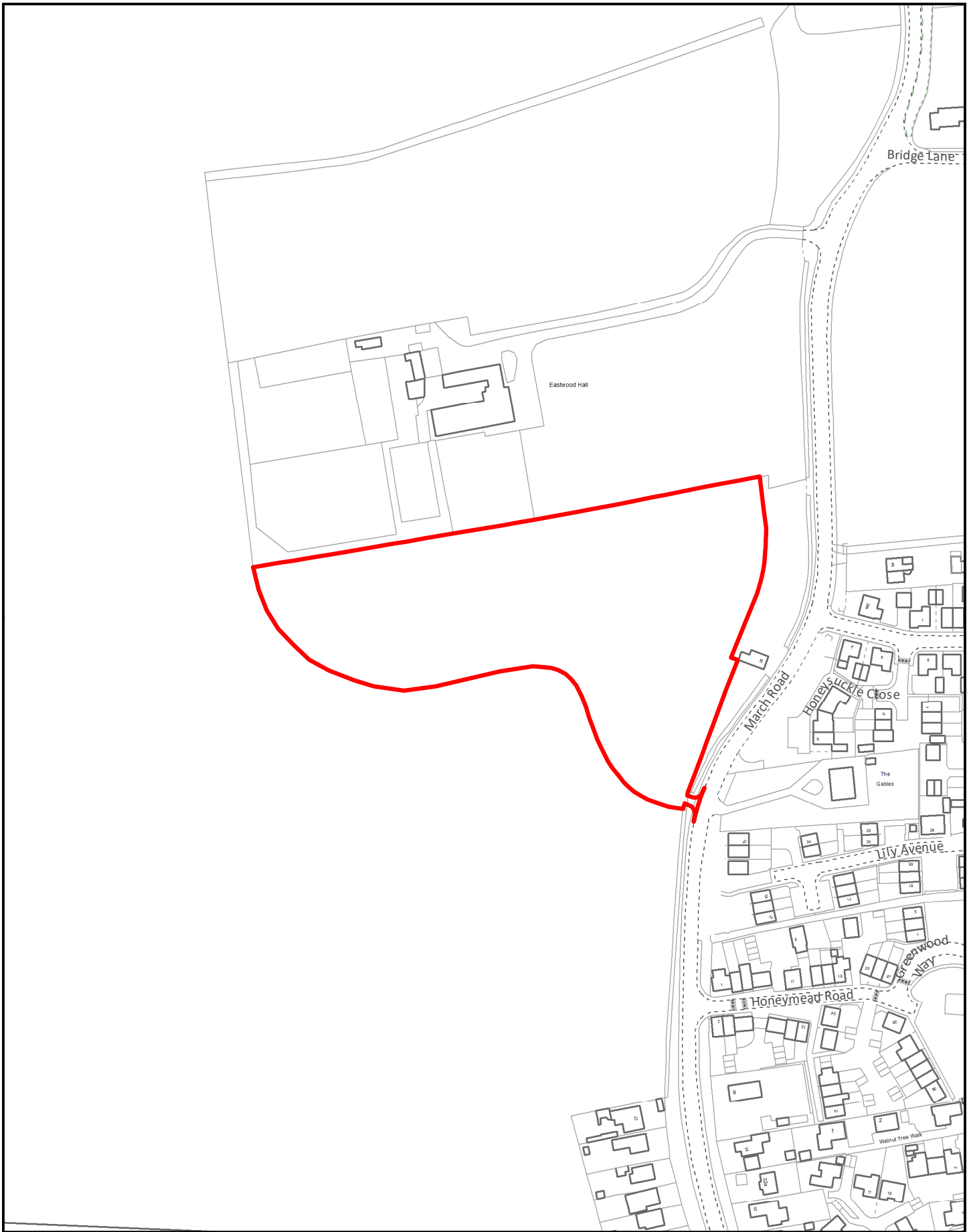
### Refuse for the following reasons:

1.	<p>Policies LP2, LP12 (Part A) and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 119, 130 and 174 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021, seek to ensure that developments make effective use of land, avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the intrinsic beauty and character of the countryside.</p> <p>The proposed development introduces in depth, tandem development which is not characteristic on the western side of March Road. It encroaches significantly into the open countryside reducing one of the only open areas surrounding Wimblington that allows clear views of the countryside which surrounds it. As such, is considered to create a significant adverse impact on the character and visual amenity of the area. It would also set a dangerous precedent for further incremental development, erosion of openness and rural character. Furthermore, the development does not make an effective use of land, utilising approximately 2.1ha of agricultural land for a single dwelling. The proposal is therefore contrary to the aforementioned policies.</p>
2.	<p>Policy LP18 of the Fenland Local Plan 2014, paras 194, 195, 197 and 203 of the NPPF 2021 and Chapter C2 of the NDG 2021 seek to ensure that the significance of heritage assets is identified and assessed and to protect, conserve and enhance heritage assets and their settings.</p>

The application has been accompanied by a Heritage Impact Assessment; however, this does not describe the significance of Eastwood Hall and therefore no assessment of this has been made.

Long range views of the development would be afforded to the south, from March Road, public footpath 263/2 (which is parallel to the site) and Blue Lane, due to the location of the site and siting of the proposal. The scale, siting and design of the proposal are considered to compete with and restrict views, and therefore the appreciation, of Eastwood Hall resulting in a significantly detrimental impact on its setting and significance.

The proposal is therefore contrary to the aforementioned policies.



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**F/YR22/1242/F**

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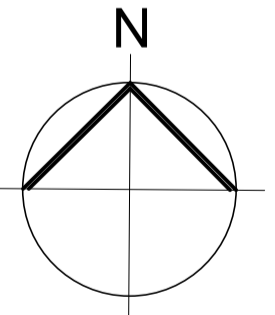






Existing Site Plan 1:1250

Proposed Site Plan 1:1250



Proposed Street Scene 1:500

A - REVISIONS

JOB NO.	PAPER SIZE	DATE
6539/01E	A1	MARCH 2022

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CLIENT  
 MRS P KNOWLES

PROJECT  
 PROPOSED DWELLING

SITE  
 LAND ADJACENT 'EASTWOOD HALL'  
 MARCH ROAD  
 WIMBLINGTON  
 CAMBS  
 PE15 0RN

DRAWING  
 PLANNING DRAWING 1

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Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



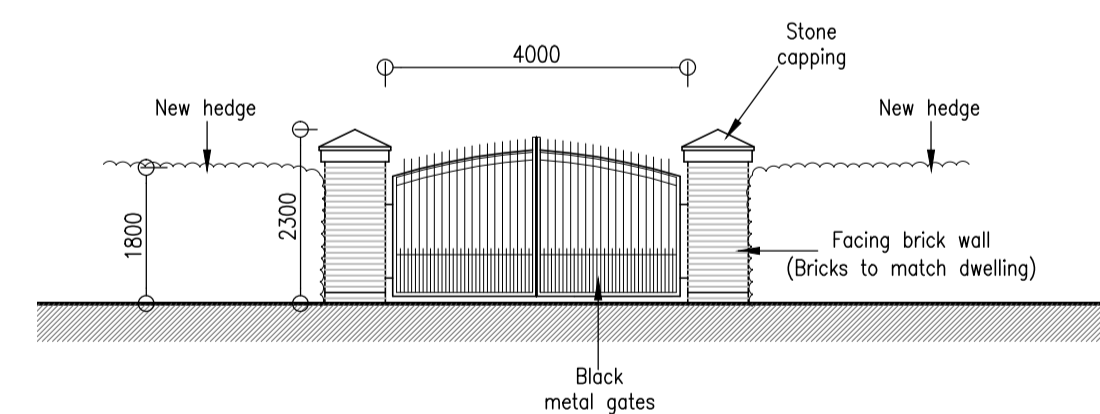
Proposed Rear Elevation 1:100



Proposed Side Elevation 1:100



Location Plan 1:2500



Proposed Entrance Gates 1:100

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6539/02D	A1	MARCH 2022

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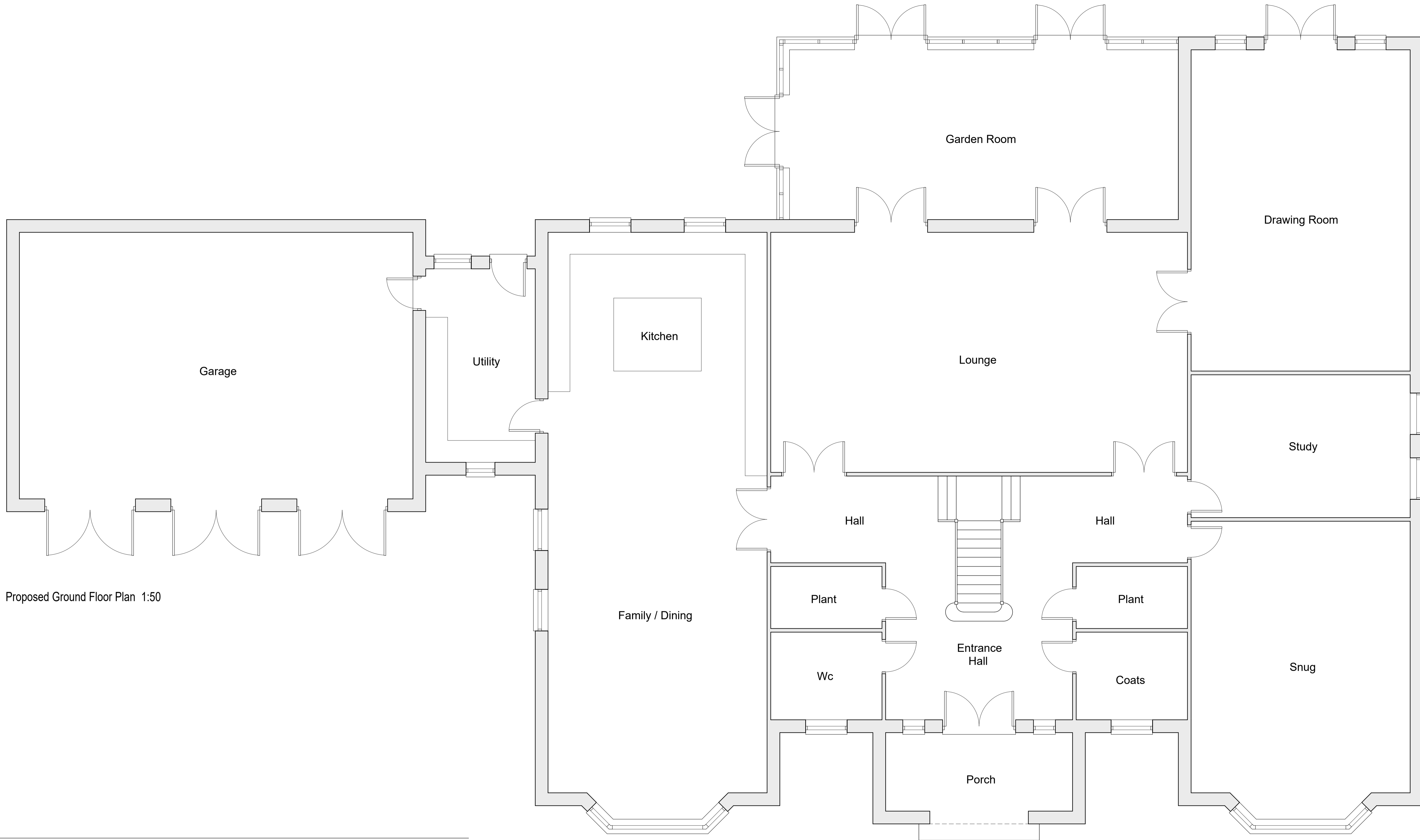
DRAWING  
 PLANNING DRAWING 2



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Proposed Ground Floor Plan 1:50

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**CLIENT**  
 MRS P KNOWLES

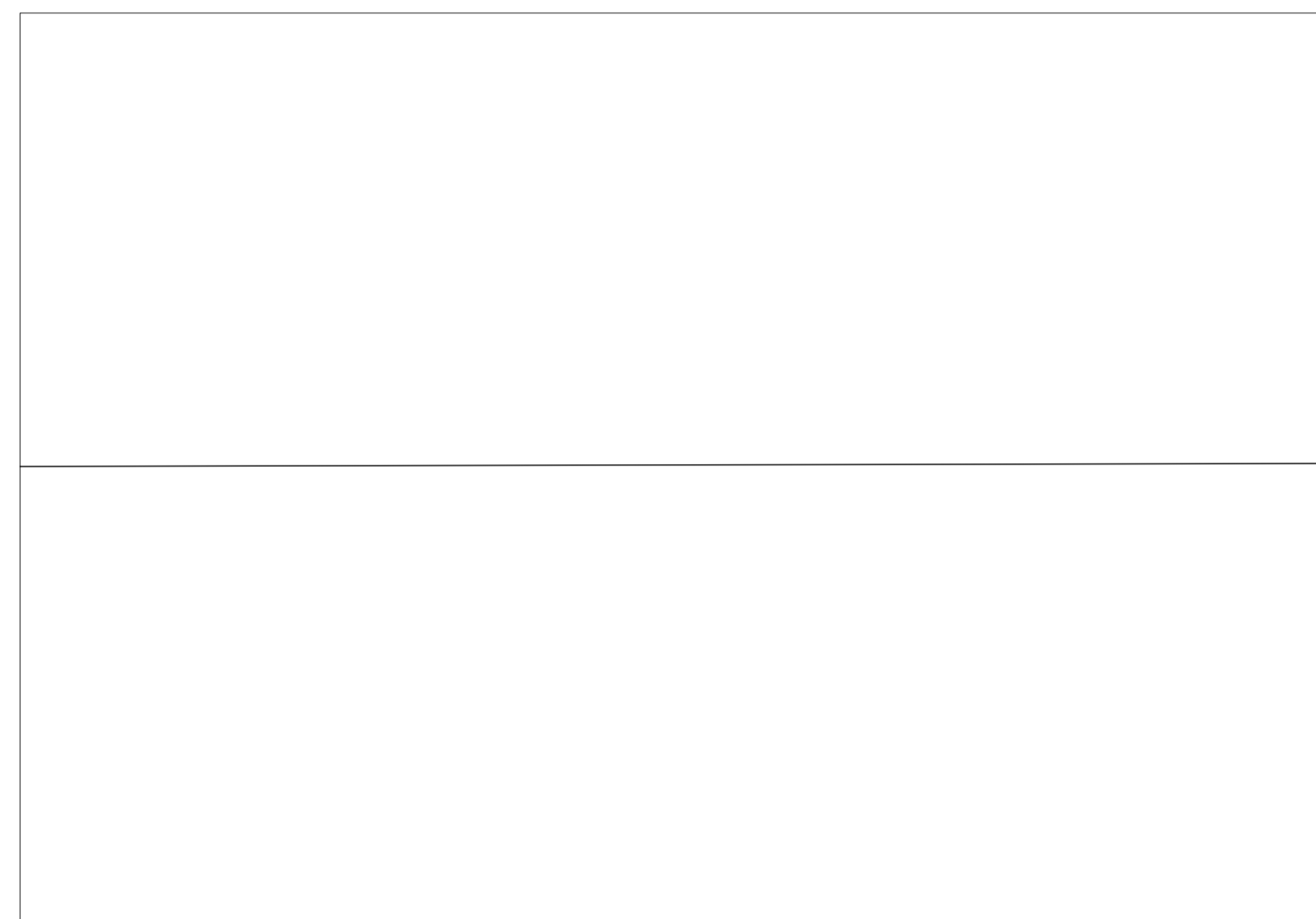
**PROJECT**  
 PROPOSED DWELLING

**SITE**  
 LAND ADJACENT 'EASTWOOD HALL'  
 MARCH ROAD  
 WIMBLINGTON  
 CAMBS  
 PE15 0RN

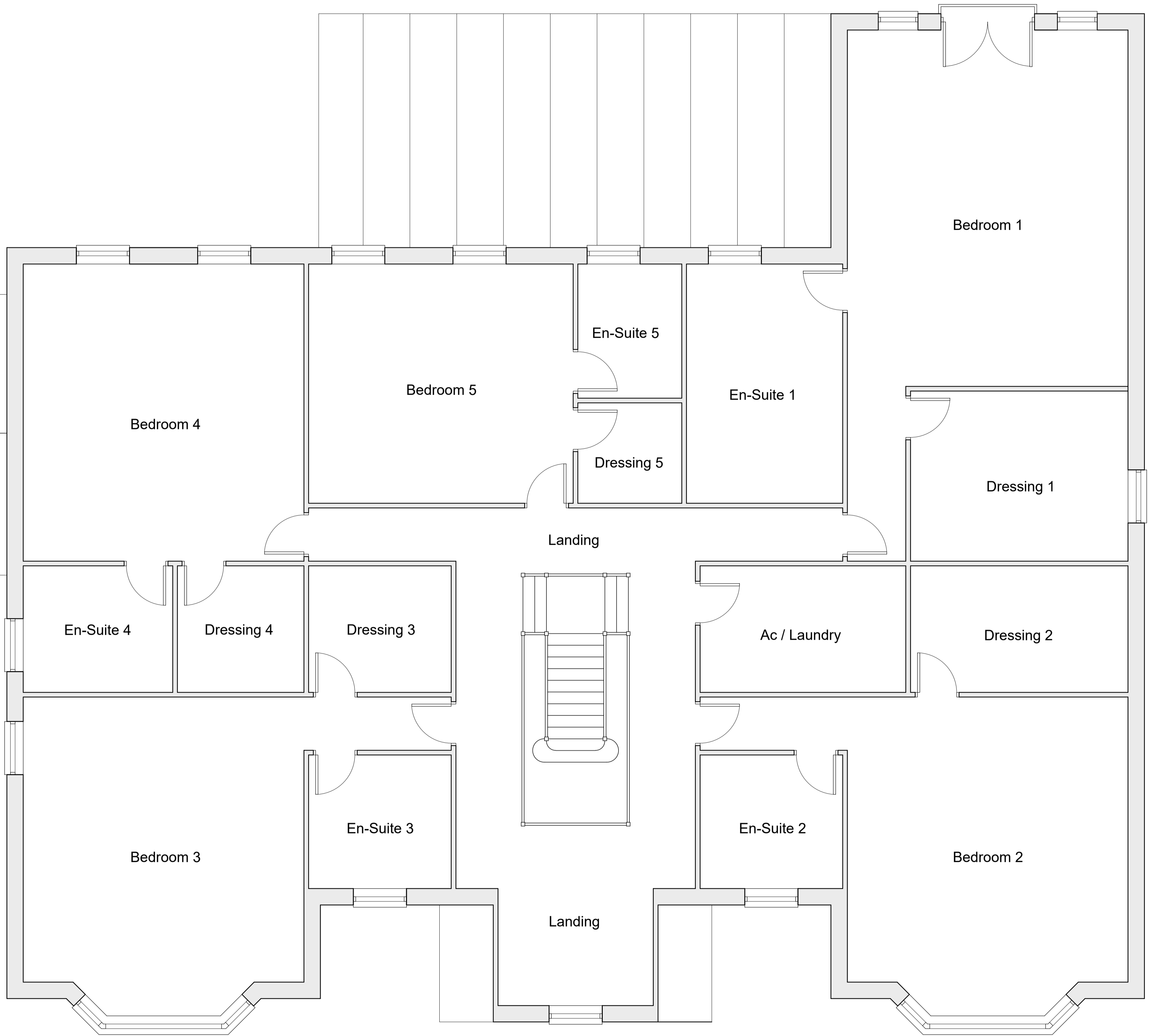
**DRAWING**  
 PLANNING DRAWING 3

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Proposed First Floor Plan 1:50



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6539/04	A1	MARCH 2022

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CLIENT  
**MRS P KNOWLES**

PROJECT  
**PROPOSED DWELLING**

SITE  
**LAND ADJACENT 'EASTWOOD HALL'**  
**MARCH ROAD**  
**WIMBLINGTON**  
**CAMBS**  
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DRAWING  
**PLANNING DRAWING 4**



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F/YR22/1309/F

**Applicant: Mr S Miller**

**Agent : Mr J Scotcher  
Morton & Hall Consulting Ltd**

**Elm Farm, Hospital Road, Doddington, Cambridgeshire**

**Erect 1 x dwelling (2 storey 4-bed) and detached garage involving the removal of existing residential caravan, and the retrospective siting of a container**

**Officer recommendation: Refuse**

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

---

## 1 EXECUTIVE SUMMARY

1.1 Members will recall a previous application on this site, which was presented at planning committee on the 6<sup>th</sup> June 2022 and which was subsequently refused. This application is effectively a resubmission of this previous application with an amendment to the red line of the site to include the larger part-brick part profiled sheeting building and detached brick building. There are no other amendments.

1.2 The site is located to the north-eastern side of a former farmyard and agricultural buildings on the northern side of Hospital Road, approximately 1.4km from its junction with Benwick Road, Doddington, within an area dominated by arable farmland with sporadic houses, likely to be related to, or previously related to, the farmland surrounding them.

1.3 The application seeks permission for the construction of a two storey, 4-bed detached house and would replace an existing mobile home located on the farmyard.

1.4 The site is located within an Elsewhere location as identified in the Local Plan, where residential development will only be acceptable with specified justification.

1.5 The site is located within an area designated as Flood Zone 3 and is classified as a 'More Vulnerable' form of development. The FRA states that temporary permissions were previously granted for the occupation of a mobile home at the site and a previously approved prior notification. Both of these elements are stated in the FRA to result in a precedent for further development on the site. However, this is not considered to be the case and the Sequential Test has not been proven to have been met.

1.6 A further permanent dwelling in this predominantly rural location is considered unjustified in this case and would significantly detract from, and undermine, the rural character of this part of the District.

1.7 On the basis of the assessment of the proposal and given that there have been no amendments or additional justifications provided, it is considered that the proposal still fails to accord with the provisions of the NPPF and Fenland Local Plan Policies LP3, LP12, LP14 and LP16 and is recommend for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site comprises a rectangular parcel of land on the northern side of Hospital Road approximately 1.4km to the north-west of the junction of Hospital Road with Benwick Road, opposite the site of the Village Hall and adjacent to Doddington Community Hospital.
- 2.2 The site encompasses a former working farmyard with a larger part-brick part profiled sheeting building to the centre of the concrete yard area, and detached brick building to the front and side (south-east) and an existing 'park home'/static caravan sited to the western side of the frontage, which was previously granted permission to house agricultural workers.
- 2.3 There are at least 3 shipping containers situated to the south-eastern frontage of the site, and to the side of an existing small, detached brick outbuilding. To the rear of the frontage structures and to the eastern side of the large barn, there is part hardstanding and part storage/parking of diggers, plant and machinery.
- 2.4 Also within the Applicant's ownership is an area of grassed paddock to the northern side of Hospital Road and to the east of the former farm complex. This measures approximately 95m in width and 44m depth, back from the road. At present, the paddock spaces appear generally unused.
- 2.5 The site is located within Flood Zone 3.

## **3 PROPOSAL**

- 3.1 The proposal is effectively a resubmission of F/YR21/1370/F which was refused at planning committee on the 6<sup>th</sup> June 2022.
- 3.2 The red line under this submission is different to that of the previous application. The red line boundary of the site now includes the area to the west of the proposed dwelling, which includes the larger part-brick part profiled sheeting building and detached brick building.
- 3.3 The application seeks full permission for the construction of a two-storey dwelling plus a detached double garage to the front.
- 3.4 The application site will include the former farmyard and will be partly sited within the western part of the paddock and partly on the grassed area adjacent to the yard. An existing formal grassed entrance to the eastern side of the main yard is proposed to be formalised, surfaced, paved and drained to form the new vehicular access to the dwelling.
- 3.5 The new 4-bed dwelling is stated to be constructed of Farmhouse Brickwork with Dark Grey timber weatherboard cladding and Dark Grey flat tiles with Cream uPVC joinery.
- 3.6 A Design and Access Statement and Flood Risk Assessment accompany the application.
- 3.7 Upon occupation, it is stated that the existing park home/caravan would be removed from the site.

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

[F/YR22/1309/F | Erect 1 x dwelling \(2 storey 4-bed\) and detached garage involving the removal of existing residential caravan, and the retrospective siting of a container | Elm Farm Hospital Road Doddington Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk)

#### 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR21/1370/F	Erect 1 x dwelling (2 storey 4-bed) involving the removal of existing residential caravan, and the retrospective siting of a container	Refused 06/06/2022
F/YR18/1046/PNC04	Change of use from agricultural building to a 2 storey 3/4-bed dwelling (Class Q (a) and (b))	Prior Approval Refused 16/01/2019
F/YR15/0393/PNCOU	Change of use from agricultural building to a single-storey 4-bed dwelling (Class Q (a) and (b))	Further Details Not Required 06/07/2015
F/YR11/0452/F	Siting of caravan for residential use by agricultural workers (Renewal of planning permission F/YR09/0780/F)	Granted 14/10/2011
F/YR09/0780/F	Siting of caravan for residential use by agricultural workers (Renewal of planning permission F/YR06/1260/F)	Granted 25/01/2010
F/YR06/1260/F	Siting of caravan for residential use by agricultural workers	Granted 21/12/2006
F/YR05/0961/F	Change of use of agricultural building to a 1-bed dwelling	Refused 11/10/2005

#### 5 CONSULTATIONS

##### 5.1 Doddington Parish Council

*Doddington Parish Council, at its recent meeting, voted to support the above planning application.*

##### 5.2 FDC Environmental Health

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

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

*Although there is existing residential usage, given the surrounding area I would recommend that the following condition is imposed in the event that planning permission 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.*

### **5.3 Environment Agency**

*Thank you for your consultation dated 28 November 2022 for the above application. We have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.*

#### **Flood Risk**

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

*We have reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and designated main river flood risk sources only.*

*We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds. However, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.*

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

#### **Review of Flood Risk Assessment (FRA)**

*We strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) by Ellingham Consulting, dated November 2022. In particular, the FRA recommends that:*

- o The floor level of the dwelling is not less than 0.3m above ground level*

*o Flood resilient measures will be incorporated up to 0.3m above finished floor levels.*

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

13 letters of support were received from residents within Doddington (5 from Hospital Road, 3 from Newgate Street, 2 from Benwick Road, 1 from Ancaster Way and 1 from Askham Row). The reasons for support are as follows:

- Family home in a great location
- Hospital Road has good access and new passing place – no issues with traffic
- Property on site is needed for security of the business
- Applicant helps to run toddler group in the village
- Opportunity to improve the site aspect
- Provide ongoing and future expansion of local employment
- Provide specialist expertise in the engineering field for local businesses
- Ensure contribution of a vibrant countryside
- Applicant already lives on site
- Improve property and make it more in keeping with existing properties
- No impact on environment, road or amenities
- No flood risk
- Does not over look anyone
- Does not set a precedent
- Greater security
- Four large dwellings approved on a field at the top of the same road this year

### **6 STATUTORY DUTY**

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

### **7 POLICY FRAMEWORK**

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

Para 2 – 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 78 – Housing should be located where it will enhance or maintain the vitality of rural communities

Para 119 – Promote effective use of land

Para 159 – Development should be directed away from areas at highest risk of flooding

Para 161 – Need to apply the sequential and exceptions tests

Para 162 – Development should not be permitted if there are reasonably available sites in areas at lower risk of flooding

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

Determining a Planning Application

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

Context



Identity  
Built Form  
Nature  
Homes and Buildings  
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  
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

#### **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:

LP5 – Health and Wellbeing  
LP7 – Design  
LP8 – Amenity Provision  
LP18 – Development in the Countryside  
LP20 – Accessibility and Transport  
LP22 – Parking Provision  
LP32 – Flood and Water Management

### **8 KEY ISSUES**

- **Principle of Development**
- **Flood Risk**
- **Character and Amenity**

### **9 BACKGROUND**

- 9.1 From the history section above, the farming business in operation previously was for pheasant hatchery, rearing and breeding around 2005 to just before 2014 and the Local Planning Authority granted a series of temporary permissions for the siting and residential occupation of a mobile home at the site for the occupation by an agricultural worker/s on the farm.
- 9.2 The most recent temporary permission expired in October 2014 and a further renewal of the permission was not sought and, at some point, the caravan was relocated to its current location in the south-western corner of the site. It would appear that the residential occupation and siting of the caravan do not therefore currently benefit from any extant planning permission.

- 9.3 In 2015 a prior notification proposal under Class Q (conversion of agricultural buildings to residential dwellings) of the General Permitted Development Order was submitted to and authorised by the Council. This related to the larger barn on the application site.
- 9.4 However, it was confirmed that the change of use was not commenced within the necessary period and had therefore lapsed, and a further prior notification was submitted in 2018. The accompanying submission stated that the pheasant farming had ceased around 2015 and the Applicant was operating the site as a business for storage and repair of agricultural machinery. By this point, the former agricultural buildings were no longer in use for agricultural purposes (pheasant, then chicken rearing) and a material change of use had taken place to a B8 use (storage and distribution use) instead. The prior notification was therefore rejected under the terms of the restrictions set out under the General Permitted Development Order for the re-use of 'agricultural' buildings.
- 9.5 In summary, the mobile home on the site does not benefit from any apparent planning permission, and has not been in breach of condition (for occupation by agricultural workers) for a sufficient amount of time to represent a 'lawful use' under the terms of the 2011 permission (and which expired in October 2014).
- 9.6 The use of the site for the storage and repair of agricultural machinery, plant and vehicles (Use Class B8) does not benefit from any permission for the change of use of the land, and there is no extant authorisation for the change of use of the barn to a dwelling under Class Q of the GDPO.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The application site is located away from the built-up area of the settlement of Doddington, with an isolated location dominated by countryside and occasional sporadic development. The area is characterised by agricultural uses and occasional leisure uses (garden centre and motocross site approximately 180 metres from the application site) and in a location considered appropriate for these specific leisure uses, otherwise considered inappropriate to a village location by virtue of noise and disturbance to residential amenities. As such, the site must be considered as 'Elsewhere' within the settlement hierarchy set out in Policy LP3.
- 10.2 Policy LP3 and Policy LP12 (D) set out that residential development in such locations should be restricted to that which is demonstrably essential to the effective operation of local agricultural, horticulture, forestry, outdoor recreation, transport or utility services; and to minerals or waste development in accordance with separate Minerals and Water Local Development Documents (LDDs). The current application, which is the same scheme as previously refused, clearly does not accord with prescribed uses in accordance with the local development plan, and the proposal accordingly would represent unjustified new residential development in an unsustainable 'Elsewhere' location, contrary to National and Local Plan policy and would detract from the intrinsic character and appearance of the rural area.
- 10.3 Notwithstanding this, the only element of any case advanced, as submitted within the design and access statement, is that the type of business on site requires a person living on site to provide security for the business.

- 10.4 In addressing this point, it should be noted that;
- a) Security in its own right is not considered adequate justification for a new permanent dwelling in a rural location;
  - b) The Applicant already has a 'presence' on the site by virtue of the siting and residential occupation of the mobile home (albeit without the benefit of planning permission); and
  - c) the business use currently operating from the site (the repair and servicing of agricultural machinery) does not constitute 'agricultural use' and therefore a material change of use of the land has occurred and which also does not benefit from planning permission and is therefore unauthorised.
- 10.5 There is no new apparent justification or case advanced submitted within this application which would outweigh the deleterious effect of a new unjustified permanent dwelling in this rural location.
- 10.6 Accordingly, it is considered that the proposal does not accord with any of these requirements and as such is contrary to the provisions of the National Planning Policy Framework and Policies LP3 and LP12 of the adopted Fenland Local Plan.

### **Flood Risk**

- 10.7 The site is also located within an area designated as Flood Zone 3, a zone at higher risk of flooding and for a 'more vulnerable' form of development.
- 10.8 Policy LP14 of the Fenland Local Plan requires that development proposals adopt a sequential approach to new development where flood risk is a material consideration, directing development in the first instance to areas with a lower flood risk category (in this case, Flood Zones 1 and 2). Only if the sequential test demonstrates that there are no available sites in lower flood risk areas will sites be considered in higher risk zones. The Local Planning Authority has identified that the area of search for alternative sites where a proposal is located within an 'elsewhere' location, will be the whole of the District.
- 10.9 The sequential test set out above is supported by the National policy guidance set out in Section 14 of the National Planning Policy Framework. The matter of need for the dwelling to be located on the site is addressed above. It is concluded that there is no site specific need for the dwelling on site and as such, the sequential test needs to be applied. The application provides no assessment of alternate, sequentially preferable sites.
- 10.10 On matters of flood risk, therefore, the application site would not accord with the planning requirements as set out under the NPPF and Policy LP14 of the adopted Fenland Local Plan 2014.

### **Character and Amenity**

- 10.11 The application proposes the construction of a permanent new dwelling to the north-eastern side of a former agricultural yard within an area of predominantly undeveloped countryside.
- 10.12 There is sporadic development within the local area and a motocross site situated to the south at Washbrook Farm (150m from the site), which has involved some earthworks for the provision of associated tracks, is permitted in appropriate

locations as leisure use within rural areas subject to relevant planning considerations.

- 10.13 Hospital Road terminates for vehicular access further to the south-west where it serves one remaining farm located approximately 170m from the current application site.
- 10.14 The character of development in this area can be described as sporadic and loose knit, due to the large and spacious fields forming gaps between the occasional dwellings along Hospital Road and the inter-relationship between existing residential properties and the broad agricultural hinterland between and surrounding them.
- 10.15 Policy LP16 of the Fenland Local Plan requires development to 'make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment, providing resilience to climate change, reinforcing local identity and not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area'.
- 10.16 The proposal by its very nature and location would detract from the relationship between Hospital Road and its rural and undeveloped surroundings. The proposed development would undermine this relationship by the consolidation of existing sporadic and loose-knit built form notable in this area and would therefore be contrary to Policy LP16 of the adopted Fenland Local Plan.

## 11 CONCLUSIONS

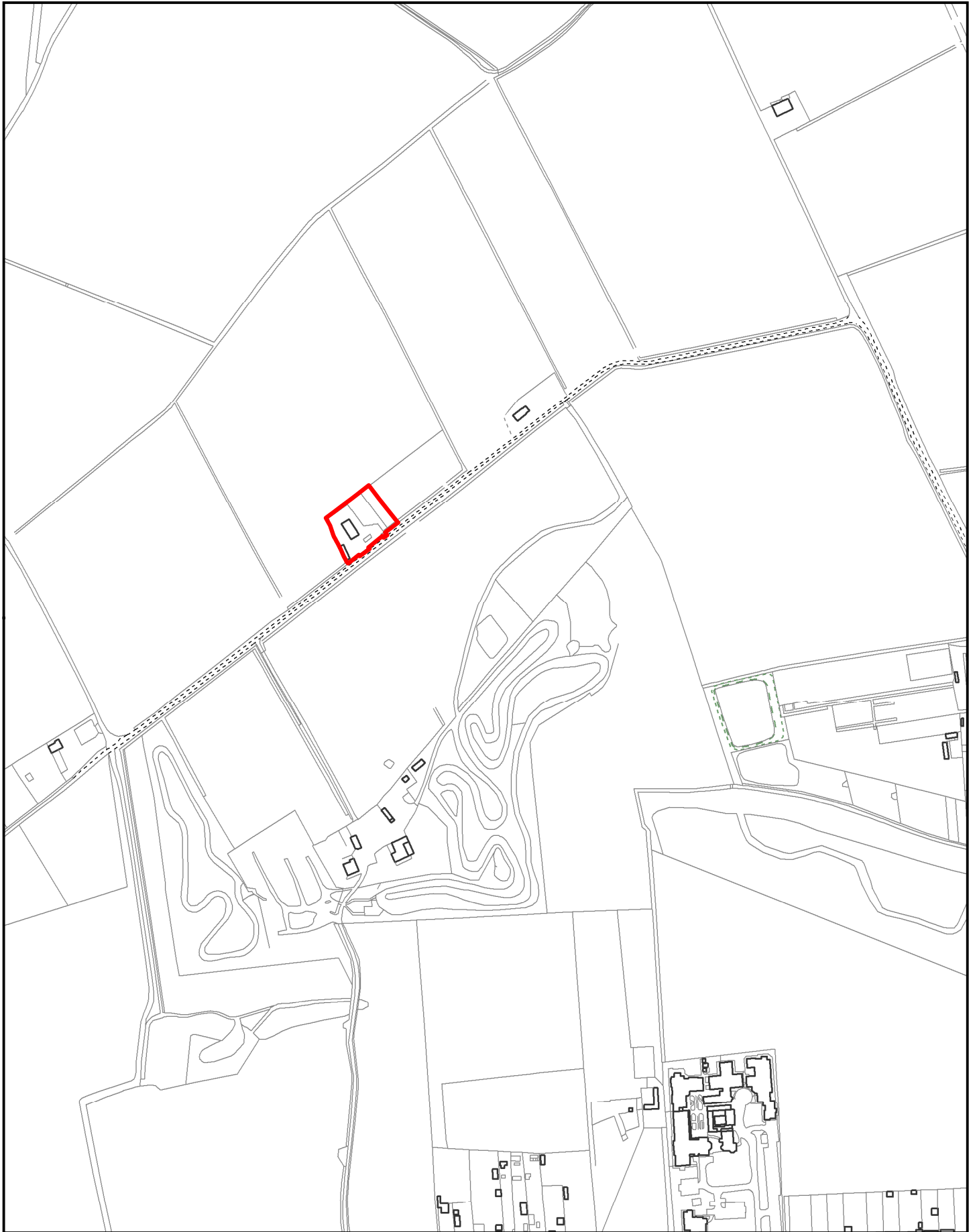
- 11.1 The proposal is considered to fail to accord with Policies LP3, LP12, LP14 and LP16 of the adopted Fenland Local Plan 2014.
- 11.2 The site is located within an isolated location beyond the nearest settlement and does not meet with any of the identified exceptions to countryside protection policies as set out under Policies LP3 and LP12.
- 11.3 The Sequential Test under flood risk policy fails to demonstrate that there are no sequentially preferable sites within the District capable of accommodating the development.
- 11.4 Furthermore, the development of the site would have a deleterious impact on the generally open character of the area characterised by sporadic development with a close visual connection with the surrounding countryside.

## 12 RECOMMENDATION

**Refuse**, for the following reasons:

1	Policy LP3 of the adopted Fenland Local Plan 2014 sets out the settlement hierarchy within the District, setting out the scale of development considered appropriate to each level of the hierarchy. The application site is situated within a rural location and an 'Elsewhere' location, isolated from the nearest settlement and as defined under Policies LP3 and LP12. In such rural locations development is to be limited to specific uses only within a countryside location. The proposal is for the construction of an unjustified new residential property, not associated with any of the specified criteria and the
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	proposal would therefore be contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014.
2	<p>Policy LP14 of the Fenland Local Plan, and paragraphs 155-165 of the National Planning Policy Framework 2021, set out the approach to developing land in relation to flood risk, with both documents seeking to steer new development in the first instance towards available land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding. Fenland District Council's adopted approach to sequential testing is that where a site is located in the countryside, the area of search for application of the sequential test is the whole District. The Sequential Test accompanying the application (contained within the submitted flood risk assessment) does not consider any alternative sites and therefore fails to demonstrate that the application site is sequentially acceptable. The sequential test must be accordingly failed. As a result, the proposal would fail to accord with the provisions of the NPPF and Policy LP14 of the Fenland Local Plan 2014.</p>
3	<p>Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals are required to demonstrate that they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The proposal is for the construction of a new dwelling on currently undeveloped land within a streetscape characterised by sporadic development with a close relationship to the wider open countryside.</p> <p>The development would result in the consolidation of existing sporadic built form and an urbanisation of the street scene, detracting from the open and sporadic character of this rural location. The result would be a development that results in harm to the existing distinctiveness and open character of the area which would be contrary to policy LP16 of the Fenland Local Plan (2014).</p>



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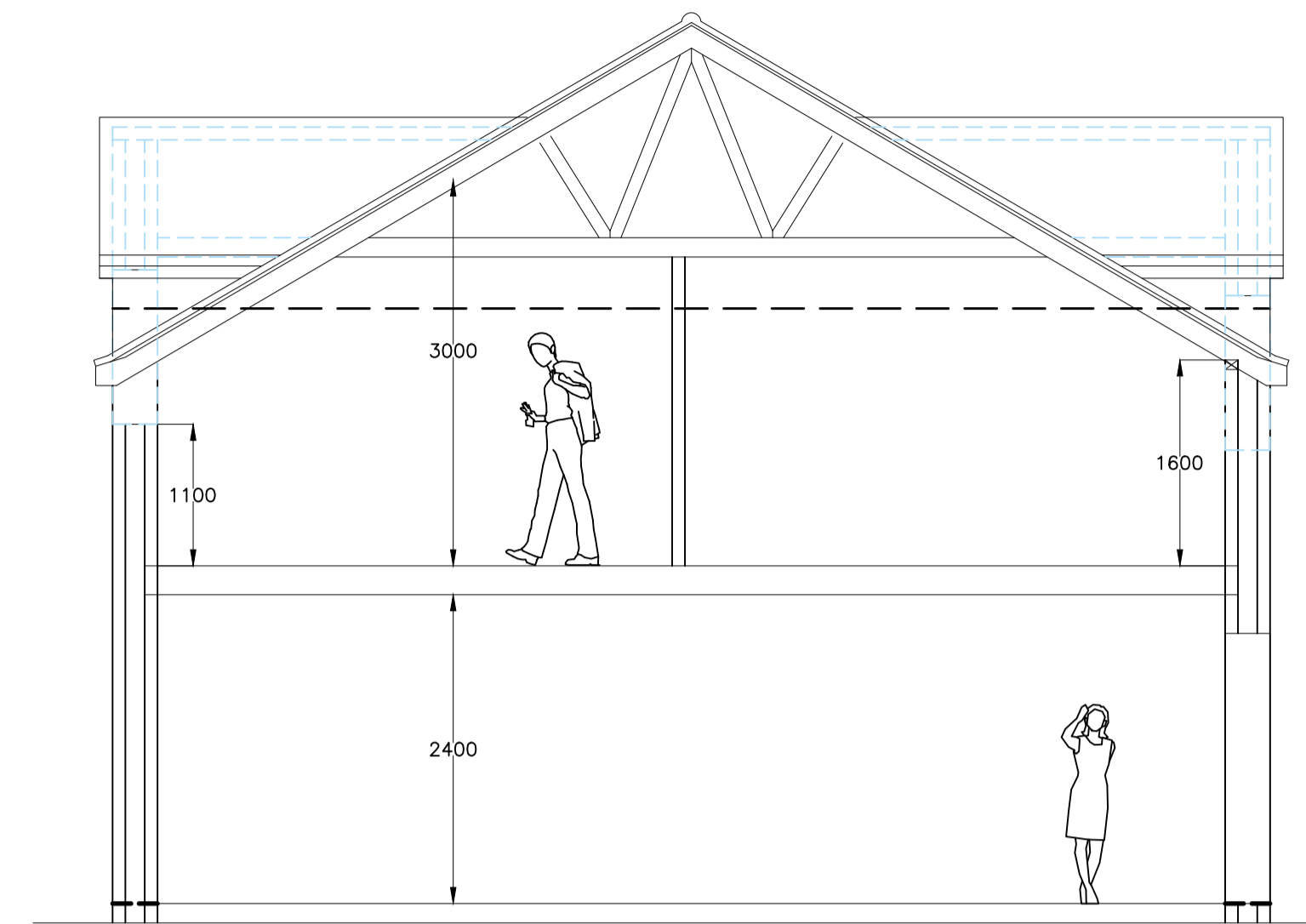
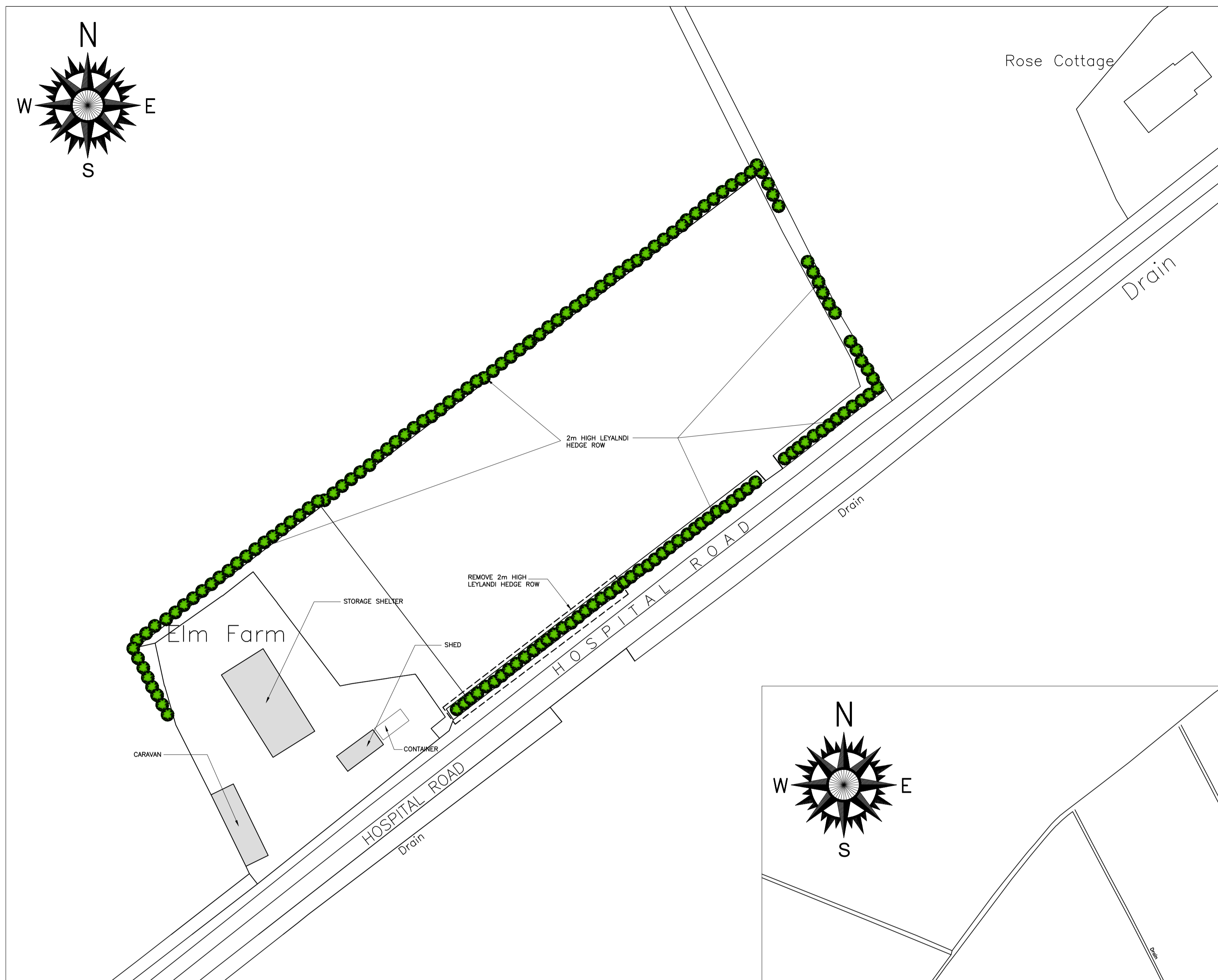


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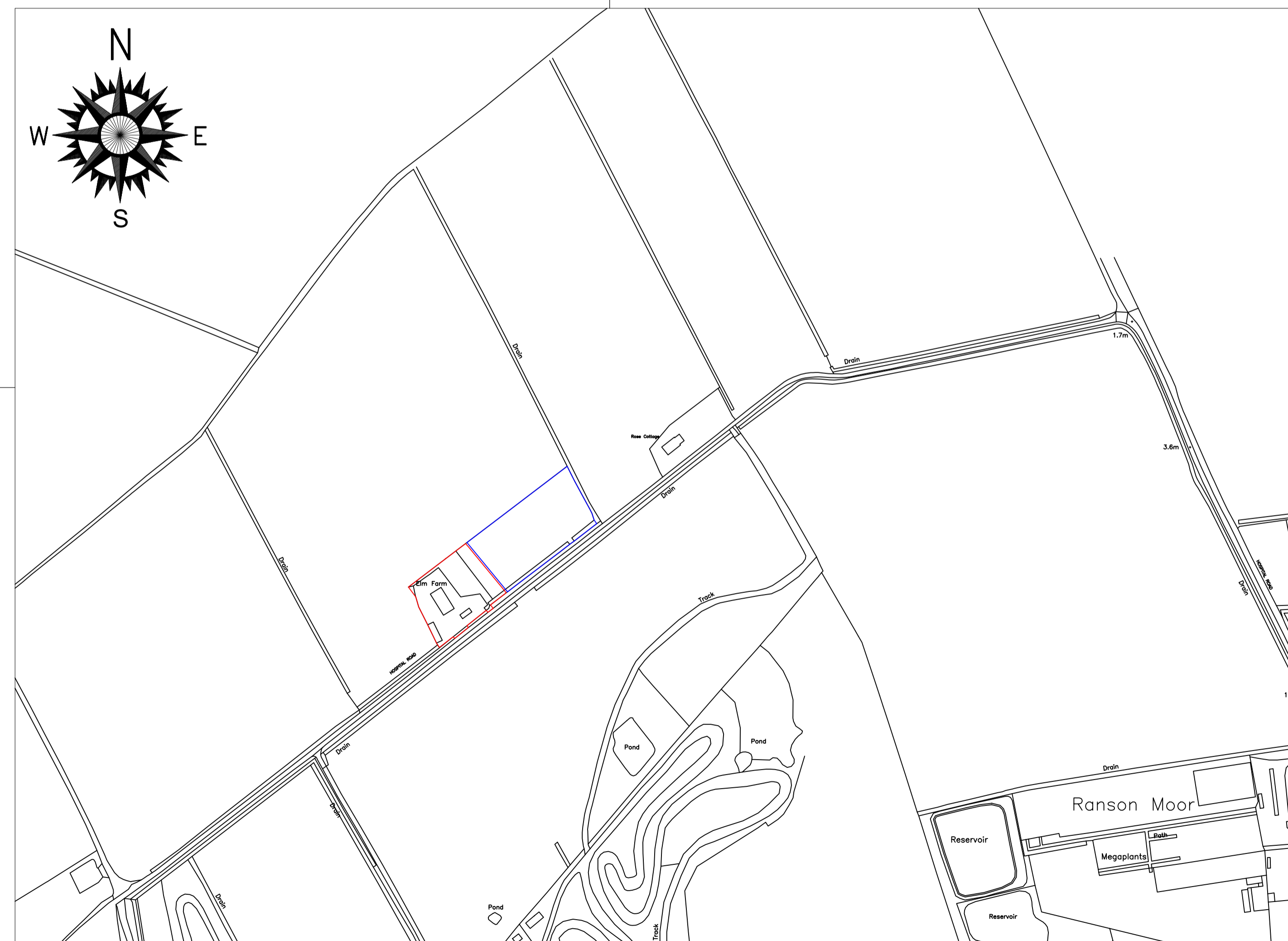
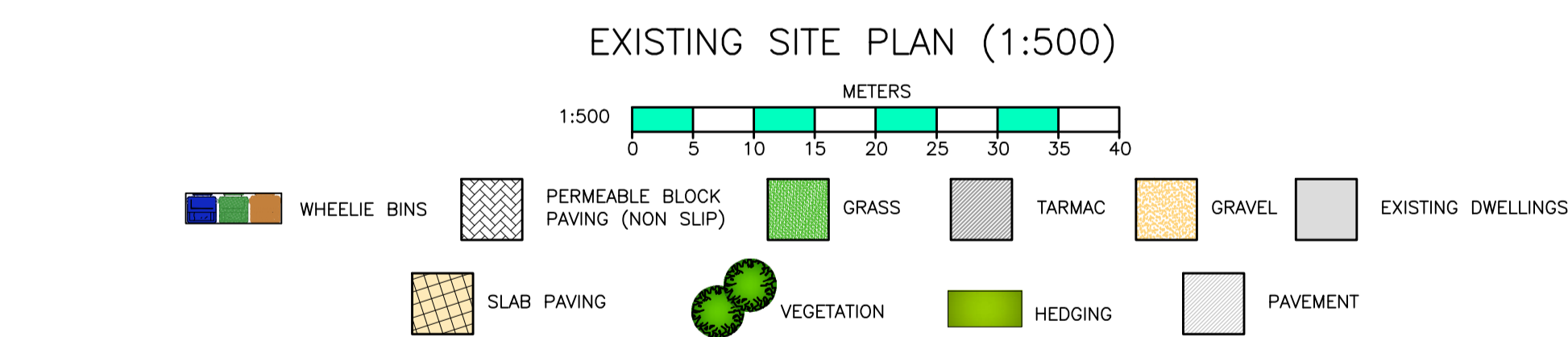
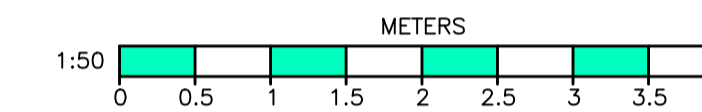
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The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

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

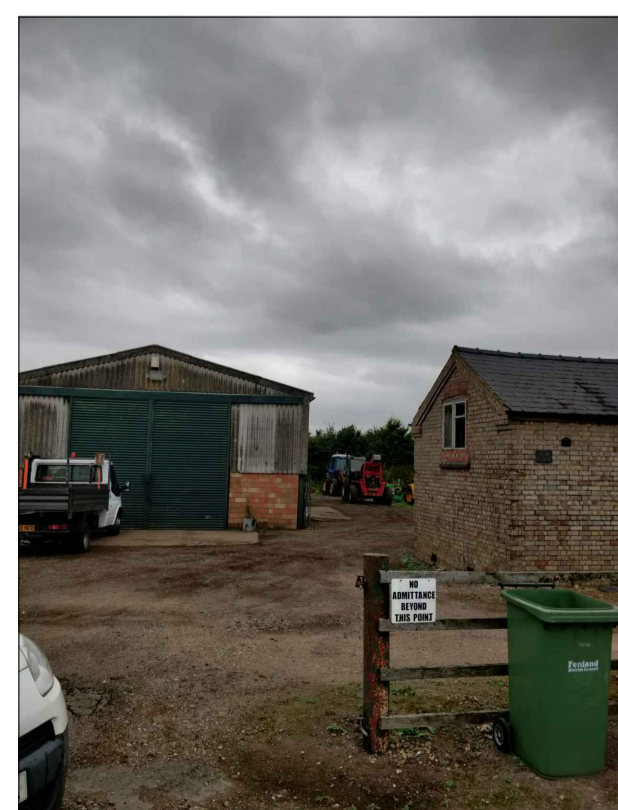
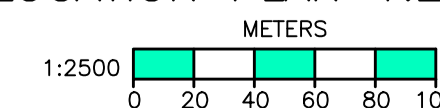


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LOCATION PLAN 1:2500



B	PLANNERS COMMENTS	NOV 2022
A	DRAWING UPDATED	NOV 2022

REVISIONS	DATE
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 Building Design Awards  
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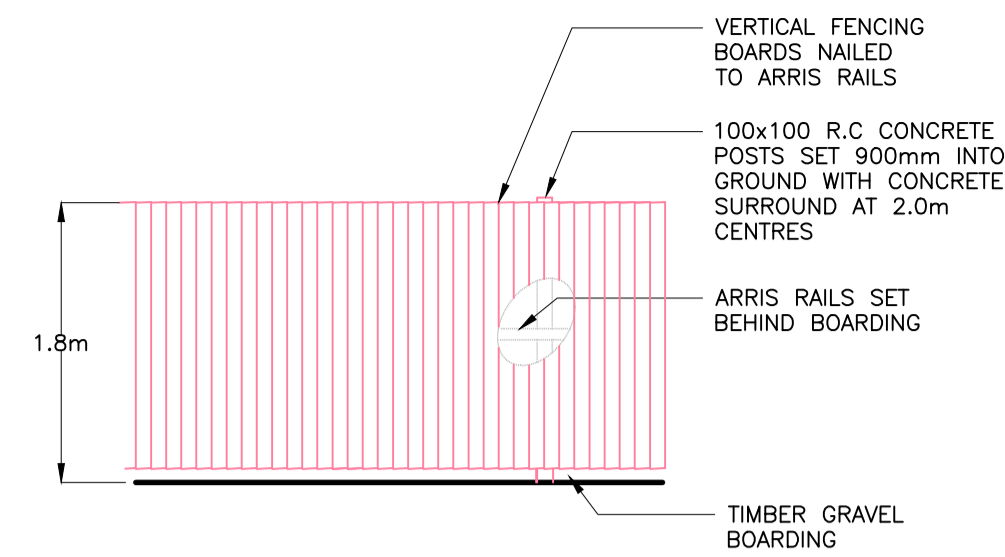
CLIENT  
 Mr S Miller

PROJECT  
 Elm Farm,  
 Hospital Road,  
 Doddington, Cambs  
 PE15 0SL

TITLE  
 Existing Site Plans  
 & Location Plan

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CHECKED		
DATE	Aug 2021	DRAWING NUMBER
SCALE	As Shown	H7786/01b

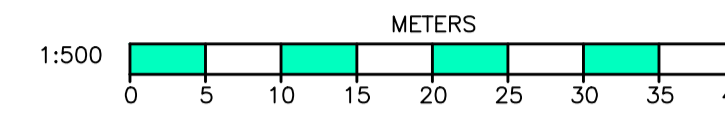




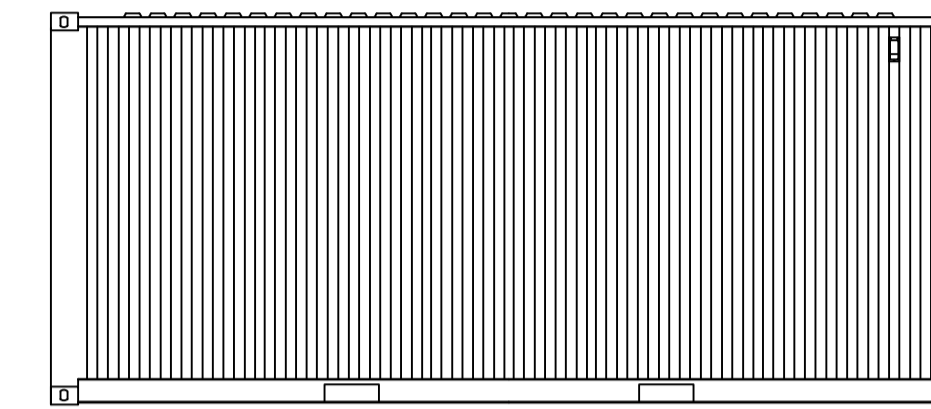
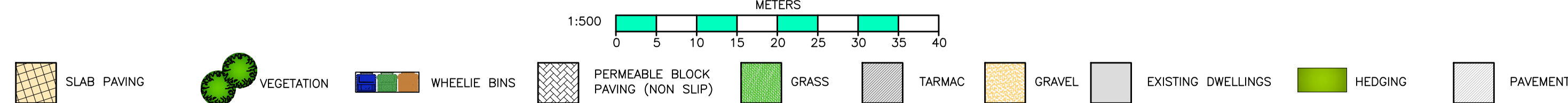
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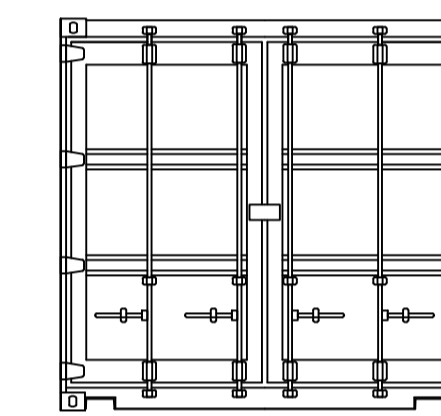
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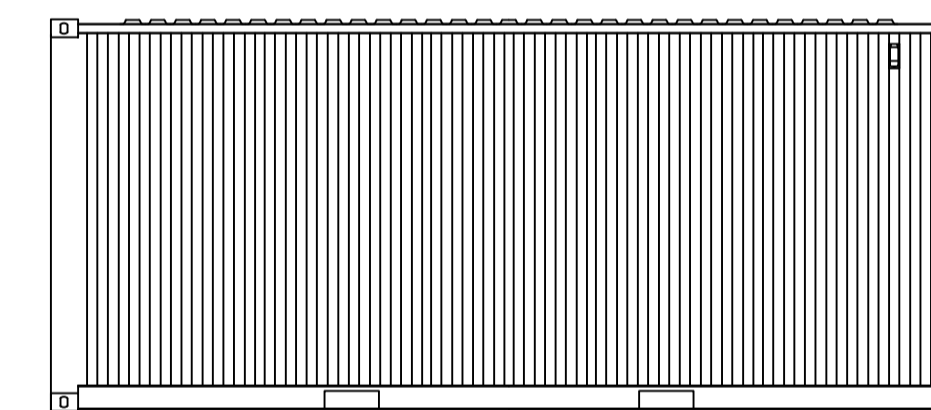
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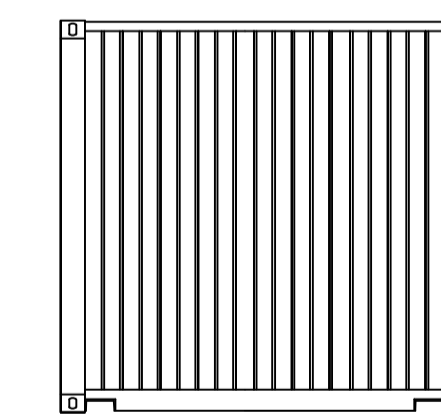
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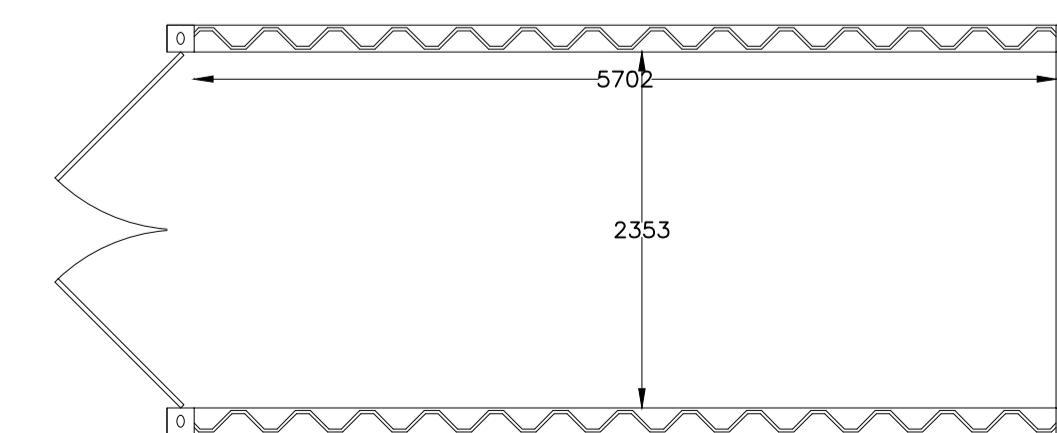
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CONTAINER RHS ELEVATION (1:50)



CONTAINER REAR ELEVATION (1:50)



CONTAINER FLOOR PLAN (1:50)

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

B	PLANNERS COMMENTS	NOV 2022
A	PLANNERS COMMENTS	NOV 2022

REVISIONS	DATE
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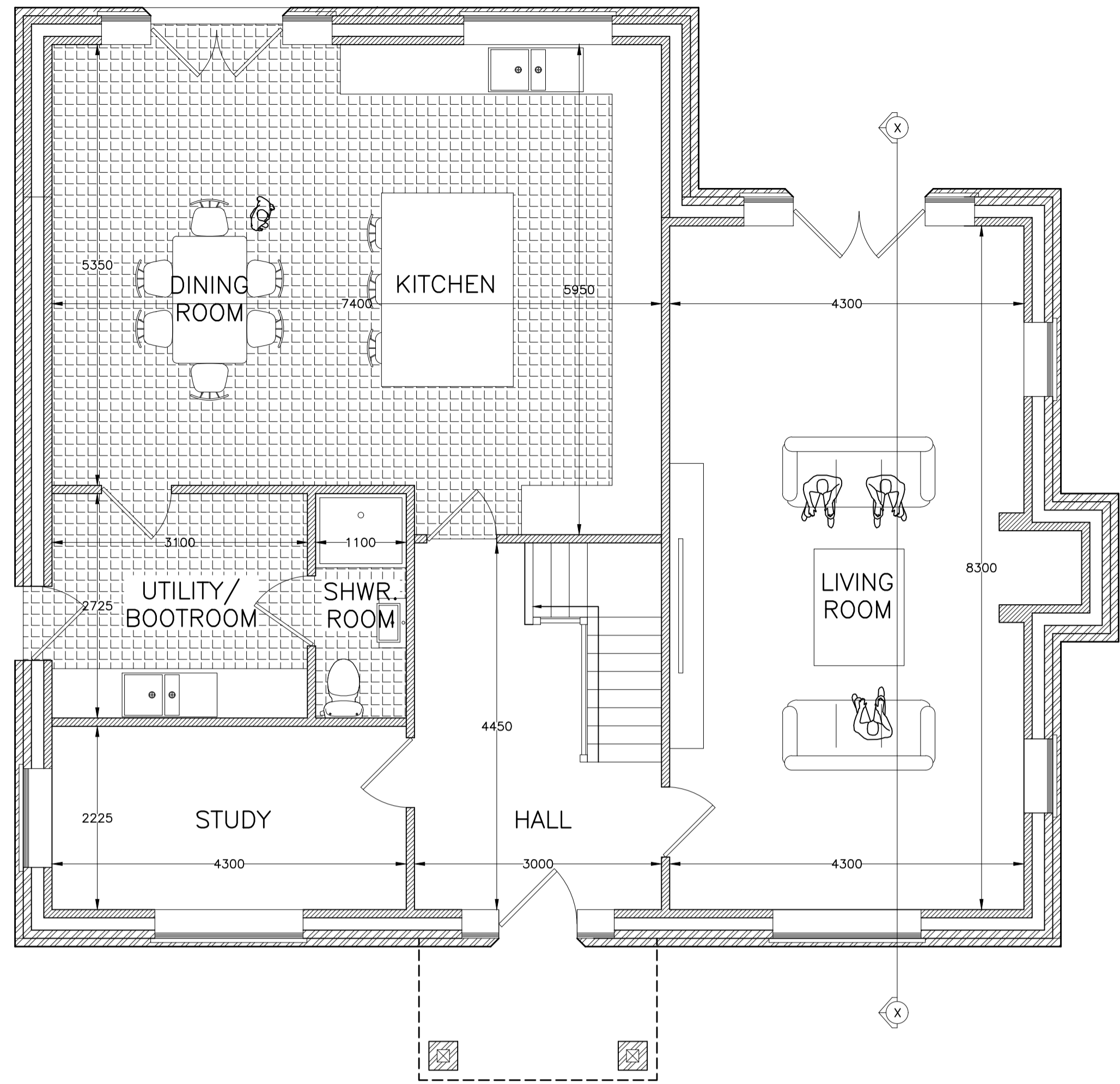
CLIENT  
 Mr S Miller

PROJECT  
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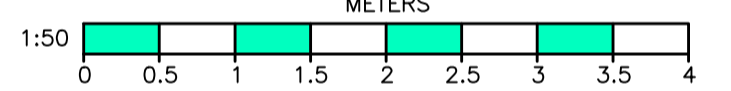
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DRAWN J.Scotcher	DATE OF ISSUE
CHECKED	
DATE Aug 2021	DRAWING NUMBER H7786/03B
SCALE As Shown	

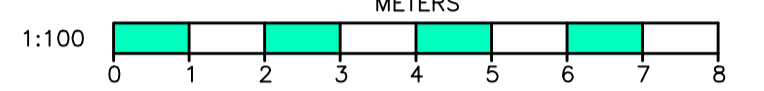




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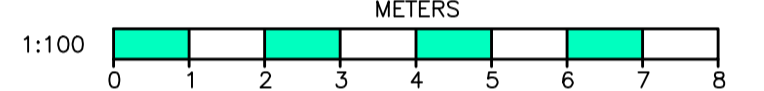
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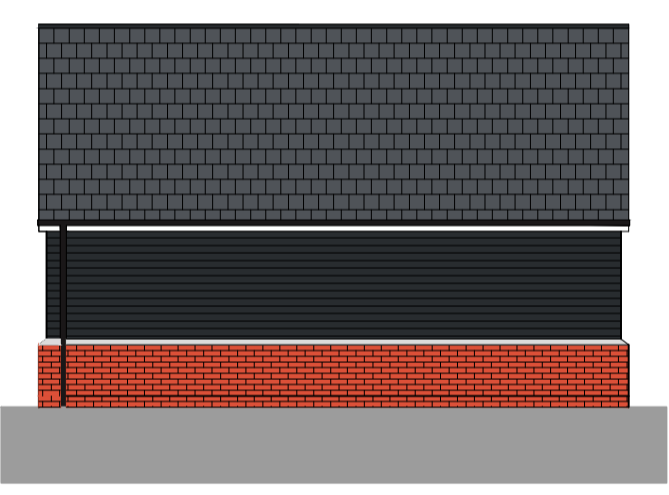
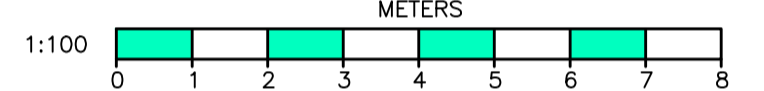
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PROPOSED FRONT ELEVATION (1:100)



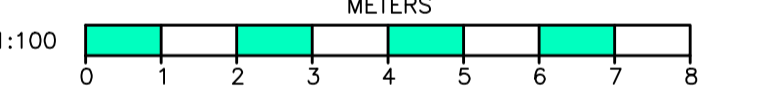
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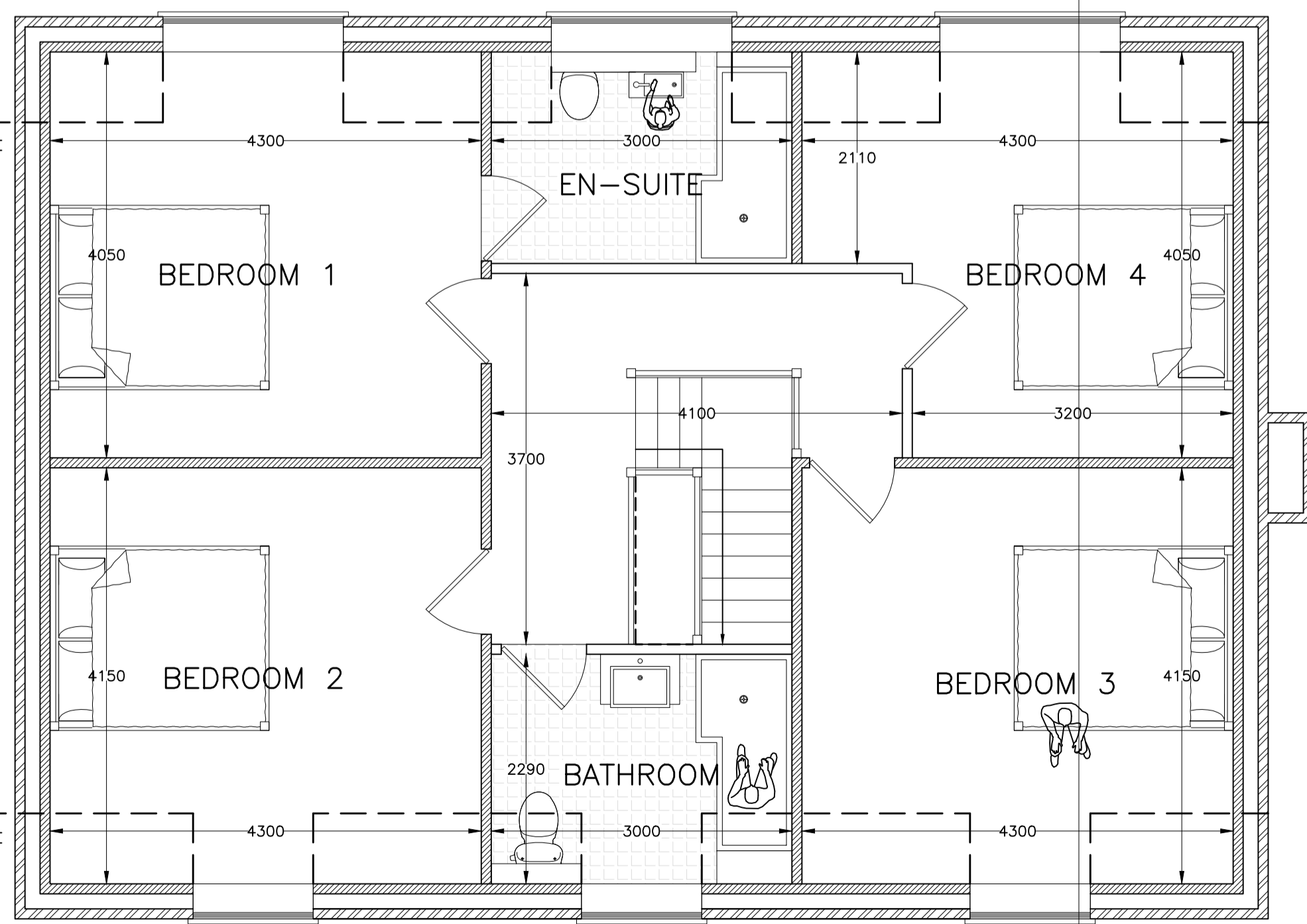
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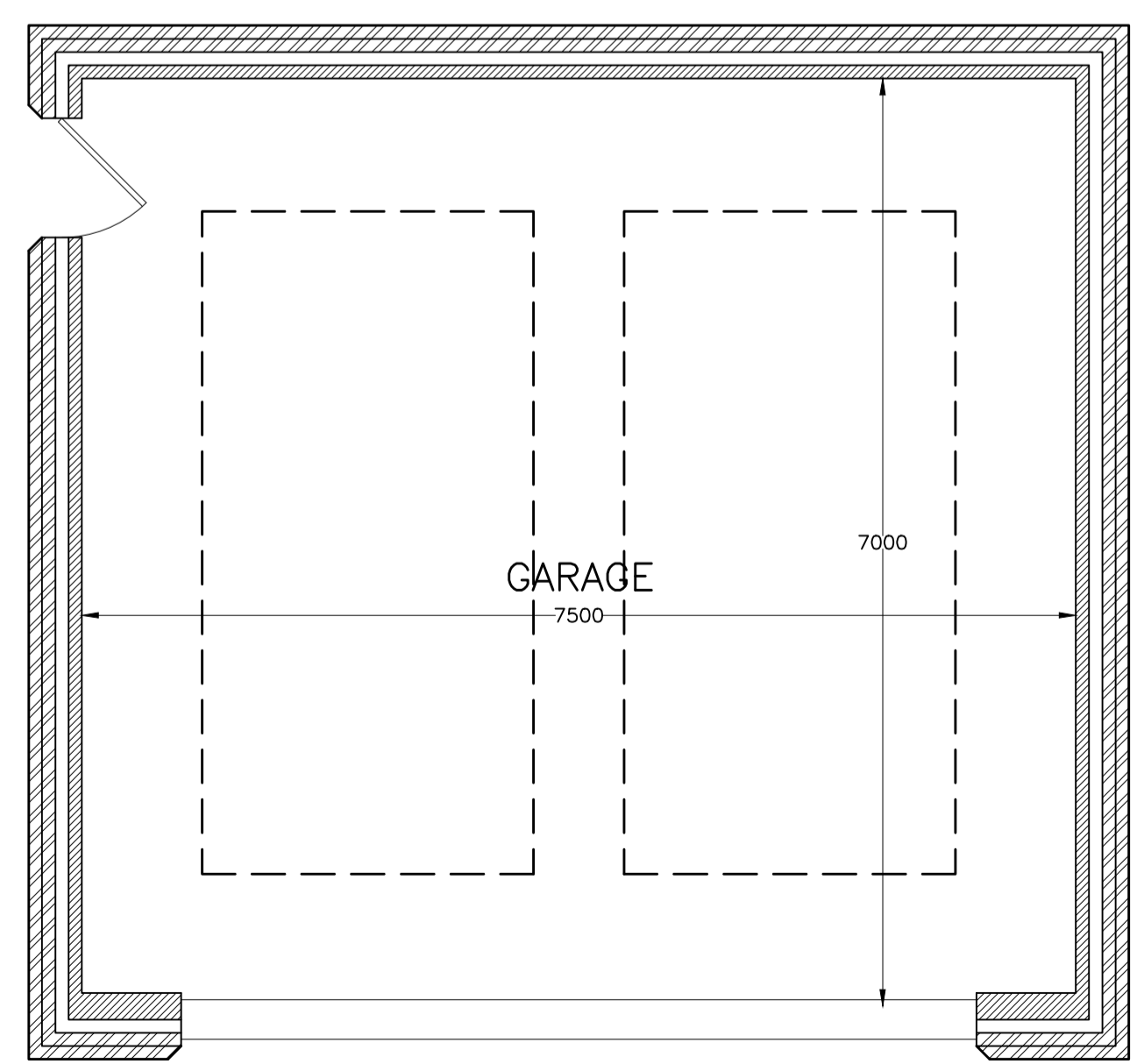
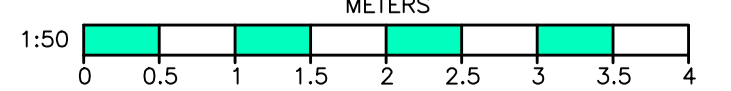
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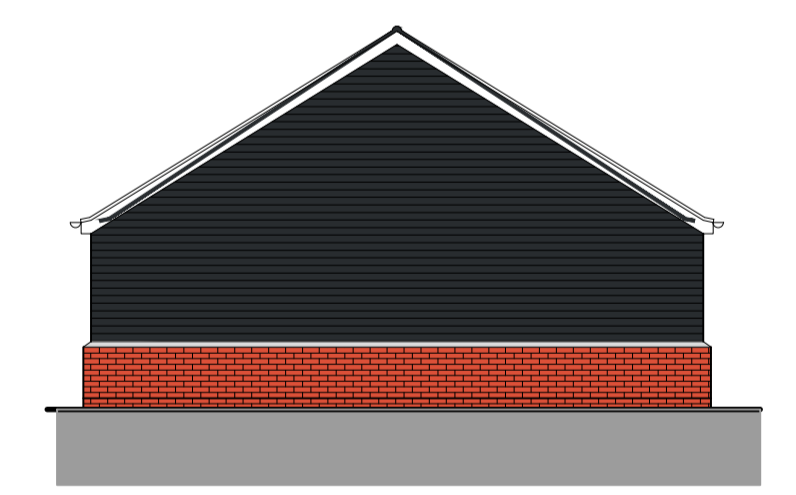
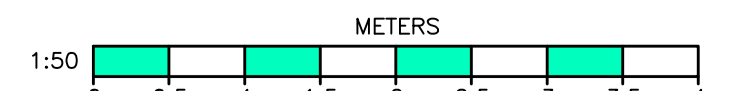
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 JOINERY : CREAM UPVC UNITS  
 RAINWATER GOODS : BLACK UPVC



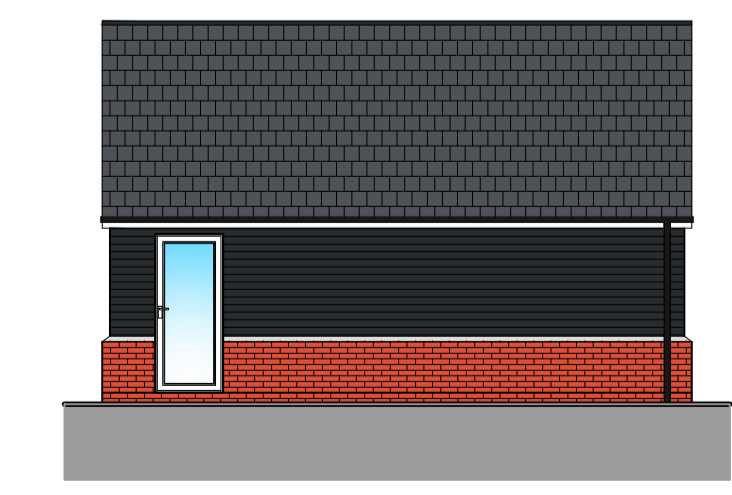
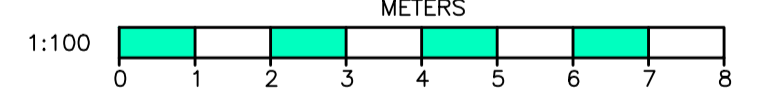
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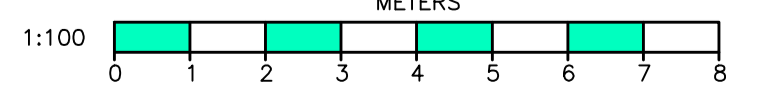
PROPOSED GROUND FLOOR PLAN (1:50) (GARAGE)



PROPOSED REAR ELEVATION (1:100)



PROPOSED LHS ELEVATION (1:100)



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

B	PLANNERS COMMENTS	NOV 2022
A	CLIENTS COMMENTS	SEP 2021
	REVISIONS	DATE

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Fenland District Council  
 Building Design Awards  
 winner  
 Building Excellence in Fenland

CLIENT  
 Mr S Miller

PROJECT  
 Elm Farm,  
 Hospital Road,  
 Doddington, Cambs  
 PE15 0SL

TITLE  
 Proposed Building Arrangements

DRAWN J.Scotcher	DATE OF ISSUE
CHECKED	
DATE Aug 2021	DRAWING NUMBER H7786/02_B
SCALE As Shown	

<b>AGENDA ITEM NO. 14</b>	
<b>PLANNING COMMITTEE</b>	
<b>Date</b>	<b>08/03/23</b>
<b>Title</b>	TPO 01/2023

**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) Eaudyke Bank, 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 this Committee where objections to the Order are received.

Background  
Arboriculture officer comments requesting to TPO the trees  
 Eaudyke Bank is a single-track lane on the outskirts of Tydd St Giles and bisects the Tydd St Giles Golf and Country Club.

The lane is characterised by both belts and individual trees along its length with some sections more open with views across farmland and the golf course.

The trees contribute to the amenity and biodiversity of the area. There is a perceived threat to the trees from ongoing developments in the area and a TPO will help ensure continuity of tree cover, biodiversity and amenity.

TPO objection  
 An objection to the TPO was lodged by Pure Leisure Group owner of the Tydd St Giles Golf and Leisure Complex, the owners of the trees.

**3. RECOMMENDATION**

**It is therefore recommended that Members confirm the TPO in respect of the T01-T18 (1 x Pride of India, 3 x Hornbeam, 3 x Ash, 3 x Poplar, 3 x Plane, 1 x Horse Chestnut, 2 x Silver Maple, 2 x Sycamore)**

<b>Forward Plan Reference No.</b> (if applicable)	Not applicable
<b>Portfolio Holder(s)</b>	Not applicable
<b>Report Originator</b>	Tracy Ranger, Development Officer
<b>Contact Officer(s)</b>	David Rowen, Development Manager
<b>Background Paper(s)</b>	N/A

## **1. BACKGROUND**

- 1.1 The Council's Arboricultural Officer requested that the T01-T18 (1 x Pride of India, 3 x Hornbeam, 3 x Ash, 3 x Poplar, 3 x Plane, 1 x Horse Chestnut, 2 x Silver Maple, 2 x Sycamore) trees have a Tree Preservation Order placed on them.

## **2. PROPOSAL**

- 2.1 The Order encompasses T01-T18 (1 x Pride of India, 3 x Hornbeam, 3 x Ash, 3 x Poplar, 3 x Plane, 1 x Horse Chestnut, 2 x Silver Maple, 2 x Sycamore) and is detailed on the accompanying plan.

## **3 PLANNING HISTORY**

- 3.1 The planning history of the site is pertinent to this proposal to protect the trees as stated. As part of the Golf and Country Club approximately 38 holiday homes have been erected on site (Apps: F/YR08/0581/F & F/YR19/0254/F). In addition, there is an application pending for a further 51 holiday homes, a bird hide and a lake on site.

## **4 CONSULTATIONS**

### **4.1 FDC Arboricultural Officer**

*The trees contribute to the amenity and biodiversity of the area. There is a perceived threat to the trees from ongoing developments in the area and a TPO will help ensure continuity of tree cover, biodiversity and amenity.*

### **4.2 Local Residents/Interested Parties**

The landowner Pure Leisure Group has objected to the placing of the TPO's as they consider it is unjustified and they consider that the trees specified under the TPO hold no particular amenity value, making the following comments:

*As a multi-award winning (David Bellamy Environmental/Ecological) owner and operator of holiday leisure parks throughout the United Kingdom (Tydd St. Giles Golf and Leisure Complex included), Pure Leisure Group is bemused to receive the above and wish to Object to the Order. Pure Leisure Group has consistently demonstrated a long-standing commitment to protecting and enhancing the natural environment. If you review (on-line) our park located at Fell End in Cumbria, you will see that Pure Leisure Group created and operate a Nature Reserve, freely accessible to visitors, the local community and an invaluable educational asset.*

*As I believe that you will already be aware, Pure Leisure Group has an on-going planning application in progress in respect of the siting of additional holiday lodges at Tydd St Giles Golf and Leisure Complex. In support of the above, the Tree Survey and Arboricultural Assessment, respectfully does not corroborate the comments within your correspondence that;- "The trees are considered worthy of preservation because of their amenity value to the area". The reality is that the trees listed in the Order, in terms of species and/or amenity value, make no arboricultural contribution to the location. Furthermore, the existing and extensive planting within and beyond the site was undertaken, voluntarily by Pure Leisure Group.*

*Pure Leisure Group has no desire to diminish the fauna, flora, shrubs and trees, etc., that form the integral character of Tydd St. Giles Golf and Leisure Complex – with the Tree Survey and Arboricultural Assessment proposing additional planting! Respectfully, even if there was a potential root protection “conflict” as a result of the proposed development, that can (as is the norm), be addressed by the planning authority specifying conditions, such as protection and/or requiring compensatory replanting and replacements. We believe that approach is more beneficial than a Tree Preservation Order.*

*As with all planning applications, there is a due process for developers and the local authority planning service to follow, within local and national planning guidelines. That, quite rightly, includes the tried and tested process for receipt of comments, for and against development proposals, from consultees and neighbouring property owners, etc. I sincerely hope that the proposed Order is not an attempt, by any third party, to circumvent and/or influence that process unfairly. Accordingly, as the land owner and as part of this objection, I should be very grateful if you would forward me a copy of the submission made to Fenland District Council in respect of the proposed Tree Preservation Order for the trees identified and specifically listed in your correspondence. Finally, can you please advise me if the draft proposed Tree Preservation Order based on an inspection and assessment carried out by the Council’s Tree Officer?*

## **5 CONCLUSION**

- 5.1 Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to Committee where objections to an Order are received. Due consideration has been given to the objection from Pure Leisure Group however the trees are considered important to the amenity and ecology of Eaudyke Bank.
- 5.2 The placement of a TPO does not prevent tree works or even removal but gives the Local Planning Authority control over ‘inappropriate’ works.
- 5.3 It is therefore recommended that the TPO is confirmed.









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F/YR21/0356/F

**Applicant: Mr J Boswell**

**Agent : Mr Matthew Taylor  
Taylor Planning And Building**

**Land East Of Cedar Rose Stables, Horsemoor Road, Wimblington,  
Cambridgeshire**

**Change of use of land for the use as 5no traveller's plots including siting of 5 no mobile homes and 5 no touring caravans and formation of a new vehicular access (retrospective)**

**Officer recommendation: Grant**

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

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## 1 EXECUTIVE SUMMARY

- 1.1 The development has an adverse impact on the character and appearance of the local area and landscape setting contrary to policy LP5 (a) and (e) and LP16(d) which aims to ensure that development makes a positive contribution to local distinctiveness and character of the area, enhancing the setting. It is also contrary to paragraph 26 (b) of the PPTS which requires local authorities to attach weight to sites that are well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.
- 1.2 The cumulative impact of this proposal for five pitches together with other nearby approved traveller pitches is considered to result in a domineering impact upon the settled community which is contrary to paragraph 14 in Policy C and paragraph 25 of Policy H of the Planning Policy for Traveller Sites, which seek to ensure that sites are well planned and in rural areas respect the scale of, and do not dominate the nearest settled community.
- 1.3 The lack of an up-to-date gypsy and traveller needs assessment and lack of available pitches does not in itself outweigh the harm set out in the above two paragraphs. In other respects, e.g. access and flood risk, the proposal is acceptable. However, taking the development plan as the starting point for the determination of applications, the proposal is not acceptable on landscape and domineering impact grounds.
- 1.4 However, personal information and evidence has been submitted with regards to the occupants of the site. This has been carefully considered by Officers and it is clear that if permission were refused and the occupiers of the site were forced to vacate the site, the welfare of several of the occupiers, in particular the children would be harmed, and their health and education would be likely set back. The welfare of children is of paramount importance. The weight attached to these considerations, in this instance, outweighs the policy objections to the proposed development in the planning balance, such that the application is recommended for approval subject to conditions

## 2 SITE DESCRIPTION

- 2.1 The site is roughly square shaped but with an “outshoot” to the east and comprises approximately 0.34 hectares. It is situated close the sharp bend in the road where Hook Road turns into Horsemoor Road and is in the open countryside. The site was formally described as paddock but as this application is retrospective now contains five static mobile homes, tourers and has a vehicular access off Hook Road and is occupied as a traveller site with five family pitches.
- 2.2 The site lies to the east of the recently approved traveller site at Cedar Rose Stables which contains 3 static mobile homes (approved under F/YR21/0713/F), beyond which to the west is a further approved traveller site, The Spinney which was approved on appeal and has permission for 8 pitches. Opposite, to the other side of Hook Road/Horsemoor Road is an approved travelling showperson’s pitch for one static mobile home. There are some employment sites to the south of Hook Road and sporadic residential properties to the east but otherwise to the north and east of Horsemoor Road is open countryside.
- 2.3 The two plots labelled as empty field on the submitted site plan which are immediately to the east of this site and adjacent to Horsemoor Road are now occupied by travellers and there are pending applications for both sites under references F/YR21/0768/F and F/YR22/1135/F which are to be considered later in the agenda.
- 2.4 To the rear of the site is a drainage ditch which is managed by Middle Level Commissioners. The site lies within flood zone 3 which is the area at highest risk of flooding.

## 3 PROPOSAL

- 3.1 This is a retrospective application for change of use of the land to accommodate 5 static mobile homes for occupation by travellers and placement of 5 touring caravans (one for each plot) together with a vehicular access off Hook Road. The submitted revised site plan A-E (2) shows that the site and plots will be screened by post and rail fencing with laurel planting. There will be a pair of 5 bar gates set in from the entrance which will be sealed and drained for 10 metres back from the edge of the carriageway. The plots will be arranged on either side of a central gravelled 6-metre-wide access road which runs centrally through the site. At the time of the officer site visit, the site was enclosed with close boarded fencing.
- 3.2 Full plans and associated documents for this application can be found at: [F/YR21/0356/F | Change of use of land for the use as 5no traveller's plots including siting of 5no mobile homes and 5no touring caravans and formation of a new vehicular access \(retrospective\) | Land East Of Cedar Rose Stables Horsemoor Road Wimblington Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/permissions/permissions/F/YR21/0356/F)

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

None

#### **5 CONSULTATIONS**

##### **5.1 Wimblington Parish Council –**

First response – object due to “*overdevelopment of land and volume of traveller pitches would exceed residential homes on this stretch of Horsemoor Road. Site is in flood zone 3. LP5 Part D(f) refers*”.

Second response – Object due to location close to bend in road. 9 touring caravans – site is not large enough to sustain 5 static mobile homes, 9 tourers and the traffic. The road is narrow and there are no safe havens for pedestrians, horse riders or cyclists due to loss of verges. The road surface already suffering damage. The speed limit of 60 mph cause major threat to those who have no safe haven.

The site is in flood zone 3. Wimblington had unprecedented flooding last year. There is no evidence to back up the claim the sequential test is completed.

There is no evidence the development provides the wider sustainability benefits claimed.

The applicant states that soft landscaping will be installed but high wooden fencing has been installed which is hazardous to visibility and out of character with the area.

The application for 5 mobile homes is more appropriate on its own merit but to include 9 touring caravans constantly using the narrow lane is inappropriate.

Reference policies LP1, LP5 Part D, LP14 Part B and LP16 (i) and (m)

##### **5.2 CCC Highways – 20/05/2021 and 06/06/2022**

No objections subject to conditions concerning the requirement to lay out and construct the access in accordance with the approved plans and provision of parking and turning spaces.

##### **5.3 Environment Agency –**

*The site is located in flood zone 3 and normally , residential caravans are deemed inappropriate within flood zone 3 due to their high vulnerability to the impacts of flooding. However, this location is defended from flooding from both the River Nene and The Great Ouse. The Environment Agency has undertaken an assessment of the risk associated with the failure of the Middle Level Barrier Banks of the Ouse Washes and River Nene defences. These studies have identified that this site should not be flooded in the event of the failure of the defences.*

*We therefore do not consider it appropriate to refuse this development in principle as is normal practice for highly vulnerable developments in flood zone 3. We do*

*however, recommend that the LPA determine whether there are any other locations that this development can be places within flood zone 1.*

*We consider that the main source of flood risk at this site is associated with the watercourses under jurisdiction of the relevant Internal Drainage Board (IDB). The IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.*

The LPA should be satisfied that the occupiers can reach safety in the event of a flood.

**5.4 Middle Level Commissioners – No response received**

**5.5 FDC Traveller and Diversity Manager –**

Confirms that the occupiers of the plots are ethnic gypsies and has provided confidential information concerning health and welfare of the occupiers of the site

**5.6 Local Residents/Interested Parties**

**Objectors**

No objections received

**Supporters**

11 comments of support have been received from 10 households. Six of these are from residents of Hook Drove, Horsemoor Road and Eastwood End. The comments are summarised as follows;

There has been a lot of development in the village in recent years that has put a strain on local infrastructure but this site would not have much impact. It is out of the way and when I go past, it is always clean and the people are friendly.

As neighbours to this site, my wife and I have no objections. All the families have settled and integrated into the community during the time they have occupied this site. They are friendly, polite and considerate. They have enrolled their children into the local schools and wish to integrate into the local community.

There are many people living and working in this area that has seen many large properties supported. Hopefully by welcoming these families the Parish and FDC will start to support these new and existing residents with maintenance of roads and services we severely lack compared to the rest of the Parish.

The following applications have been granted for dwellings at Eastwood End – F/YR19/0550/O (3 dwellings), F/YR21/0455/F (3 dwellings), F/YR20/0651/f (9 dwellings and recently F/YR22/0884/PIP has been approved for up to 9 dwellings. This would be a total of 24 new dwellings on Eastwood End therefore I see no reason why this site should not be developed for 5 families.

They have cleaned up a disused overgrown field.

With regard to the fencing, this offers protection to the fen blows that occur and other properties have fencing to this height. Surely if highways thought this was a

hazard on the corner they would have raised a concern but we not both highways and environmental health have no objections.

We live at The Spinney. The residents have never caused us any problems.

They are a nice family and good customers to us (resident of March)

## 5.7 **Other Correspondence**

Several letters from local Councillors expressing concerns regarding the development and the overall number of gypsy and traveller pitches in the vicinity were sent to Stephen Barclay MP and which were subsequently forwarded to the Council for comment.

## 6 **STATUTORY DUTY**

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

The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## 7 **POLICY FRAMEWORK**

### **Planning Policy for Traveller Sites August 2015**

Policy B – Planning for traveller sites

Policy C – Sites in rural area and the countryside

Policy H – Determine planning application for traveller sites

Policy I – Implementation

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

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

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

Para 11: Presumption in favour of sustainable development

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

Para 80: Avoid the development of isolated homes in the countryside unless specified exceptions apply

Para 119: Promote effective use of land

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

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

Para 161: Need to apply the sequential and exceptions tests.

### **Fenland Local Plan 2014**

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

### **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  
LP4 – Securing Fenland's Future  
LP7 – Design  
LP14 – Gypsies and Travellers and Travelling Showpeople  
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

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and Appearance**
- **Impact on Settled Community**
- **Sustainability re transport, highway safety and utilities**
- **Flood Risk**
- **Other Issues**
- **Personal Circumstances**

## **9 BACKGROUND**

- 9.1 This site is adjacent to other traveller sites. The Spinney site (not abutting but nearby to the west along Hook Road) has planning permission for 8 pitches. The Cedar Rose Stables site, immediately to the west, has recently been granted planning permission for 3 pitches (F/YR21/0713/F). There is also an authorised travelling show person's pitch to the south (other side of Hook Road) which has 1 pitch. There are therefore 12 authorised pitches for the groups considered by the PPTS adjoining or in the near vicinity of the application site. The two adjacent unauthorised sites (subject to pending applications to be considered later in the agenda) have 1 pitch each.

## 10 ASSESSMENT

### Principle of Development/Need for Pitches

- 10.1 The site is outside the built-up area of a settlement and therefore, in planning policy terms it is in an area which is considered to be in the countryside whereby local plan policies for 'Elsewhere' locations apply. Except on statutorily designated Green Belt land (not applicable anywhere in Fenland) the Planning Policy for Traveller Sites (PPTS) published in August 2015 is not opposed in principle to Traveller sites in the countryside. It does however state in Policy H (paragraph 25) that Local Planning Authorities (LPAs) should "very strictly limit" new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.
- 10.2 Furthermore, paragraph 25 states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure. In its recent decisions the Council has accepted that planning permission can be granted on sites in the countryside, acknowledging that the identified need will not be met by land within existing towns and villages.
- 10.3 Policy A within the PPTS sets out at c) that local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions. Policy B states that in producing their Local Plan, local planning authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. They should identify a supply of specific, deliverable sites, or broad locations for growth, for years 6 – 10 and, where possible, for years 11 – 15. To be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable with realistic prospect that development will be delivered on the site within 5 years. To be developable, sites should be in a suitable location for traveller site development and there should be reasonable prospect that the site is available and could be viably developed at the point envisaged. The last Gypsy and Traveller Needs Assessment (GTANA) was carried out in 2013 and this identified a need for 18 pitches up to the year 2026. Since then, in excess of 40 pitches have been granted. However, the GTANA is not up to date and there is presently no evidence of what the need is in Fenland for gypsy and traveller pitches. A new GTANA was commenced in 2019 but this is not yet completed and there is no available up to date empirical evidence, at the time of writing this report that could assist with this issue.
- 10.4 Policy LP5 Part D of the local plan states that there is no need for new pitches as per the findings of the Fenland GTANA update in 2013. However, an appeal decision received in April 2020 (APP/D0515/C/19/3226096) identified that there was an unmet need within Fenland which was a matter of common ground between the LPA and the appellant.
- 10.5 Policy H of the PPTS re-affirms the provision of Section 38(1) of the Planning and Compulsory Purchase Act 2004 i.e. that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Fenland Local Plan identified no need for pitches (policy LP5) in Fenland based on the evidence contained in the GTANA



of 2013 and no pitches were allocated. The GTANA of 2013 and the subsequent policy position in LP5 of there being no need for pitches, is now out of date. Policy LP5 goes on to state that the Council will be prepared to grant permission for sites in the countryside, provided that there is evidence of a need as identified in the local assessment, that the occupiers meet the definition of Gypsy and Travellers or Travelling Showpeople and that the criteria set out in policy LP 5 (a) to (f) are met. The lack of an up-to-date needs assessment based on up-to-date evidence and the PPTS which was published in 2015 are material considerations to weigh alongside the development plan policy. It is clear that at present, the Council would not be able to sustain an argument that there is no need for pitches within Fenland and nor can it be confirmed with evidence that there is an identified need. Therefore, it is not reasonable, at present, to refuse traveller site applications on the premise that there is no need.

- 10.6 Policy LP5 states that permission for sites in the countryside would depend on evidence of a need for such provision. However, this policy conflicts with the PPTS (post Local Plan adoption) Paragraphs 11 and 24, which endorse criteria-based policies where there is no such need, and Paragraph 25 which expects sites to be located in the countryside, albeit with restrictions, but without any precondition of evidence of need. *(Officer comment: The emerging policy LP14 is criteria based irrespective of whether there is a need, but this policy can, at this time, only be afforded limited weight).*
- 10.7 However, the recent Court of Appeal case [2022] EWCA Civ 1391 (Lisa Smith and Secretary of State for Levelling Up, Housing and Communities and NW Leics District Council) has found that at least in part the PPTS is discriminatory and therefore, the weight to be afforded to the parts of the PPTS which set out definitions of travellers will be, at the very least, diminished, as the Government has stated it does not intend to seek leave to appeal from the Supreme Court. This means that the PPTS will need to be amended. Although, not the central plank of the appellant's case, the Court of Appeal Decision appears to set out that ethnicity is a defining factor as to whether a gypsy/traveller is such.
- 10.8 The Council's Traveller and Diversity Manager has confirmed that the applicant and occupiers of all 5 plots are ethnic gypsies/travellers.
- 10.9 Policy LP5 of the Local Plan states that irrespective of whether an up-to-date need is identified or not, the Council will determine applications on a case-by-case basis and set out six criteria by which to assess new suitable gypsy/traveller and travelling showpeople sites. The policy goes on to say that the Council will grant permission for sites in the countryside provided there is evidence of need. Paragraph 11 of the PPTS states that criteria should be set to guide land supply allocations where there is an identified need and where there is no identified need, criteria based policies should provide a basis for decisions in case applications nevertheless come forward. Policy 25 of the PPTS states that LPAs should very strictly limit new traveller site development in the open countryside that is away from existing settlements but differs from policy LP5 in that it does not state development will only be permitted in the countryside where there is an identified need. However, despite this degree of tension between the Local Plan and the PPTS, both advocate the use of criteria to assess the suitability of sites; the criteria set out in Part D of policy LP5 generally reflect other policies of the local plan and concern issues of acknowledged importance such as visual appearance, flood risk, impact on the environment and amenity. They also generally reflect issues referred to in the PPTS.

- 10.10 Given the lack of up-to-date evidence as to the need for pitches and that the applicant/occupiers meet the definition of Gypsies and Travellers, the principle of the development in this countryside location is broadly acceptable, subject to compliance with the criteria in policy LP5 and other detailed considerations.

### **Character and Appearance**

- 10.11 Part D of policy LP 5 of the local plan, sets out the following criteria against which applications for Gypsy and Traveller (and Travelling Showpeople) caravan sites and associated facilities will be assessed;

- (a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
- (b) the site should provide a settled base and be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school; and
- (c) the location, size, extent and access and boundary treatment of the site should allow for peaceful and integrated coexistence with the occupiers of the site and the local settled community; and
- (d) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing; and
- (e) the site should enable development which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties, the health or wellbeing of any occupiers of the site, or the appearance or character of the area in which it would be situated; and
- (f) the site should be served by, or be capable of being served by, appropriate water, waste water and refuse facilities whilst not resulting in undue pressure on local infrastructure and services

- 10.12 Policy LP 16 requires all new development to;

- (c) retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies
- (d) Make a positive contribution to local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, provides resilience to climate change, reinforce local identity and does not adversely impact , either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.

- 10.13 Policy H, Paragraph 24 (d) of the PPTS states that local planning authorities should consider this issue (amongst others) when considering planning applications for traveller sites;

“that the locally specific criteria used to guide the allocation of sites in plans or which forms the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.” (it is noted that this wording assumes that where there is a need for sites that these will be allocated)

- 10.14 Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to the following matters;

- (a) effective use of previously developed (brownfield), untidy or derelict land

- (b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- (c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- (d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

- 10.15 The fen area in which the site is located can be characterised as follows;
- Large scale, flat and open landscape with extensive views and large skies
  - Largely unsettled, arable landscape with isolated villages and scattered individual properties
  - Individual properties often surrounded by windbreaks including numerous conifers
  - Rectilinear field structure divided by pattern of artificial drainage ditches
  - Very few hedgerows in landscape
  - Productive and functional landscape with few recreational uses
  - Long straight roads, elevated above surrounding fields but locally uneven
- 10.16 As one moves west along Hook Road, the landscape character changes and field patterns become smaller, older roads are more winding, there are some unsympathetic industrial structures at the edge of settlements but there are open panoramic views across Fens.
- 10.17 There are notable large agri/industrial buildings to the west near the bend in Hook Road but although these are large, they are separated from the site and the case officer considers they are not seen as being in the same viewpoint context as the site when travelling in the vicinity.
- 10.18 Given that caravans are nearly always white or cream in colour, it is quite difficult to ensure that they do not have an unacceptable impact on the appearance or character of an area, especially an area that is so flat and open to long distance views as characterised above. The location of the site within the landscape, the placement of the caravans within the site and the boundary treatment will be important to ensure that the caravans do not appear as stark incongruous features within the landscape setting. There is also a balance to be struck with criteria (c) of policy LP5 of the local plan and with paragraph 26 (d) of the PPTS which advise against having too much hard landscaping or high walls or fences around a site.
- 10.19 In this instance, the site appears as part of the area of land located at the corner of Horsemoor Road and Hook Road which comprises the three pending planning applications for retrospective use as traveller sites. However, this site is in the main set in from the corner due to its relationship with the two other single plots that are pending determination. The three sites are however, viewed cumulatively and are located on or near the corner in a prominent location. Due to the very open nature of the surroundings and the number of caravans and paraphernalia that can be seen, the cumulation of the three sites appears cluttered and incongruous within the landscape setting. They cannot only be seen close up but also from quite a distance when approaching from the north along Horsemoor Road. This is not the case with regard to the recently approved site at Cedar Rose Stables, nor The Spinney site, as they are not so prominently located or visible from a distance. There are also public rights of way which approach the site from the east. Due to the nature of the flat landscape, these would give open views to the site from a distance away.

- 10.20 Retaining the close boarded fencing as it is to help screen the caravans is not an acceptable solution because this fencing in itself is incongruous although it is noted that a different method of screening the site entrance is proposed from the existing. The revised site plan shows 1100mm fencing along the front of the site but slightly set back to achieve visibility splays with laurel hedging to the rear of the fence. Internally, post and rail fencing is proposed rather than solid fencing. More open fencing would enable greater views of the caravans and solid fencing at this location will in itself appear incongruous. The individual and cumulative impact of each of the three unauthorised sites has an adverse impact on the character of the area although this could be improved (even if not resolved) by use of post and rail fencing with native hedgerows and complete removal of the solid fencing on all three sites.
- 10.21 The proposed development is therefore contrary to policy LP5 (a) and (e) due to the adverse impact on the open landscape character of the area and LP16(d) which aims to ensure that development makes a positive contribution to local distinctiveness and character of the area, enhancing the setting. It is also contrary to paragraph 26 (b) of the PPTS which require local authorities to attach weight to sites that are well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.

### **Impact on Settled Community**

- 10.22 Policy L5, Part D criteria (e) states that the site should enable development which does not have any unacceptable adverse impact on the amenities of occupiers of other nearby properties. Policy C of the PPTS states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Policy H states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure.
- 10.23 This matter was recently addressed in a decision on application F/YR21/0487/F regarding provision of 10 plots at Land South of Greenbanks, Garden Lane, Wisbech St Mary. Reference was made to appeal decision APP/L2630/C/20/3250478 in South Norfolk where the Inspector determined that the nearest settled community was a different concept to nearest settlement. In that case the nearest settled community consisted of a scatter of houses and farms that lay within 1km of the site. In that instance, the pattern of development within 1km of the site consisted of a scatter of houses and farms. In the case of the Greenbanks site it was considered that a 0.5km radius was appropriate for gauging impact on the nearest settled community. A 1km radius would have included the outlying parts of Wisbech St Mary which had a very different settlement pattern, density and character to the development in the countryside in which the application site was situated. It is considered that this is also the case with regard to this application. A 1km radius would include properties in Eastwood End which is the edge of the built-up area of Wimblington and has a very different settlement pattern, density and character to the site and the scattered dwellings within its vicinity. However, it also needs to be kept in mind that (a) taking a radius approach to establishing what comprises the nearest settled community is not set out in the development plan policy and the size of the radius is subjective; and (b) in rural areas within Fenland, the settled community is likely to contain few scattered houses. In such instances, many

traveller sites might be considered to dominate the nearest settled community because the numbers of dwellings will be low.

- 10.24 There are approximately 12 properties within a 0.5km radius of the site, excluding traveller plots and these properties are all located to the west along Hook Road. To the north, east and south of the site there are only isolated farmhouses at the edge of a 1km radius of the site.
- 10.25 There are 12 authorised pitches within the near vicinity of this site. This application would take that number to 17. Looking at the cumulative impact of all the unauthorised pitches at this corner location, the number of pitches could rise to 19. Whether looking at this proposal on its own merits or considering the cumulative impact with the other unauthorised pitches, the proposal extends the land in use for traveller sites further east from the Cedar Rose Stables site and infills the land up to Horsemoor Road. The scale and spread of the land in use for traveller sites coupled with the high visibility of this site and the other unauthorised sites at this corner location, give an impression of a cluster of sites that over dominate the settled community which in this vicinity comprises scattered dwellings. These sites have not been well planned and have expanded due to land being available to purchase rather than what is suitable for the countryside location and setting. It should be noted that no objections from third parties have been received to this application and 11 letters of support have been submitted.
- 10.26 It is considered that the proposal does lead to a domineering impact upon the settled community which is contrary to paragraph 14 in Policy C and paragraph 25 of Policy H of the PPTS which seek to ensure that sites are well planned and in rural areas respect the scale of, and do not dominate the nearest settled community.

### **Sustainability re transport, highway safety and utilities**

- 10.27 The site is proposed to be served by a vehicular access off Hook Road. This access is approximately 50 metres west of the sharp bend in the road where Horsemoor Road becomes Hook Road. The surfaced access is shown on the submitted site plan to be 5.0 metres wide (measuring from plan) and served by a set of double five bar gates which are set in from the carriage way edge by 10 metres. The gate opening is just under 5.0 metres wide. Beyond this within the site the access continues in a straight line to the end (north) of the plot and each pitch is served off this access.
- 10.28 The speed limit in this location is 60mph although due to the bend in the road, and indeed the nature of the road itself, vehicles will be likely to be travelling significantly slower than this. The Highway Authority has raised no objections subject to conditions.
- 10.29 In terms of sustainability, the appeal Inspector in his decision to allow The Spinney traveller site adjacent to this proposal commented as follows;
- “Nothing in the NPPF or PPTS that says traveller sites have to be accessible by means other than a private car. In fact, both recognise that the lifestyle of travellers must be factored into the planning balance.”
- 10.30 Although the site is in the countryside, Wimblington, Doddington and March are only a short drive away from the site and each provides access to primary

schools, medical facilities and other services. The Spinney site was found to be acceptable with regards to it being a sustainable location and it must follow that this site is also sustainable in this regard and in compliance with policy LP5, Part D (b). Taking into consideration that sites will be acceptable in the countryside, it would be unusual for such sites to be served by pavements.

- 10.31 The application form states that surface water will be dealt with via a sustainable drainage system and foul drainage by a non mains wastewater treatment package plant. The MLC were consulted, and no response has been received. The applicant would need separate consent to discharge into a watercourse maintained by them. It is noted that in the appeal decision relating to The Spinney site, no details were known about utilities and the Inspector was content to deal with these matters by condition. The applicants have been living at the site for over a year and there have been no reported issues in connection with drainage and so it is reasonable to assume that by now, suitable drainage has been put in place. However, in the interests of public health and on-going prevention of contamination, it is prudent to condition that details of the foul drainage and its future maintenance be submitted for approval.
- 10.32 It is considered that the site has adequate pedestrian and vehicular access, is within a short drive to the nearest settlements where schools and services are located and is or is capable of being served by mains water and adequate foul and surface water drainage. The application is therefore in compliance with policy LP5, Part D (b), (d) and (f).

### **Flood Risk**

- 10.33 The site lies within flood zone 3 (defended) and is highly vulnerable development. The site is accompanied by a Flood Risk Assessment (FRA). The EA has not objected to the application on the grounds of flood risk but has assumed that the local planning authority has applied the sequential test. The EA states that the main source of flood risk associated with this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB), who should be consulted with regard to flood risk and residual flood risk associated with watercourses under their jurisdiction and surface water drainage proposals. The IDB has been consulted and no response has been received.
- 10.34 In determining the appeal for the adjacent Spinney site, the Inspector stated the following in relation to flood risk;

*“The site is located within an area designated as lying within Flood Zone 3. A Flood Risk Assessment (FRA) carried out for the appellant concluded that the site has the benefit of defences designed to withstand a 1 in 100 year event, including climate change, and that with these defences in place the flood risk to the site is identical to a site in Flood Zone 2.*

*The FRA concluded that as the nearby drainage ditches were substantially below the level of the site, surface water would either be collected in the ditches or, if they were overwhelmed, it would flood lower land to the north. These conclusions are consistent with the findings of a FRA carried out for a Travelling Showperson’s site to the opposite side of the road, and neither the Environment Agency nor the Internal Drainage Board raised objection to the appeal proposal and, in the case of the Travelling Showperson’s site the Council were satisfied*

*that the wider sustainability benefits and the lack of evidence of more suitable sites outweighed flood risk considerations*

*With regard to the sequential test, the Development Plan does not identify any deliverable land for gypsy sites and there are no “reasonably available” appropriate sites with a lower risk of flooding. The site specific FRA demonstrates that the proposal would be safe from flooding for the lifetime of the development. However, to provide additional assurance and safeguards, the production of a Flood Plan for evacuation of the site can be required by condition.”*

- 10.35 The Fenland Local Plan does not identify any deliverable land for gypsy sites. This, coupled with the fact that the majority of the land outside of towns and villages will lie within flood zones 2 or 3, leads to a conclusion that there are no reasonably available sites with a lower risk of flooding. It is therefore considered that the sequential test will be passed.
- 10.36 Following successful completion of the sequential test, the exception test must be met which requires (a) development to demonstrate that it achieves wider community sustainability benefits having regard to the District’s sustainability objectives, and (b) that it can be made safe for its lifetime and will not increase flood risk elsewhere (‘flood risk management’).
- 10.37 Wider community sustainability benefits - The District’s sustainability objectives are outlined under 2.4 of the FLP and, relevant to this application includes the aim to thrive in safe environments and decent affordable homes (6.1) and redress inequalities related to age, gender, disability, race, faith, location and income. In respect of the proposal, it would assist in addressing a shortfall of accommodation needs for the Traveller community where an inadequate supply of housing currently exists.
- 10.38 The FRA sets out that even in the event of a breach of flood defences, the site is unlikely to flood, and the EA acknowledge this. The proposed static homes would be raised off the ground by 450mm above existing ground level. This could be secured by condition.
- 10.39 Taking the above into account, it is considered that with regards to flood risk, the proposal is acceptable, subject to condition and complies with policy LP5, Part D (a) of the local plan. It is recognised that the PPTS, paragraph 13 (g) advises local planning authorities not to locate sites in areas of high risk of flooding, but the local circumstances of Fenland district must be taken into account, given the amount of land in the district that is at a higher risk of flooding. As already stated, the Inspector for the Spinney site took a pragmatic view on this matter.

## **Other Issues**

### 10.40 Residential Amenity

The development is sufficiently separated from the adjacent Spinney site and other dwellings, of which there are few in the vicinity, so as not to impact on residential amenity in terms of loss of privacy, loss of light etc. Over dominance has already been assessed above.

### 10.41 Heritage Assets

There are no heritage assets in the vicinity of the site.



#### 10.42 Natural Environment

The submitted biodiversity checklist states that the proposal does not affect any natural features where species might be present. The site is adjacent to a drainage ditch adjacent to the northern boundary but does not directly impact it and from site visits it is not evident that this ditch is permanently wet. From historical aerial photographs the site was used as grazing land and covered in grass. It is not clear whether hedgerows have been removed. As the development has largely taken place it is not possible to say with any certainty that no protected species were affected by the development, however, impacts can be limited in the future and biodiversity could be improved with native planting which could be conditioned. Similarly, external lighting details could be conditioned.

#### Contaminated Land

There is no evidence to suggest that the site is contaminated.

#### 10.43 Agricultural Land Quality

The Natural England land classification map shows the site to be grade 2, very good quality agricultural land. The majority of land within the district outside of the built-up areas will be either grade 1 or grade 2 land. Given that there are no available alternative sites available, the proposal is acceptable in this regard.

### **Personal Circumstances**

10.44 Under Section 149 of the Equality Act 2010, local authorities must have due regard to their public sector duty to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons with protected characteristics and those that do not share them.

10.45 Certain groups of ethnic gypsies and travellers have protected characteristics.

10.46 The Human Rights Act 1998 sets out various articles which deal with a different right. Of particular relevance are Article 14: Protection from discrimination in respect of the rights and freedoms and Article 8: Respect for your private and family life, home and correspondence and Protocol 1: Article 1 Right to Peaceful enjoyment of your property and Protocol 1: Article 2 Right to an education.

10.47 These rights do not necessarily carry more weight than established planning policies and planning for the public interest. Each case needs to be assessed on its merits.

10.48 Section 11 of the Children's Act 2004 ( which gives effect to Article 3 of the United Nations Convention on the Rights of the Child) requires that the Council, in the discharge of its functions, is required to have regard to the need to safeguard and promote the welfare of children. The Courts have set out a number of principles to be followed when Section 11 ( and Article 8) are engaged in planning applications; in summary the decision maker must identify the child's best interests, and such interests must be a primary consideration in determining the planning application.

- 10.49 Detailed information and evidence has been provided in respect of the inhabitants of the five plots at this site. This detailed information/evidence shows that there are persons at the site with various health requirements and there are several children living at the site some of whom have particular needs and many attending local schools. This information/evidence is a material consideration which must be weighed in the planning balance. In assessing this evidence, it is clear that if this application is refused it would likely cause a detrimental impact on the health of some of the occupiers of the site and it would also have an adverse impact on the welfare of the children if subsequent enforcement action were taken and the families were forced to vacate the site and move elsewhere. This could also result in some of the children having to potentially move schools. This is coupled with the fact that the Council does not have an available supply of sites. In this particular instance, the health and welfare of the occupants of the site, in particular the children, outweighs the planning policy objections to the proposal which are set out in the above report such that the application is recommended for approval subject to conditions. The visual appearance can be improved by removal of the solid fencing and use of post and rail fencing with native planting and this shall be conditioned to help reduce the impact on the character and appearance of the area.
- 10.50 A confidential report will be circulated to Members in advance of the Committee meeting setting out the personal circumstances of the occupiers of the site.

## **11 CONCLUSIONS**

- 11.1 The development has an adverse impact on the character and appearance of the local area and landscape setting contrary to policy LP5 (a) and (e) and LP16(d) which aims to ensure that development makes a positive contribution to local distinctiveness and character of the area, enhancing the setting. It is also contrary to paragraph 26 (b) of the PPTS which require local authorities to attach weight to sites that are well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. This impact could be reduced by imposition of conditions concerning fencing and landscaping.
- 11.2 The cumulative impact of this proposal for five pitches together with other nearby approved traveller pitches is considered to result in a domineering impact upon the settled community which is contrary to paragraph 14 in Policy C and paragraph 25 of Policy H of the PPTS which seek to ensure that sites are well planned and in rural areas respect the scale of, and do not dominate the nearest settled community.
- 11.3 The lack of an up-to-date gypsy and traveller needs assessment and lack of available pitches does not in itself outweigh the harm set out in the above two paragraphs. In other respects, e.g., access and flood risk, the proposal is acceptable. However, taking the development plan as the starting point for the determination of applications, the proposal is not acceptable on landscape and domineering impact grounds.
- 11.4 Personal information and evidence has been submitted with regards to the occupants of the site. The case officer has carefully considered this evidence and it is clear that if permission is refused and the occupiers of the site were forced to vacate the site, the welfare of several of the occupiers, in particular the children would be harmed, and their health and education would be likely set

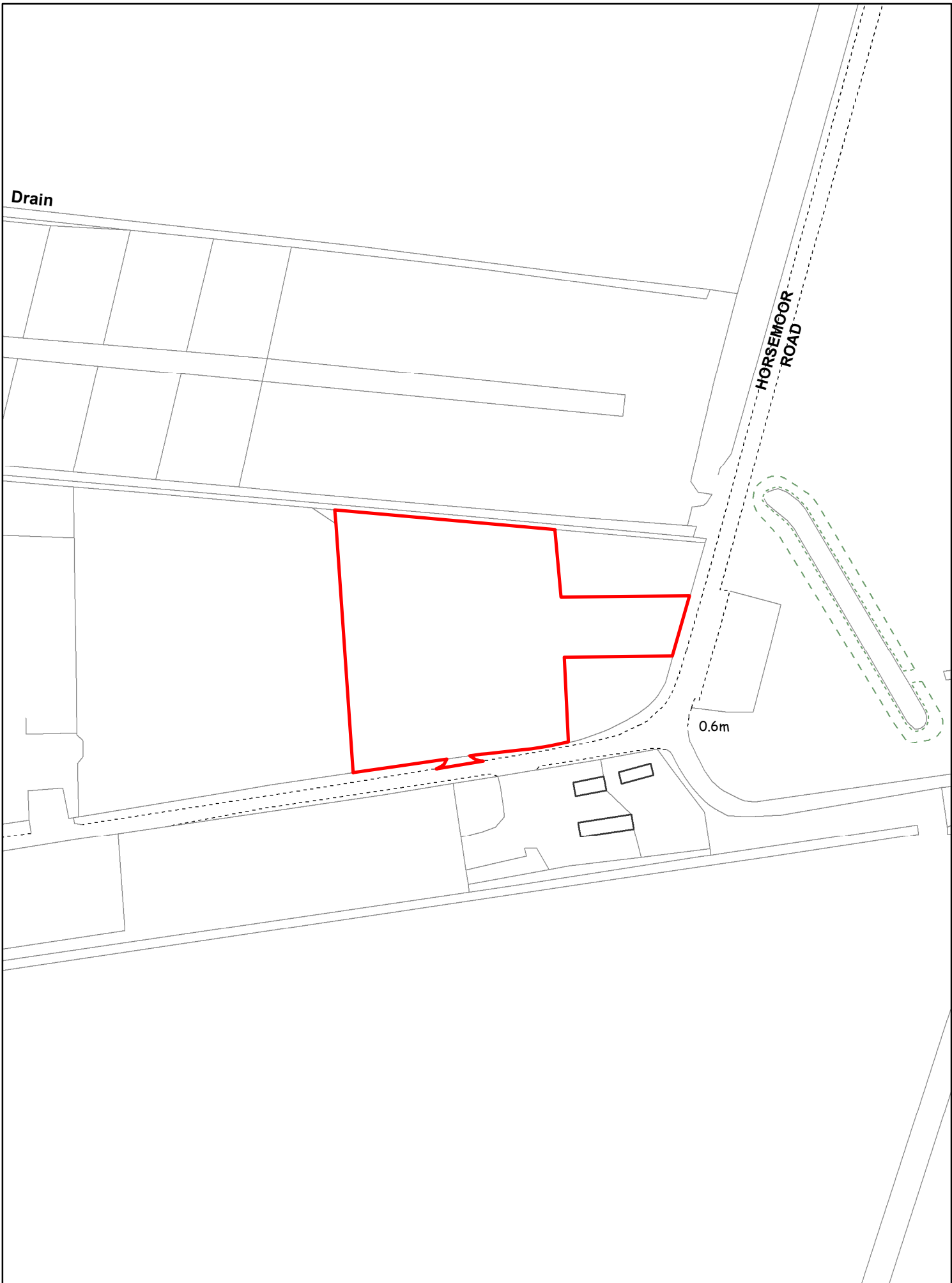
back. The welfare of children is of paramount importance. The weight attached to these considerations, in this instance, outweighs the policy objections to the proposed development in the planning balance, such that the application is recommended for approval subject to conditions.

## 12 RECOMMENDATION

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

1	<p>The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (DCLG 2015)</p> <p>Reason: The application is only approved due to the applicants meeting this definition and to clarify what is hereby approved.</p>
2	<p>No more than 10 caravans comprising up to 5 statics and up to 5 tourers, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at the site at any time.</p> <p>Reason: To clarify what is hereby approved and to ensure that the stationing of the caravans does not have an adverse impact on the character or appearance of the area in accordance with policy LP5 of the Fenland Local Plan.</p>
3	<p>No more than one commercial vehicle shall be kept for use by the occupiers of each plot and shall not exceed 3.5 tonnes in weight.</p> <p>Reason: In order to control commercial activity at the site and the visual appearance of the land in accordance with policy LP5 of the Fenland Local Plan</p>
4	<p>No commercial activities shall take place on the land, including the storage of materials.</p> <p>Reason: In the interests of the visual appearance of the land and area in accordance with policy LP5 of the Fenland Local Plan.</p>
5	<p>Within 3 months of the date of this decision, the access to the site shall be constructed and sealed for the first 10 metres from the highway edge and drained away from the highway in accordance with the details shown on the approved site plan A – E (2). The visibility splays shall be provided concurrently with the works to seal and drain the access as shown on this approved drawing and retained as such thereafter and kept clear of any object above 0.6 metres in height.</p> <p>Reason: In the interests of highway safety in accordance with policy LP5 of the Fenland Local Plan</p>
6	<p>Within 2 months of the date of this decision, the following information shall have been submitted to the Local Planning Authority for approval;</p> <p style="padding-left: 40px;">- Details of a scheme to plant a mixed native hedgerow with post and rail fence to all external site boundaries including the site frontage. This shall include a plan, fence details, planting specification, visibility splays and timetable for planting and the removal of any existing solid fencing and gates</p>

	<p>to the external boundaries. The approved scheme shall be implemented in full in accordance with the approved timetable. The solid fencing shall be permanently removed from the external boundaries. Should any of these plants die, become diseased or are removed within the first 5 years of planting, they shall be replaced by similar native species within the next available planting season. The hedgerow and fencing shall be retained thereafter.</p> <p>- Details of all existing and proposed external lighting including luminance levels and measures to avoid light spillage. Within 4 weeks of the approval or refusal of the lighting scheme from the local planning authority, all external lighting which has not been approved shall be permanently removed from the site. Thereafter, only external lighting that accords with the approved lighting scheme shall be erected.</p> <p>Reason: In the interests of the visual appearance of the site and biodiversity in accordance with policy LP5 of the Fenland Local Plan.</p>
7	<p>With the exception of the fencing to be approved under Condition 6, and notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no other gates, fences, walls or other means of enclosure shall be erected on the site, unless planning permission has first been obtained from the local planning authority.</p> <p>Reason: In the interests of the visual appearance of the site in accordance with policy LP5 of the Fenland Local Plan.</p>
8	<p>All floor levels to the static caravans shall be at least 450mm above the ground level and shall be retained as such.</p> <p>Reason: In the interests of the safety of the occupants in the event of flooding in accordance with policies LP5 and LP14 of the Fenland Local Plan.</p>
9	<p>Within 2 months of the date of this decision, full details of the foul drainage treatment and its on-going future maintenance shall be submitted to the local planning authority for approval. The foul drainage shall only be installed in complete accordance with the approved details and shall be maintained thereafter in complete accordance with the approved maintenance schedule.</p> <p>Reason: In the interests of public health and prevention of contamination to the environment in accordance with policies LP5 and LP14 of the Fenland Local Plan.</p>
10	Approved plans



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100023778

**F/YR21/0356/F**

Scale = 1:1,250





Agricultural Land

WPL Compact Sewage Treatment Tank  
1 unit per PLOT (Underground)

Drainage Dyke - Mid Level

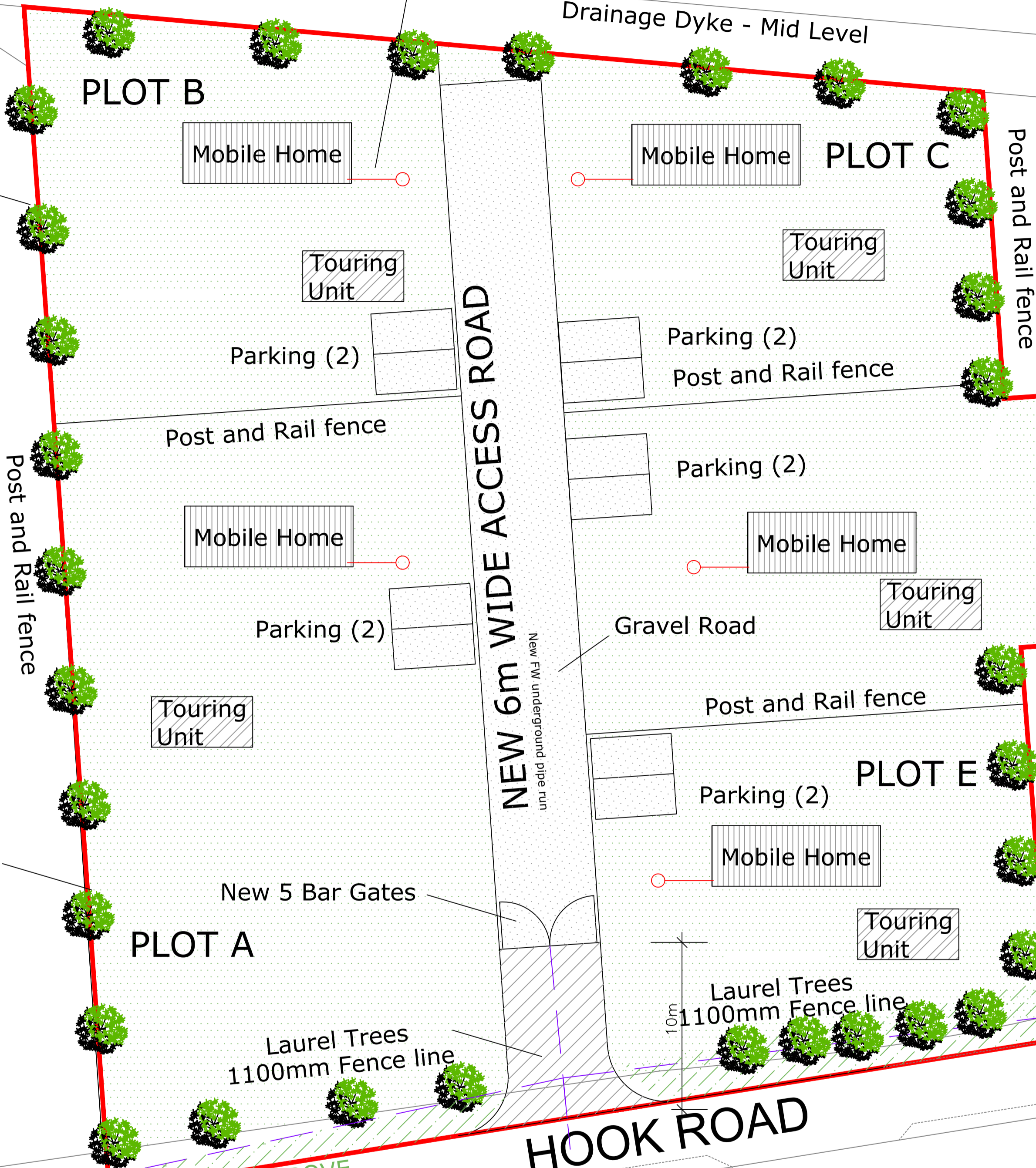
Equine Use Land

Empty Field

New Laurel Tree Planting

HORSEMOOR DR

APPEAL APP/DO515/C/3008998 & F/YR16/3080 APPROVED



New Laurel Tree Planting

PLOT D

Post and Rail fence

New Laurel Tree Planting

Existing Verge

Empty Field

Existing Leylandi tree planting along verge

PLOT A

New 5 Bar Gates

Laurel Trees  
1100mm Fence line

NO PLANTING ABOVE  
600mm IN THIS AREA

Visibility Splay 40m

Existing Verge

Visibility Splay 120m

NO PLANTING ABOVE  
600mm IN THIS AREA

HOOK ROAD

New Entrance sealed and  
drained 5m x 10m  
Drain away from carriageway

Construction yard  
/ Storage

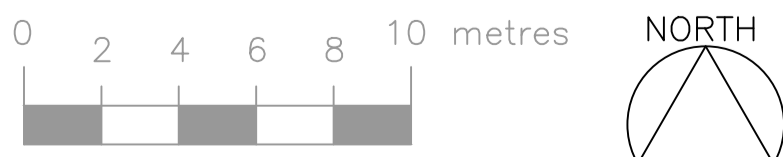
SITE PLAN 1:200

SITE AREA 3433m<sup>2</sup> / 0.34 Hectare



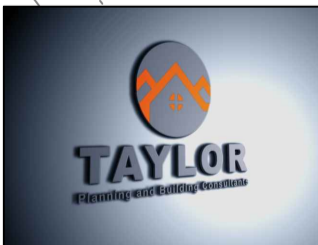
Floor Area 36m<sup>2</sup> per unit  
Total (180m<sup>2</sup>)

ALL FLOOR LEVELS OF UNITS TO  
BE MINIMUM OF 450mm ABOVE GROUND LEVEL



Agricultural Land

Revision:	2: Fence and trees added & touring no. reduced
Project:	Hook Road HOOK
Description:	CHANGE OF USE SITE A-E
Date:	10-3-21
Scale & Sheet Size:	VARIOUS @ A1
Drawing Ref:	A-E (2)



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**F/YR21/0768/F**

**Applicant: Mr P Brinkley**

**Agent : Mr Matthew Taylor  
Taylor Planning And Building**

**Pitch A, Land East Of Cedar Rose Stables, Horsemoor Road, Wimblington  
Cambridgeshire**

**Change of use of land for the use of travellers including siting of 1no mobile  
home and 2no touring caravans**

**Officer recommendation: Grant**

**Reason for Committee: Referred by Head of Planning due to relationship with  
preceding application**

## **1 EXECUTIVE SUMMARY**

- 1.1 Fenland District Council is currently unable to demonstrate that it has a five-year supply of sites to meet the need for traveller sites in the district. The GTNA undertaken in 2013 is now out of date. Neither national policy in the PPTS nor policy LP5 of the Fenland Local Plan rule out traveller sites being located in the countryside therefore in principle, the proposal is acceptable.
- 1.2 The application is being assessed on the basis that the application for 5 pitches on the adjacent land to the west and north of the site (F/YR21/0356/F) is approved. This is the subject of the preceding Committee item. If the adjacent 5 pitches are approved, this current application for one pitch would not in itself have an adverse impact on the character or appearance of the area if conditions are imposed to ensure that external boundary treatment comprises post and rail fencing with native hedgerow planting. As such, whilst potentially only partially complying with policy LP5 (a) and (e) and LP16 (d), adequate fencing and landscaping, could ensure that this isn't significant harm to the landscape.
- 1.3 If the adjacent proposal for 5 pitches is approved, the addition of this one pitch (and potentially the pitch applied for under application F/YR22/1135/F, the subject of an item later in the agenda) will not make a material impact to the overall numbers of pitches at this general location and it would not be possible to successfully sustain an argument that 19 pitches as opposed to 17 makes such a difference in terms of over dominance of the nearest settled community. As such it is considered the application meets paragraph 14 Policy C and paragraph 25 Policy H which seek to ensure that sites do not dominate the nearest settled community.
- 1.4 In other respects and subject to conditions, the application is acceptable.

## **2 SITE DESCRIPTION**



- 2.1 The site is located on the inside of the corner where Hook Road turns into Horsemoor Road, Wimblington. The site is not within the main settlement of Wimblington and is outside of the main part of the built-up area of Eastwood End. It is within the countryside and therefore for the purposes of the settlement hierarchy is within an “elsewhere” location. The site is broadly triangular shaped and is, according to the submitted information, 467 square metres in area. To the immediate north and west of the site are the other two presently unauthorised traveller sites where applications are also pending determination. There are other authorised traveller sites in the near vicinity including a traveling showperson’s site opposite containing one pitch and further to the west, the authorised sites at The Spinney and Cedar Rose Stables.
- 2.2 The site is occupied and the outer perimeter fronting the road is bordered by a close boarded fence. The vehicular access is located at the western end of the site and is just before the bend in the road and is approximately 5.9 metres wide measuring off the plan. The submitted site plan shows a visibility splay which cuts across the front corner of the site due to the bend in the road. The existing fencing presently lies within this visibility splay.
- 2.3 The site lies within flood zone 3.

### **3 PROPOSAL**

- 3.1 The application is for change of use of the land for a traveller’s site including siting of one mobile home and two touring caravans. Also included would be the vehicular access and if the application were to be approved it would need to be subject of a condition. The application is part retrospective as the site is occupied by the applicant and an access has been created. The site would be occupied by the applicant and part of the time by his grown-up daughter. The agent has advised that one of the touring caravans is occupied by the applicant’s daughter when she visits, and the other is the applicant’s tourer he uses for travelling. The applicant works for a roofing company and travels to sites to undertake this work.
- 3.2 The application form states that surface water will be drained to a sustainable drainage system and that foul drainage would be via a package treatment plant.
- 3.3 Full plans and associated documents for this application can be found at: [F/YR21/0768/F | Change of use of land for the use of travellers including siting of 1no mobile home and 2no touring caravans | Pitch A Land East Of Cedar Rose Stables Horsemoor Road Wimblington Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-and-building-control/development-control/development-control-1/F/YR21/0768/F)

### **4 SITE PLANNING HISTORY**

- 4.1 No site history

### **5 CONSULTATIONS**

- 5.1 **Wimblington Parish Council –**

*Object due to site being in flood zone 3, change to character of area, overdevelopment of site, traffic considerations – too many sites therefore vehicles. LP17 single track road not sufficient to extra vehicles. There is no safe pedestrian access, LP5 Part D (f). Access is too near the bend to provide the required visibility.*

## 5.2 Environment Agency –

Object as the proposed development falls within a flood risk vulnerability category that is inappropriate to the flood zone in which the application is located and recommend that the application is refused on this basis. We acknowledge the site is located outside the areas identified at being at risk due to the defences of both the River Nene and River Great Ouse (as shown on the Environment Agency's Tidal Hazard Mapping). The site is not located in an area identified as being at risk of surface water flooding. We recommend the LPA consider whether this is a material consideration within the determination of the sequential test.

Officer comment: Note that more recent advice from the EA pertaining to the adjacent traveller sites pending consideration has been no objection due to the unlikely susceptibility of the sites to flood due to the flood defences in place and the distance of the sites from the rivers in question.

## 5.3 CCC Highway Authority –

The access should be sealed and drained for 4m x 5m similar to a plan attached by the LHA. The visibility splay to the west does not form part of the red edge site curtilage. The 35m visibility splay to the east would suggest 85<sup>th</sup> percentile vehicle speeds in the region of 25mph. I consider this reasonable given the tight bend and the single track. If this development site forms part of the same ownership and title to application F/YR21/0356/F, it would make sense to have one vehicular access to provide access to both sites.

Officer comment: The two sites are not in the same ownership

## 5.4 FDC Traveller and Diversity Manager –

Confirms applicant is an ethnic Gypsy/Traveller and provides further personal information.

## 5.5 Local Residents/Interested Parties

No comments received

## 5.6 Other Correspondence

Several letters from local Councillors expressing concerns regarding the neighbouring development were sent to Stephen Barclay MP and which were subsequently forwarded to the Council for comment. While not relating directly to this application they do express concerns regarding the number of gypsy and traveller pitches in this area.

## 6 STATUTORY DUTY

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

The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **7 POLICY FRAMEWORK**

### **Planning Policy for Traveller Sites August 2015**

Policy B – Planning for traveller sites

Policy C – Sites in rural area and the countryside

Policy H – Determine planning application for traveller sites

Policy I – Implementation

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

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

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

Para 11: Presumption in favour of sustainable development

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

Para 80: Avoid the development of isolated homes in the countryside unless specified exceptions apply

Para 119: Promote effective use of land

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

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

Para 161: Need to apply the sequential and exceptions tests.

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

### **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  
LP4 – Securing Fenland’s Future  
LP7 – Design  
LP14 – Gypsies and Travellers and Travelling Showpeople  
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

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and Appearance**
- **Impact on Settled Community**
- **Sustainability re transport, highway safety and utilities**
- **Flood Risk**
- **Other Issues**
- **Personal Circumstances**

## **9 BACKGROUND**

9.1 This site is adjacent to other traveller sites. The Spinney site (not abutting but nearby to the west along Hook Road) has planning permission for 8 pitches. The Cedar Rose Stables site, also to the west, has recently been granted planning permission for 3 pitches (F/YR21/0713/F). There is also an authorised travelling show person’s pitch to the south (other side of Hook Road) which has 1 pitch. There are therefore 12 authorised pitches for the groups considered under the PPTS adjacent to, or in the near vicinity, of the application site. The two adjacent unauthorised sites, included elsewhere on the agenda, have 5 pitches and 1 pitch respectively.

9.2 An application for the 5 pitches on the adjacent site (F/YR21/0356/F) is being recommended for approval on the grounds that the personal circumstances of the occupiers outweigh the policy objections to the proposal, and is the subject of the preceding item on the agenda. This application is therefore being considered on the basis of the adjacent site for the 5 pitches being granted planning permission prior to determination of this application.

## **10 ASSESSMENT**

10.1 The site is outside the built-up area of a settlement and therefore, in planning policy terms it is in an area which is considered to be in the countryside whereby

local plan policies for 'Elsewhere' locations apply. Except on statutorily designated Green Belt land (not applicable anywhere in Fenland) the Planning Policy for Traveller Sites (PPTS) published in August 2015 is not opposed in principle to Traveller sites in the countryside. It does however state in Policy H (paragraph 25) that Local Planning Authorities (LPAs) should "very strictly limit" new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

- 10.2 Furthermore, paragraph 25 states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure. In its recent decisions the Council has accepted that planning permission can be granted on sites in the countryside, acknowledging that the identified need will not be met by land within existing towns and villages.
- 10.3 Policy A within the PPTS sets out at c) that local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions. Policy B states that in producing their Local Plan, local planning authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. They should identify a supply of specific, deliverable sites, or broad locations for growth, for years 6 – 10 and, where possible, for years 11 – 15. To be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable with realistic prospect that development will be delivered on the site within 5 years. To be developable, sites should be in a suitable location for traveller site development and there should be reasonable prospect that the site is available and could be viably developed at the point envisaged. The last Gypsy and Traveller Needs Assessment (GTANA) was carried out in 2013 and this identified a need for 18 pitches up to the year 2026. Since then, in excess of 40 pitches have been granted. However, the GTANA is not up to date and there is presently no evidence of what the need is in Fenland for gypsy and traveller pitches. A new GTANA was commenced in 2019 but this is not yet completed and there is no available up to date empirical evidence, at the time of writing this report that could assist with this issue.
- 10.4 Policy LP5 Part D of the local plan states that there is no need for new pitches as per the findings of the Fenland GTANA update in 2013. However, an appeal decision received in April 2020 (APP/D0515/C/19/3226096) identified that there was an unmet need within Fenland which was a matter of common ground between the LPA and the appellant.
- 10.5 Policy H of the PPTS re-affirms the provision of Section 38(1) of the Planning and Compulsory Purchase Act 2004 i.e. that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Fenland Local Plan identified no need for pitches (policy LP5) in Fenland based on the evidence contained in the GTANA of 2013 and no pitches were allocated. The GTANA of 2013 and the subsequent policy position in LP5 of there being no need for pitches, is now out of date. Policy LP5 goes on to state that the Council will be prepared to grant permission for sites in the countryside, provided that there is evidence of a need as identified in the local assessment, that the occupiers meet the definition of Gypsy and Travellers or Travelling Showpeople and that the criteria set out in policy LP 5 (a) to (f) are met. The lack of an up to date needs assessment based on up-to-date evidence and the PPTS which was published in 2015 are

material considerations to weigh alongside the development plan policy. It is clear that at present, the Council would not be able to sustain an argument that there is no need for pitches within Fenland and nor can it be confirmed with evidence that there is an identified need. Therefore, it is not reasonable, at present, to refuse traveller site applications on the premise that there is no need.

- 10.6 Policy LP5 states that permission for sites in the countryside would depend on evidence of a need for such provision. However, this policy conflicts with the PPTS (post Local Plan adoption) Paragraphs 11 and 24, which endorse criteria-based policies where there is no such need, and Paragraph 25 which expects sites to be located in the countryside, albeit with restrictions, but without any precondition of evidence of need. (*Officer comment: The emerging policy LP14 is criteria based irrespective of whether there is a need, but this policy can at this time only be afforded limited weight*).
- 10.7 Annex 1, Glossary to the PPTS defines Gypsies and Travellers for the purpose of applying this policy as;
- a) whether they previously led a nomadic habit of life
  - b) the reasons for ceasing their nomadic habit of life
  - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances
- 10.8 However, the recent Court of Appeal case [2022] EWCA Civ 1391 (Lisa Smith and Secretary of State for Levelling Up, Housing and Communities and NW Leics District Council) has found that at least in part the PPTS is discriminatory and therefore, the weight to be afforded to the parts of the PPTS which set out definitions of travellers will be diminished if not completely, as the Government has stated it does not intend to seek leave to appeal from the Supreme Court. This means that the PPTS will need to be amended. Although, not the central plank of the appellant's case, the Court of Appeal Decision appears to set out that ethnicity is a defining factor as to whether a gypsy/traveller is such.
- 10.9 The Council's Traveller and Diversity Manager has confirmed that the applicant is an ethnic gypsy/traveller.
- 10.10 Policy LP5 of the Local Plan states that irrespective of whether an up-to-date need is identified or not, the Council will determine applications on a case-by-case basis and set out six criteria by which to assess new suitable gypsy/traveller and travelling showpeople sites. The policy goes on to say that the Council will grant permission for sites in the countryside provided there is evidence of need. Paragraph 11 of the PPTS states that criteria should be set to guide land supply allocations where there is an identified need and where there is no identified need, criteria based policies should provide a basis for decisions in case applications nevertheless come forward. Policy 25 of the PPTS states that LPAs should very strictly limit new traveller site development in the open countryside that is away from existing settlements but differs from policy LP5 in that it does not state development will only be permitted in the countryside where there is an identified need. However, despite this degree of tension between the Local Plan and the PPTS, both advocate the use of criteria to assess the suitability of sites; the criteria set out in Part D of policy LP5 generally reflect other policies of the local plan and concern issues of acknowledged importance such as visual appearance, flood risk, impact on the environment and amenity. They also generally reflect issues referred to in the PPTS.

- 10.11 Given the lack of up-to-date evidence as to the need for pitches and that the applicant/occupiers meet the definition of Gypsies and Travellers, the principle of the development in this countryside location is acceptable, subject to compliance with the criteria in policy LP5 and other detailed considerations.

### **Character and Appearance**

- 10.12 Part D of policy LP 5 of the local plan, sets out the following criteria against which applications for Gypsy and Traveller (and Travelling Showpeople) caravan sites and associated facilities will be assessed;
- (a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
  - (b) the site should provide a settled base and be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school; and
  - (c) the location, size, extent and access and boundary treatment of the site should allow for peaceful and integrated coexistence with the occupiers of the site and the local settled community; and
  - (d) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing; and
  - (e) the site should enable development which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties, the health or wellbeing of any occupiers of the site, or the appearance or character of the area in which it would be situated; and
  - (f) the site should be served by, or be capable of being served by, appropriate water, waste water and refuse facilities whilst not resulting in undue pressure on local infrastructure and services
- 10.13 Policy LP 16 requires all new development to;
- (c) retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies
  - (d) Make a positive contribution to local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, provides resilience to climate change, reinforce local identity and does not adversely impact , either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.14 Policy H, Paragraph 24 (d) of the PPTS states that local planning authorities should consider this issue (amongst others) when considering planning applications for traveller sites;
- “that the locally specific criteria used to guide the allocation of sites in plans or which forms the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.” (it is noted that this wording assumes that where there is a need for sites that these will be allocated)
- 10.15 Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to the following matters;



- (a) effective use of previously developed (brownfield), untidy or derelict land
- (b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- (c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- (d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

- 10.16 The fen area in which the site is located can be characterised as follows;
- Large scale, flat and open landscape with extensive views and large skies
  - Largely unsettled, arable landscape with isolated villages and scattered individual properties
  - Individual properties often surrounded by windbreaks including numerous conifers
  - Rectilinear field structure divided by pattern of artificial drainage ditches
  - Very few hedgerows in landscape
  - Productive and functional landscape with few recreational uses
  - Long straight roads, elevated above surrounding fields but locally uneven
- 10.17 As one moves west along Hook Road, the landscape character changes and field patterns become smaller, older roads are more winding, there are some unsympathetic industrial structures at the edge of settlements but there are open panoramic views across Fens.
- 10.18 There are notable large agri/industrial buildings to the west near the bend in Hook Road but although these are large, they are separated from the site and the case officer considers they are not seen as being in the same viewpoint context as the site when travelling in the vicinity.
- 10.19 Given that caravans are nearly always white or cream in colour, it is quite difficult to ensure that they do not have an unacceptable impact on the appearance or character of an area, especially an area that is so flat and open to long distance views as characterised above. The location of the site within the landscape, the placement of the caravans within the site and the boundary treatment will be important to ensure that the caravans do not appear as stark incongruous features within the landscape setting. There is also a balance to be struck with criteria (c) of policy LP5 of the local plan and with paragraph 26 (d) of the PPTS which advise against having too much hard landscaping or high walls or fences around a site.
- 10.20 In this instance, the site appears as part of the area of land located at the corner of Horsemoor Road and Hook Road which comprises the three pending planning applications for retrospective use as traveller sites. The three sites are located on the corner in a prominent location and due to the very open nature of the surroundings and the number of caravans and paraphernalia that can be seen, the cumulation of the three sites appears cluttered and incongruous within the landscape setting. They cannot only be seen close up but also from quite a distance when approaching from the north along Horsemoor Road. This is not the case with regard to the recently approved site at Cedar Rose Stables, nor The Spinney site as they are not so prominently located or visible from a distance. There are also public rights of way which approach the site from the east. Due to the nature of the flat landscape, these would give open views to the site from a distance away. Due to the nature of the flat landscape, both would give open views to the site from a distance away. With regard to this

particular site and its location at the bend/inside of the bend, the close boarded fencing that has been erected close to the highway edge and extending around the bend, is visually intrusive. It is noted that the submitted design and access statement shows that prior to the sites being occupied the area was an open field bordered with post and rail fencing and sporadic hedges giving an openness.

- 10.21 Retaining the close boarded fencing to help screen the caravans is not an acceptable solution because this fencing in itself is incongruous although it is noted that this means of enclosure is not identified on the submitted site plan. More open fencing would enable greater views of the caravans and solid fencing at this location will in itself appear incongruous which suggests that the site is not a good location in which to site caravans/mobile homes. The individual and cumulative impact of each of the three unauthorised sites has an adverse impact on the character of the area. This could be reduced if the solid fencing to the site frontage is removed and post and rail fencing with native hedgerow is used instead. This would need to be set back in order to achieve the vehicular visibility when leaving the site access and looking left towards the bend in the road. The visibility splay is shown on the submitted site plan.
- 10.22 The impact of the proposal upon the character and appearance of the locality would be reduced if application F/YR21/0356/f for 5 pitches on the adjacent land to the north and west of the site is approved. This application is being recommended for approval (as the personal circumstances of the occupiers outweighs the policy objections). As such, sustaining an argument that this proposed pitch will have such an adverse impact in itself, would be extremely difficult to substantiate. Assuming that application F/YR21/0356/F is approved, the current application would be acceptable subject to conditions concerning fencing and landscaping and would at least partially comply with policy LP5 (a) and (e), policy LP16(d) and paragraph 26 (b) of the PPTS due to the character of the area being maintained if not enhanced.

### **Impact on Settled Community**

- 10.23 Policy L5, Part D criteria (e) states that the site should enable development which does not have any unacceptable adverse impact on the amenities of occupiers of other nearby properties. Policy C of the PPTS states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Policy H states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure.
- 10.24 This matter was recently addressed in a decision on application F/YR21/0487/F regarding provision of 10 plots at Land South of Greenbanks, Garden Lane, Wisbech St Mary. Reference was made to appeal decision APP/L2630/C/20/3250478 in South Norfolk where the Inspector determined that the nearest settled community was a different concept to nearest settlement. In that case the nearest settled community consisted of a scatter of houses and farms that lay within 1km of the site. In that instance, the pattern of development within 1km of the site consisted of a scatter of houses and farms. In the case of the Greenbanks site it was considered that a 0.5km radius was appropriate for gauging impact on the nearest settled community. A 1km radius would have included the outlying parts of Wisbech St Mary which had a very different settlement pattern, density and character to the development in the

countryside in which the application site was situated. It is considered that this is also the case with regard to this application. A 1km radius would include properties in Eastwood End which is the edge of the built-up area of Wimblington and has a very different settlement pattern, density and character to the site and the scattered dwellings within its vicinity. However, it also needs to be kept in mind that (a) taking a radius approach to establishing what comprises the nearest settled community is not set out in the development plan policy and the size of the radius is subjective; and (b) in rural areas within Fenland, the settled community is likely to contain few scattered houses. In such instances, many traveller sites might be considered to dominate the nearest settled community because the numbers of dwellings will be low.

- 10.25 There are approximately 12 properties within a 0.5km radius of the site, excluding traveller plots and these properties are all located to the west along Hook Road. To the north, east and south of the site there are only isolated farm houses at the edge of a 1km radius of the site.
- 10.26 There are 12 authorised traveller pitches within the near vicinity of this site. If application F/YR21/0356/F is approved, this number would rise to 17 pitches. This application would then take that number to 18 (and with application F/YR22/1135/F that number would be 19). Looking at the cumulative impact of all the unauthorised pitches at this corner location, the number of pitches could rise to 19. Whether looking at this proposal on its own merits or considering the cumulative impact with the other unauthorised pitches, the proposal extends the land in use for traveller sites further east from the Cedar Rose Stables site and infills the land up to Horsemoor Road. The scale and spread of the land in use for traveller sites coupled with the high visibility of this site and the other unauthorised sites at this corner location, give an impression of a cluster of sites that over dominate the settled community which in this vicinity comprises scattered dwellings. These sites have not been well planned and have expanded due to land being available to purchase rather than what is suitable for the countryside location and setting. However, if 17 pitches in total become approved with the granting of the 5 pitches on the neighbouring site, then another one or two pitches which infill the remainder of the land within this bend in the road, will have limited additional impact in terms of dominance.
- 10.27 It is considered that the proposal does lead to a domineering impact upon the settled community which is contrary to paragraph 14 in Policy C and paragraph 25 of Policy H of the PPTS which seek to ensure that sites are well planned and in rural areas respect the scale of, and do not dominate the nearest settled community. However, as the adjacent plot for 5 pitches is being recommended for approval because the personal circumstances in that instance outweigh the policy objections, such approval puts a different complexion on the assessment of this application. It is considered that the addition of this one plot (and the plot under F/YR22/1135/F) will not make a material difference to the domination of the nearest settled community should the adjacent 5 plots be approved.

### **Sustainability re transport, highway safety and utilities**

- 10.28 The site is proposed to be served by a vehicular access off Horsemoor Road. This access is approximately 30 metres north of the sharp bend in the road where Horsemoor Road becomes Hook Road. The surfaced access is shown on the submitted site plan to be 6.5 metres wide and served by a set of double five bar gates which are set in from the carriage way edge by 6 metres. The gate opening is 4 metres wide. Beyond this within the site is an area for parking

and turning. The speed limit in this location is 60mph although due to the bend in the road, vehicles will be likely to be travelling significantly slower than this.

- 10.29 The LHA has not objected but notes the visibility splay shown on the plan to the west is outside the site boundary. Normally this would be a problem but as land containing this visibility splay is also seeking retrospective planning permission, conditions could be imposed on each application requiring that visibility is maintained for each access.
- 10.30 In terms of sustainability, the appeal Inspector in his decision to allow the The Spinney traveller site adjacent to this proposal commented as follows;
- “Nothing in the NPPF or PPTS that says traveller sites have to be accessible by means other than a private car. In fact, both recognise that the lifestyle of travellers must be factored into the planning balance.”
- 10.31 Although the site is in the countryside, Wimblington, Doddington and March are only a short drive away from the site and each provides access to primary schools, medical facilities and other services. The Spinney site was found to be acceptable with regards to it being a sustainable location and it must follow that this site is also sustainable in this regard and in compliance with policy LP5, Part D (b). Taking into consideration that sites will be acceptable in the countryside, it would be unusual for such sites to be served by pavements.
- 10.32 The application form states that surface water will be dealt with via a sustainable drainage system and foul drainage by a non mains wastewater treatment package plant. The submitted FRA states that further information will be provided once comments are received from the IDB. No further information has been received. The MLC were consulted and no response has been received. The applicant would need separate consent to discharge into a watercourse maintained by them. It is noted that in the appeal decision relating to The Spinney site, no details were known about utilities and the Inspector was content to deal with these matters by condition. There is no reason as to why this should not be the case with this site. The proposed foul drainage is by package treatment plant and it is prudent to condition the details of this together with its future maintenance in the interests of public health and prevention of contamination.
- 10.33 It is considered that the site has adequate pedestrian and vehicular access, is within a short drive to the nearest settlements where schools and services are located and is or is capable of being served by mains water and adequate foul and surface water drainage. The application is therefore in compliance with policy LP5, Part D (b), (d) and (f).

### **Flood Risk**

- 10.34 The site lies within flood zone 3 (defended) and is highly vulnerable development. The EA has objected to this application for this reason. This is a different response from that received in connection with the two adjacent sites also with applications pending determination. The most recent response from the EA (in response to consultation on F/YR22/1135/f) set out the same flood risk matters but due to the unlikely chance of the site being flooded, the EA has not objected. The EA states that the main source of flood risk associated with this site is associated with watercourses under the jurisdiction of the Internal

Drainage Board (IDB), who should be consulted with regard to flood risk and residual flood risk associated with watercourses under their jurisdiction and surface water drainage proposals. The IDB has been consulted and no response has been received.

- 10.35 In determining the appeal for the adjacent Spinney site, the Inspector stated the following in relation to flood risk;

*“The site is located within an area designated as lying within Flood Zone 3. A Flood Risk Assessment (FRA) carried out for the appellant concluded that the site has the benefit of defences designed to withstand a 1 in 100 year event, including climate change, and that with these defences in place the flood risk to the site is identical to a site in Flood Zone 2.*

*The FRA concluded that as the nearby drainage ditches were substantially below the level of the site, surface water would either be collected in the ditches or, if they were overwhelmed, it would flood lower land to the north. These conclusions are consistent with the findings of a FRA carried out for a Travelling Showperson’s site to the opposite side of the road, and neither the Environment Agency nor the Internal Drainage Board raised objection to the appeal proposal and, in the case of the Travelling Showperson’s site the Council were satisfied that the wider sustainability benefits and the lack of evidence of more suitable sites outweighed flood risk considerations*

*With regard to the sequential test, the Development Plan does not identify any deliverable land for gypsy sites and there are no “reasonably available” appropriate sites with a lower risk of flooding. The site specific FRA demonstrates that the proposal would be safe from flooding for the lifetime of the development. However, to provide additional assurance and safeguards, the production of a Flood Plan for evacuation of the site can be required by condition.”*

- 10.36 The Fenland Local Plan does not identify any deliverable land for gypsy sites. This, couple with the fact that the majority of the land outside of towns and villages will lie within flood zones 2 or 3, lead to a conclusion that there are no reasonably available sites with a lower risk of flooding. It is therefore considered that the sequential test will be passed.
- 10.37 Following successful completion of the sequential test, the exception test must be met which requires (a) development to demonstrate that it achieves wider community sustainability benefits having regard to the District’s sustainability objectives, and (b) that it can be made safe for its lifetime and will not increase flood risk elsewhere (‘flood risk management’).
- 10.38 Wider community sustainability benefits - The District’s sustainability objectives are outlined under 2.4 of the FLP and, relevant to this application includes the aim to thrive in safe environments and decent affordable homes (6.1) and redress inequalities related to age, gender, disability, race, faith, location and income. In respect of the proposal, it would assist in addressing a shortfall of accommodation needs for the Traveller community where an inadequate supply of housing currently exists.
- 10.39 The FRA sets out that even in the event of a breach of flood defences, the site is unlikely to flood, and the EA acknowledge this. The proposed mobile home

would be raised off the ground by 450mm above existing ground level. This could be secured by condition.

- 10.40 Taking the above into account, it is considered that with regards to flood risk, the proposal is acceptable, subject to condition and complies with policy LP5, Part D (a) of the local plan. It is recognised that the PPTS, paragraph 13 (g) advises local planning authorities not to locate sites in areas of high risk of flooding, but the local circumstances of Fenland district must be taken into account, given the amount of land in the district that is at a higher risk of flooding. As already stated, the Inspector for the Spinney site took a pragmatic view on this matter.

## **Other Issues**

### 10.41 Residential Amenity

The development is sufficiently separated from the adjacent Spinney site and other dwellings, of which there are few in the vicinity, so as not to impact on residential amenity in terms of loss of privacy, loss of light etc. Over dominance has already been assessed above.

### 10.42 Heritage Assets

There are no heritage assets in the vicinity of the site.

### 10.43 Natural Environment

The submitted biodiversity checklist states that the proposal does not affect any natural features where species might be present. The site is adjacent to a drainage ditch adjacent to the northern boundary but does not directly impact it and from site visits it is not evident that this ditch is permanently wet. From historical aerial photographs the site was used as grazing land and covered in grass. It is not clear whether hedgerows have been removed. As the development has largely taken place it is not possible to say with any certainty that no protected species were affected by the development, however, impacts can be limited in the future and biodiversity could be improved with native planting which could be conditioned. Similarly, if the application were being recommended for approval, external lighting details would be conditioned.

### Contaminated Land

There is no evidence to suggest that the site is contaminated.

### 10.44 Agricultural Land Quality

The Natural England land classification map shows the site to be grade 2, very good quality agricultural land. The majority of land within the district outside of the built-up areas will be either grade 1 or grade 2 land. Given that there are no available alternative sites available, the proposal is acceptable in this regard.

## **Personal Circumstances**

- 10.45 There is no personal information submitted in connection with health or any other needs that may be taken into consideration.

## 11 CONCLUSIONS

- 11.1 Fenland District Council is currently unable to demonstrate that it has a five-year supply of sites to meet the need for traveller sites in Fenland. The GTNA undertaken in 2013 is now out of date. Neither national policy in the PPTS nor policy LP5 of the Fenland Local Plan rule out traveller sites being located in the countryside therefore in principle, the proposal is acceptable.
- 11.2 The application is being assessed on the basis that the proposal for 5 pitches on the adjacent land to the west and north of the site (F/YR21/0356/F) is approved. At the time of writing this application is pending determination. If the adjacent 5 pitches are approved, this current application for one pitch would not in itself have an adverse impact on the character or appearance of the area if conditions are imposed to ensure that external boundary treatment comprises post and rail fencing with native hedgerow planting. As such, whilst potentially only partially complying with policy LP5 (a) and (e) and LP16 (d), adequate fencing and landscaping, could ensure that this isn't significant harm to the landscape.
- 11.3 If the adjacent proposal for 5 pitches is approved, the addition of this one pitch (and the pitch under application F/YR22/1135/F) will not make a material impact to the overall numbers of pitches at this general location and it would not be possible to successfully sustain an argument that 19 pitches as opposed to 17 makes such a difference in terms of over dominance of the nearest settled community. As such it is considered the application meets paragraph 14 Policy C and paragraph 25 Policy H which seek to ensure that sites do not dominate the nearest settled community.
- 11.4 In other respects and subject to conditions, the application is acceptable.

## 12 RECOMMENDATION

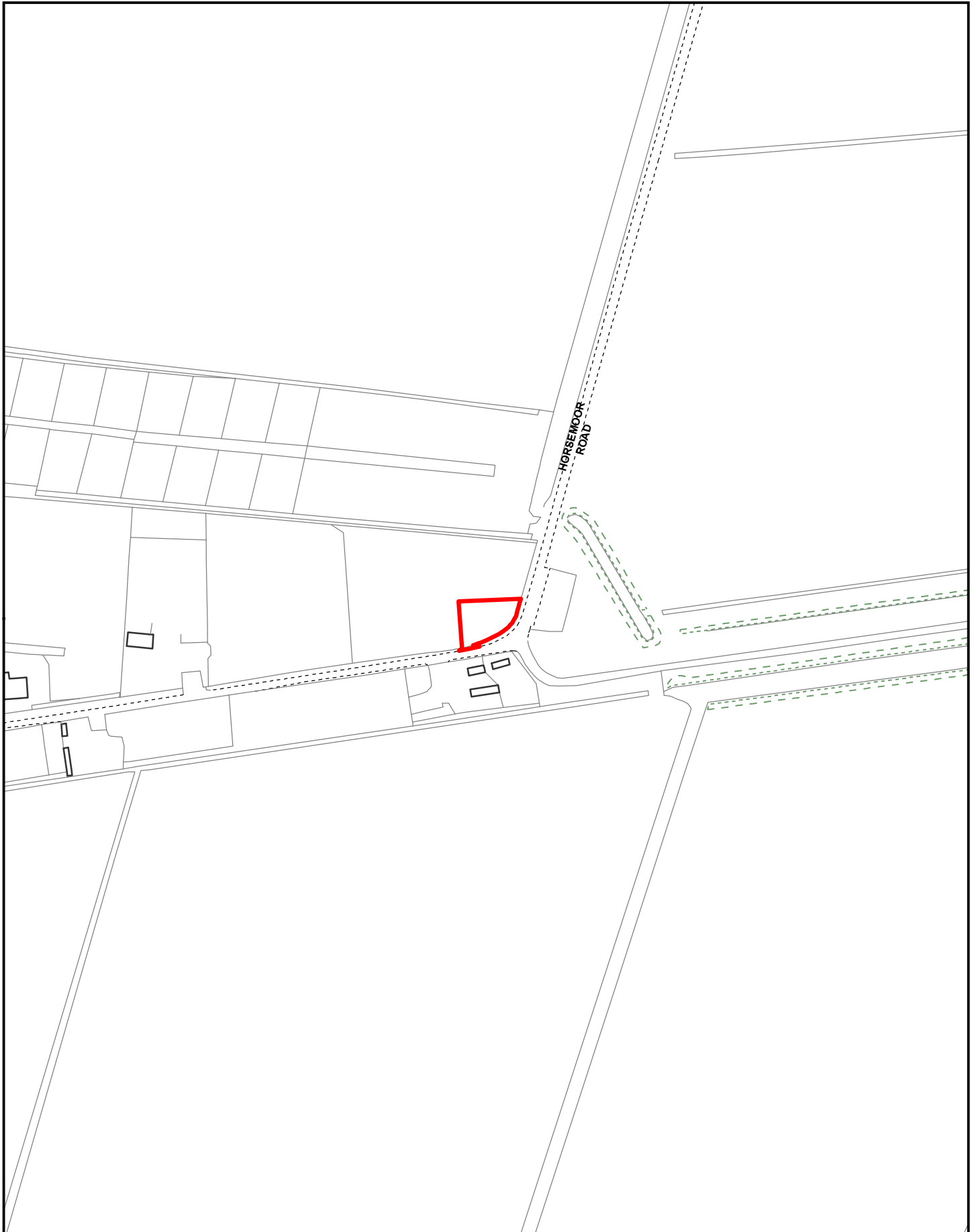
**GRANT;** subject to the following conditions:

1	<p>The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (DCLG 2015)</p> <p>Reason: The application is only approved due to the applicants meeting this definition and to clarify what is hereby approved.</p>
2	<p>No more than 3 caravans comprising up to 1 static and up to 2 tourers, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at the site at any time.</p> <p>Reason: To clarify what is hereby approved and to ensure that the stationing of the caravans does not have an adverse impact on the character or appearance of the area in accordance with policy LP5 of the Fenland Local Plan.</p>
3	<p>No more than one commercial vehicle shall be kept for use by the occupier of the plot and shall not exceed 3.5 tonnes in weight.</p>



	Reason: In order to control commercial activity at the site and the visual appearance of the land in accordance with policy LP5 of the Fenland Local Plan
4	<p>No commercial activities shall take place on the land, including the storage of materials.</p> <p>Reason: In the interests of the visual appearance of the land and area in accordance with policy LP5 of the Fenland Local Plan.</p>
5	<p>Within 3 months of the date of this permission, the access to the site shall be constructed and sealed for the first 10 metres from the highway edge and drained away from the highway in accordance with the details shown on the approved site plan J2164 and all fencing and obstacles over 0.6 metres in height within the visibility splay as shown on this site plan shall be removed permanently.</p> <p>Reason: In the interests of highway safety in accordance with policy LP5 of the Fenland Local Plan</p>
6	<p>Within 2 months of the date of this decision, the following information shall have been submitted to the Local Planning Authority for approval;</p> <ul style="list-style-type: none"> <li>- Details of a scheme to plant a mixed native hedgerow with post and rail fence to all external site boundaries including the site frontage. This shall include a plan, fence details, planting specification, visibility splays and timetable for planting and the removal of any existing solid fencing and gates to the external boundaries. The approved scheme shall be implemented in full in accordance with the approved timetable. The solid fencing shall be permanently removed from the external boundaries. Should any of these plants die, become diseased or are removed within the first 5 years of planting, they shall be replaced by similar native species within the next available planting season. The hedgerow and fencing shall be retained thereafter.</li> <li>- Details of all existing and proposed external lighting including luminance levels and measures to avoid light spillage. Within 4 weeks of the approval or refusal of the lighting scheme from the local planning authority, all external lighting which has not been approved shall be permanently removed from the site. Thereafter, only external lighting that accords with the approved lighting scheme shall be erected.</li> </ul> <p>Reason: In the interests of the visual appearance of the site and biodiversity in accordance with policy LP5 of the Fenland Local Plan.</p>
7	<p>With the exception of the fencing to be approved under Condition 6, and notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no other gates, fences, walls or other means of enclosure shall be erected on the site, unless planning permission has first been obtained from the local planning authority.</p> <p>Reason: In the interests of the visual appearance of the site in accordance with policy LP5 of the Fenland Local Plan.</p>

8	<p>All floor levels to the static caravans shall be at least 450mm above the ground level and shall be retained as such.</p> <p>Reason: In the interests of the safety of the occupants in the event of flooding in accordance with policies LP5 and LP14 of the Fenland Local Plan.</p>
9	<p>Within 2 months of the date of this decision, full details of the foul drainage treatment and its ongoing future maintenance shall be submitted to the local planning authority for approval. The foul drainage shall only be installed in complete accordance with the approved details and shall be maintained thereafter in complete accordance with the approved maintenance schedule.</p> <p>Reason: In the interests of public health and prevention of contamination to the environment in accordance with policies LP5 and LP14 of the Fenland Local Plan</p>
10	Approved plans



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**F/YR21/0768/F**

Scale = 1:2,500



Agricultural Land

Equine Use Land

PLOT B

Drainage Dyke - Mid Level

Empty Field

Application : F/YR21/0356/F  
Submitted to FDC awaiting determination

HORSEMOOR ROAD  
Single Track road

APPEAL APP/DO515/C/3008998  
& F/YR16/3080 APPROVED

Post and Rail fence

NO PLANTING ABOVE  
600mm IN THIS AREA

Mobile Home

PLOT F

Touring Unit

Touring Unit

Parking and Turning

Visibility Splay 35m

Existing Leylandi tree  
planting along verge

Existing Verge

AS PER F/21/0356/F  
NO PLANTING ABOVE  
600mm IN THIS AREA

Visibility Splay 120m

HOOK ROAD  
Single Track road

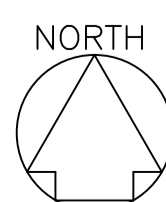
Single Track road

Construction yard  
/ Storage

SITE PLAN 1:200  
SITE AREA 467m<sup>2</sup> / 0.04 Hectare

Mobile Home Floor Area 36m<sup>2</sup> per unit  
Total (180m<sup>2</sup>)

ALL FLOOR LEVELS OF UNITS TO  
BE MINIMUM OF 450mm ABOVE GROUND LEVEL

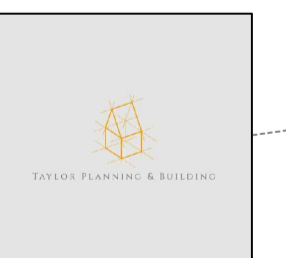


Agricultural Land

Revision:	
Project:	Hook Road HOOK
Description:	CHANGE OF USE SITE F
Date:	10-3-21

Scale & Sheet Size:  
VARIOUS @ A1

Drawing Ref:  
**PL01**



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**J2164**



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F/YR22/1135/F

**Applicant: Mr John Loveridge**

**Agent : Mr Matthew Taylor  
Taylor Planning And Building  
Consultants**

**Land North East Of The Paddocks, Horsemoor Road, Wimblington,  
Cambridgeshire**

**Change of use of land to site 1 x residential mobile home and 1 x touring caravan,  
and the formation of hardstanding and a new access (part retrospective)**

**Officer recommendation: Grant**

**Reason for Committee: Referred by Head of Planning due to relationship with  
preceding applications**

## 1 EXECUTIVE SUMMARY

- 1.1 Fenland District Council is currently unable to demonstrate that it has a five-year supply of sites to meet the need for traveller sites in Fenland. The GTNA undertaken in 2013 is now out of date. Neither national policy in the PPTS nor policy LP5 of the Fenland Local Plan rule out traveller sites being located in the countryside therefore in principle, the proposal is acceptable.
- 1.2 The application is being assessed on the basis that the proposal for 5 pitches on the adjacent land to the west and south of the site (F/YR21/0356/F) is approved. This is the subject of a preceding Committee item. If the adjacent 5 pitches are approved, this current application for one pitch would not in itself have an adverse impact on the character or appearance of the area if conditions are imposed to ensure that external boundary treatment comprises post and rail fencing with native hedgerow planting. As such, whilst potentially only partially complying with policy LP5 (a) and (e) and LP16 (d), adequate fencing and landscaping, could ensure that this isn't significant harm to the landscape.
- 1.3 If the adjacent proposal for 5 pitches is approved, the addition of this one pitch (and the pitch under application F/YR21/0768/F, the subject of the preceding item on the agenda) will not make a material impact to the overall numbers of pitches at this general location and it would not be possible to successfully sustain an argument that 19 pitches as opposed to 17 makes such a difference in terms of over dominance of the nearest settled community. As such it is considered the application meets paragraph 14 Policy C and paragraph 25 Policy H which seek to ensure that sites do not dominate the nearest settled community.
- 1.4 In other respects and subject to conditions, the application is acceptable.

## 2 SITE DESCRIPTION

- 2.1 The site comprises a roughly rectangular parcel of land measuring approximately 39 metres deep by on average 15 metres wide. The submitted site plan states that the site area is 593 square metres. The site is located in the countryside beyond what is the settlement of Wimblington and is close to the bend in the road which is the point at which Horsemoor Road and Hook Road join. To the immediate north of the site is a drainage ditch maintained by Middle Level Commissioners and beyond this and to the east is open agricultural land. To the south and to the west of the site are further unauthorised traveller sites where planning applications F/YR21/0356/F and F/YR21/0768/f are pending determination. There are other authorised traveller sites in close proximity to the site which will be discussed below.
- 2.2 At present the site is screened from the road by a close boarded fence including gates across the vehicular access, which is off Hook Road, which does not reflect the proposals shown on the submitted site plan.
- 2.3 The site lies within flood zone 3.

### **3 PROPOSAL**

- 3.1 The application is for change of use of the land, described as paddock for the siting of one mobile home with one touring caravan and formation of access. The submitted site plan shows the front part of the site being used for parking and turning and the rear of the site for the siting of one mobile home and one tourer. The proposed vehicular access is situated approximately 30 metres north of the bend in the road. The plans also show a close boarded fence is to be located across the frontage and then set in to provide a vehicular access secured with a double five bar gate which would open inwards. The current fencing and gates would need to be altered to provide the proposed fencing and gates. The submitted plan also states that the mobile homes would be raised 450mm above ground level.
- 3.2 The application is part retrospective because the site is already occupied by caravans which are occupied as residential accommodation. There are more caravans/structures on the site at present than shown on the submitted site plan.
- 3.3 The submitted FRA states that the applicant hopes to use a package treatment plant for drainage and wishes to discharge to the drainage ditch to the rear. To this end, a plan has been sent to Middle Level Commissioners who are responsible for the drainage ditch.
- 3.4 Full plans and associated documents for this application can be found at: [F/YR22/1135/F | Change of use of land to site 1 x residential mobile home and 1 x touring caravan, and the formation of hardstanding and a new access \(part retrospective\) | Land North East Of The Paddocks Horsemoor Road Wimblington Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-and-building-control/planning-applications/F/YR22/1135/F)

### **4 SITE PLANNING HISTORY**

- 4.1 No site history

### **5 CONSULTATIONS**



- 5.1 **Wimblington Parish Council** - Concerns raised about the adequacy of Hook Road which is very narrow and already suffering with surface damage and loss of grass verges/passing places for pedestrians, horse riders and cyclists. Additional vehicles using this land will have a severe impact on everyone using the lane. The speed limit is 60mph and this in itself causes a threat to those who have no safe haven due to loss of verges and passing places. There is poor road user visibility due to the high fencing of other sites. Touring caravans constantly using this narrow lane is inappropriate.

This is a high flood risk area and last year Wimblington had an unprecedented number of homes flood and this will only exacerbate the matter.

There is no infrastructure within Hook Lane i.e. street lighting, water drainage, sewerage, utilities.

The Parish Council references policies LP1, LP3, LP5 part D, LP12, LP14 part B and LP16

- 5.2 **Environment Agency** – The site is within flood zone 3 and Table 2 of the Planning Practice Guidance makes it clear that this type of development should not normally be permitted. The LPA should therefore consider if there any other appropriate locations in flood zone 1.

Notwithstanding the above, the EA has no objections given the site is defended from flooding from the River Nene and River Great Ouse. The EA has considered the risks associated with the failure of Middle Level Barrier Banks of the Ouse Washes and River Nene Flood defences; these studies indicate that this site would not be flooded in the event of a failure of these defences. Middle Level Commissioners should be consulted (*officer note: they have been*)

- 5.3 **Middle Level Commissioners** – No response received

- 5.4 **CCC Highway Authority** – No objections

- 5.5 **Local Residents/Interested Parties**

No comments received.

- 5.6 **Other Correspondence**

Several letters from local Councillors expressing concerns regarding the neighbouring development were sent to Stephen Barclay MP and which were subsequently forwarded to the Council for comment. While not relating directly to this application they do express concerns regarding the number of gypsy and traveller pitches in this area.

## 6 **STATUTORY DUTY**

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

The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **7 POLICY FRAMEWORK**

### **Planning Policy for Traveller Sites August 2015**

Policy B – Planning for traveller sites

Policy C – Sites in rural area and the countryside

Policy H – Determine planning application for traveller sites

Policy I – Implementation

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

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

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

Para 11: Presumption in favour of sustainable development

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

Para 80: Avoid the development of isolated homes in the countryside unless specified exceptions apply

Para 119: Promote effective use of land

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

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

Para 161: Need to apply the sequential and exceptions tests.

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

### **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  
LP4 – Securing Fenland's Future  
LP7 – Design  
LP14 – Gypsies and Travellers and Travelling Showpeople  
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

## 8 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Impact on Settled Community**
- **Sustainability re transport, highway safety and utilities**
- **Flood Risk**
- **Other Issues**
- **Personal Circumstances**

## 9 BACKGROUND

- 9.1 This site is adjacent to other traveller sites. The Spinney site (not abutting but nearby to the west along Hook Road) has planning permission for 8 pitches. The Cedar Rose Stables site, also to the west, has recently been granted planning permission for 3 pitches (F/YR21/0713/F). There is also an authorised travelling show person's pitch to the south (other side of Hook Road) which has 1 pitch. There are 12 authorised pitches in the near vicinity. The two adjacent unauthorised pitches (subject to pending applications) have 5 pitches and 1 pitch respectively.
- 9.2 An application for the 5 pitches on the adjacent site (F/YR21/0356/F) is being recommended for approval on the grounds that the personal circumstances of the occupiers outweigh the policy objections to the proposal, and is the subject of a preceding item on the agenda. This application is therefore being considered on the basis of the adjacent site for the 5 pitches being granted planning permission prior to determination of this application.

## 10 ASSESSMENT

### **Principle of Development/Need for Pitches**

- 10.1 The site is outside the built-up area of a settlement and therefore, in planning policy terms it is in an area which is considered to be in the countryside whereby local plan policies for 'Elsewhere' locations apply. Except on statutorily designated Green Belt land (not applicable anywhere in Fenland) the Planning Policy for Traveller Sites (PPTS) published in August 2015 is not opposed in principle to Traveller sites in the countryside. It does however state in Policy H

(paragraph 25) that Local Planning Authorities (LPAs) should "very strictly limit" new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

- 10.2 Furthermore, paragraph 25 states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure. In its recent decisions the Council has accepted that planning permission can be granted on sites in the countryside, acknowledging that the identified need will not be met by land within existing towns and villages.
- 10.3 Policy A within the PPTS sets out at c) that local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions. Policy B states that in producing their Local Plan, local planning authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. They should identify a supply of specific, deliverable sites, or broad locations for growth, for years 6 – 10 and, where possible, for years 11 – 15. To be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable with realistic prospect that development will be delivered on the site within 5 years. To be developable, sites should be in a suitable location for traveller site development and there should be reasonable prospect that the site is available and could be viably developed at the point envisaged. The last Gypsy and Traveller Needs Assessment (GTANA) was carried out in 2013 and this identified a need for 18 pitches up to the year 2026. Since then, in excess of 40 pitches have been granted. However, the GTANA is not up to date and there is presently no evidence of what the need is in Fenland for gypsy and traveller pitches. A new GTANA was commenced in 2019 but this is not yet completed and there is no available up to date empirical evidence, at the time of writing this report that could assist with this issue.
- 10.4 Policy LP5 Part D of the local plan states that there is no need for new pitches as per the findings of the Fenland GTANA update in 2013. However, an appeal decision received in April 2020 (APP/D0515/C/19/3226096) identified that there was an unmet need within Fenland which was a matter of common ground between the LPA and the appellant.
- 10.5 Policy H of the PPTS re-affirms the provision of Section 38(1) of the Planning and Compulsory Purchase Act 2004 i.e. that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Fenland Local Plan identified no need for pitches (policy LP5) in Fenland based on the evidence contained in the GTANA of 2013 and no pitches were allocated. The GTANA of 2013 and the subsequent policy position in LP5 of there being no need for pitches, is now out of date. Policy LP5 goes on to state that the Council will be prepared to grant permission for sites in the countryside, provided that there is evidence of a need as identified in the local assessment, that the occupiers meet the definition of Gypsy and Travellers or Travelling Showpeople and that the criteria set out in policy LP 5 (a) to (f) are met. The lack of an up to date needs assessment based on up-to-date evidence and the PPTS which was published in 2015 are material considerations to weigh alongside the development plan policy. It is clear that at present, the Council would not be able to sustain an argument that there is no need for pitches within Fenland and nor can it be confirmed with evidence that there is an

identified need. Therefore, it is not reasonable, at present, to refuse traveller site applications on the premise that there is no need.

- 10.6 Policy LP5 states that permission for sites in the countryside would depend on evidence of a need for such provision. However, this policy conflicts with the PPTS (post Local Plan adoption) Paragraphs 11 and 24, which endorse criteria-based policies where there is no such need, and Paragraph 25 which expects sites to be located in the countryside, albeit with restrictions, but without any precondition of evidence of need. *(Officer comment: The emerging policy LP14 is criteria based irrespective of whether there is a need, but this policy can at this time only be afforded limited weight).*
- 10.7 Annex 1, Glossary to the PPTS defines Gypsies and Travellers for the purpose of applying this policy as;
- a) whether they previously led a nomadic habit of life
  - b) the reasons for ceasing their nomadic habit of life
  - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances
- 10.8 However, the recent Court of Appeal case [2022] EWCA Civ 1391 (Lisa Smith and Secretary of State for Levelling Up, Housing and Communities and NW Leics District Council) has found that at least in part the PPTS is discriminatory and therefore, the weight to be afforded to the parts of the PPTS which set out definitions of travellers will be diminished if not completely, as the Government has stated it does not intend to seek leave to appeal from the Supreme Court. This means that the PPTS will need to be amended. Although, not the central plank of the appellant's case, the Court of Appeal Decision appears to set out that ethnicity is a defining factor as to whether a gypsy/traveller is such.
- 10.9 The Council's Traveller and Diversity Manager has confirmed that the applicant is an ethnic gypsy/traveller.
- 10.10 Policy LP5 of the Local Plan states that irrespective of whether an up-to-date need is identified or not, the Council will determine applications on a case-by-case basis and set out six criteria by which to assess new suitable gypsy/traveller and travelling showpeople sites. The policy goes on to say that the Council will grant permission for sites in the countryside provided there is evidence of need. Paragraph 11 of the PPTS states that criteria should be set to guide land supply allocations where there is an identified need and where there is no identified need, criteria based policies should provide a basis for decisions in case applications nevertheless come forward. Policy 25 of the PPTS states that LPAs should very strictly limit new traveller site development in the open countryside that is away from existing settlements but differs from policy LP5 in that it does not state development will only be permitted in the countryside where there is an identified need. However, despite this degree of tension between the Local Plan and the PPTS, both advocate the use of criteria to assess the suitability of sites; the criteria set out in Part D of policy LP5 generally reflect other policies of the local plan and concern issues of acknowledged importance such as visual appearance, flood risk, impact on the environment and amenity. They also generally reflect issues referred to in the PPTS.
- 10.11 Given the lack of up-to-date evidence as to the need for pitches and that the applicant/occupiers meet the definition of Gypsies and Travellers, the principle of the development in this countryside location is acceptable, subject to compliance with the criteria in policy LP5 and other detailed considerations.

## Character and Appearance

10.12 Part D of policy LP 5 of the local plan, sets out the following criteria against which applications for Gypsy and Traveller (and Travelling Showpeople) caravan sites and associated facilities will be assessed;

- (a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
- (b) the site should provide a settled base and be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school; and
- (c) the location, size, extent and access and boundary treatment of the site should allow for peaceful and integrated coexistence with the occupiers of the site and the local settled community; and
- (d) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing; and
- (e) the site should enable development which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties, the health or wellbeing of any occupiers of the site, or the appearance or character of the area in which it would be situated; and
- (f) the site should be served by, or be capable of being served by, appropriate water, waste water and refuse facilities whilst not resulting in undue pressure on local infrastructure and services

10.13 Policy LP 16 requires all new development to;

- (c) retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies
- (d) Make a positive contribution to local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, provides resilience to climate change, reinforce local identity and does not adversely impact , either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.

10.14 Policy H, Paragraph 24 (d) of the PPTS states that local planning authorities should consider this issue (amongst others) when considering planning applications for traveller sites;

“that the locally specific criteria used to guide the allocation of sites in plans or which forms the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.” (it is noted that this wording assumes that where there is a need for sites that these will be allocated)

10.15 Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to the following matters;

- (a) effective use of previously developed (brownfield), untidy or derelict land
- (b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- (c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children

(d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

- 10.16 The fen area in which the site is located can be characterised as follows;
- Large scale, flat and open landscape with extensive views and large skies
  - Largely unsettled, arable landscape with isolated villages and scattered individual properties
  - Individual properties often surrounded by windbreaks including numerous conifers
  - Rectilinear field structure divided by pattern of artificial drainage ditches
  - Very few hedgerows in landscape
  - Productive and functional landscape with few recreational uses
  - Long straight roads, elevated above surrounding fields but locally uneven
- 10.17 As one moves west along Hook Road, the landscape character changes and field patterns become smaller, older roads are more winding, there are some unsympathetic industrial structures at the edge of settlements but there are open panoramic views across Fens.
- 10.18 There are notable large agri/industrial buildings to the west near the bend in Hook Road but although these are large, they are separated from the site and the case officer considers they are not seen as being in the same viewpoint context as the site when travelling in the vicinity.
- 10.19 Given that caravans are nearly always white or cream in colour, it is quite difficult to ensure that they do not have an unacceptable impact on the appearance or character of an area, especially an area that is so flat and open to long distance views as characterised above. The location of the site within the landscape, the placement of the caravans within the site and the boundary treatment will be important to ensure that the caravans do not appear as stark incongruous features within the landscape setting. There is also a balance to be struck with criteria (c) of policy LP5 of the local plan and with paragraph 26 (d) of the PPTS which advise against having too much hard landscaping or high walls or fences around a site.
- 10.20 In this instance, the site appears as part of the area of land located at the corner of Horsemoor Road and Hook Road which comprises the three pending planning applications for retrospective use as traveller sites. The three sites are located on the corner in a prominent location and due to the very open nature of the surroundings and the number of caravans and paraphernalia that can be seen, the cumulation of the three sites appears cluttered and incongruous within the landscape setting. They cannot only be seen close up but also from quite a distance when approaching from the north along Horsemoor Road. This is not the case with regard to the recently approved site at Cedar Rose Stables, nor The Spinney site as they are not so prominently located or visible from a distance. There are also public rights of way which approach the site from the east. Due to the nature of the flat landscape, both would give open views to the site from a distance away.
- 10.21 Retaining the existing close boarded fencing to help screen the caravans is not an acceptable solution because this fencing in itself is incongruous. More open fencing would enable greater views of the caravans and solid fencing at this location will in itself appear incongruous which suggests that the site is not a good location in which to site caravans/mobile homes. The individual and



cumulative impact of each of the three unauthorised sites has an adverse impact on the character of the area. This impact could be reduced if the solid fencing and gates at the site frontage were removed and replaced with post and rail fencing a gates with native hedgerow, as proposed for the other external boundaries. This will need to be set back to enable visibility when exiting the drive onto Horsemoor Road.

- 10.22 The impact of the proposal upon the character and appearance of the locality would be reduced if application F/YR21/0356/F for 5 pitches on the adjacent land to the south and west of the site is approved. This application is being recommended for approval (as the personal circumstances of the occupiers outweighs the policy objections). As such, sustaining an argument that this proposed pitch will have such an adverse impact in itself, would be extremely difficult to substantiate. Assuming that application F/YR21/0356/F is approved, the current application would be acceptable subject to conditions concerning fencing and landscaping and would at least partially comply with policy LP5 (a) and (e), policy LP16(d) and paragraph 26 (b) of the PPTS due to the character of the area being maintained if not enhanced.

### **Impact on Settled Community**

- 10.23 Policy L5, Part D criteria (e) states that the site should enable development which does not have any unacceptable adverse impact on the amenities of occupiers of other nearby properties. Policy C of the PPTS states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Policy H states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure.
- 10.24 This matter was recently addressed in a decision on application F/YR21/0487/F regarding provision of 10 plots at Land South of Greenbanks, Garden Lane, Wisbech St Mary. Reference was made to appeal decision APP/L2630/C/20/3250478 in South Norfolk where the Inspector determined that the nearest settled community was a different concept to nearest settlement. In that case the nearest settled community consisted of a scatter of houses and farms that lay within 1km of the site. In that instance, the pattern of development within 1km of the site consisted of a scatter of houses and farms. In the case of the Greenbanks site it was considered that a 0.5km radius was appropriate for gauging impact on the nearest settled community. A 1km radius would have included the outlying parts of Wisbech St Mary which had a very different settlement pattern, density and character to the development in the countryside in which the application site was situated. It is considered that this is also the case with regard to this application. A 1km radius would include properties in Eastwood End which is the edge of the built-up area of Wimblington and has a very different settlement pattern, density and character to the site and the scattered dwellings within its vicinity. However, it also needs to be kept in mind that (a) taking a radius approach to establishing what comprises the nearest settled community is not set out in the development plan policy and the size of the radius is subjective; and (b) in rural areas within Fenland, the settled community is likely to contain few scattered houses. In such instances, many traveller sites might be considered to dominate the nearest settled community because the numbers of dwellings will be low.

- 10.25 There are approximately 12 properties within a 0.5km radius of the site, excluding traveller plots and these properties are all located to the west along Hook Road. To the north, east and south of the site there are only isolated farm houses at the edge of a 1km radius of the site.
- 10.26 There are 12 authorised traveller pitches within the near vicinity of this site. This application would take that number to 13. If application F/YR21/0356/F is approved, this number would rise to 18 pitches (and with application F/YR21/0768/F that number would be 19). Looking at the cumulative impact of all the unauthorised pitches at this corner location, the number of pitches could rise to 19. Whether looking at this proposal on its own merits or considering the cumulative impact with the other unauthorised pitches, the proposal extends the land in use for traveller sites further east from the Cedar Rose Stables site and infills the land up to Horsemoor Road. The scale and spread of the land in use for traveller sites coupled with the high visibility of this site and the other unauthorised sites at this corner location, give an impression of a cluster of sites that over dominate the settled community which in this vicinity comprises scattered dwellings. These sites have not been well planned and have expanded due to land being available to purchase rather than what is suitable for the countryside location and setting. However, if 17 pitches in total become approved with the granting of the 5 pitches on the neighbouring site, then another one (or two) pitches which infill the remainder of the land within this bend in the road, will have limited additional impact in terms of dominance.
- 10.27 It is considered that the proposal does lead to a domineering impact upon the settled community which is contrary to paragraph 14 in Policy C and paragraph 25 of Policy H of the PPTS which seek to ensure that sites are well planned and in rural areas respect the scale of, and do not dominate the nearest settled community. However, as the adjacent plot for 5 pitches is being recommended for approval because the personal circumstances in that instance outweigh the policy objections, such approval puts a different complexion on the assessment of this application. It is considered that the addition of this one plot (and the plot under F/YR22/1135/F) will not make a material difference to the domination of the nearest settled community should the adjacent 5 plots be approved.

### **Sustainability re transport, highway safety and utilities**

- 10.28 The site is proposed to be served by a vehicular access off Horsemoor Road. This access is approximately 30 metres north of the sharp bend in the road where Horsemoor Road becomes Hook Road. The surfaced access is shown on the submitted site plan to be 6.5 metres wide and served by a set of double five bar gates which are set in from the carriage way edge by 6 metres. The gate opening is 4 metres wide. Beyond this within the site is an area for parking and turning.
- The speed limit in this location is 60mph although due to the bend in the road, vehicles will be likely to be travelling significantly slower than this.
- 10.29 The Highway Authority has raised no objections to the proposal.
- 10.30 In terms of sustainability, the appeal Inspector in his decision to allow the The Spinney traveller site adjacent to this proposal commented as follows;

“Nothing in the NPPF or PPTS that says traveller sites have to be accessible by means other than a private car. In fact, both recognise that the lifestyle of travellers must be factored into the planning balance.”

- 10.31 Although the site is in the countryside, Wimblington, Doddington and March are only a short drive away from the site and each provides access to primary schools, medical facilities and other services. The Spinney site was found to be acceptable with regards to it being a sustainable location and it must follow that this site is also sustainable in this regard and in compliance with policy LP5, Part D (b). Taking into consideration that sites will be acceptable in the countryside, it would be unusual for such sites to be served by pavements.
- 10.32 The application form states that surface water will be dealt with via a sustainable drainage system and foul drainage by a non mains wastewater treatment package plant. The submitted FRA states that further information will be provided once comments are received from the IDB. No further information has been received. The MLC were consulted and no response has been received. The applicant would need separate consent to discharge into a watercourse maintained by them. It is noted that in the appeal decision relating to The Spinney site, no details were known about utilities and the Inspector was content to deal with these matters by condition. The proposed foul drainage is by package treatment plant and it is prudent to condition the details of this together with its future maintenance in the interests of public health and prevention of contamination.
- 10.33 It is considered that the site has adequate pedestrian and vehicular access, is within a short drive to the nearest settlements where schools and services are located and is or is capable of being served by mains water and adequate foul and surface water drainage. The application is therefore in compliance with policy LP5, Part D (b), (d) and (f).

### **Flood Risk**

- 10.34 The site lies within flood zone 3 (defended) and is highly vulnerable development. The site is accompanied by a Flood Risk Assessment (FRA). The EA has not objected to the application on the grounds of flood risk but has assumed that the local planning authority has applied the sequential test. The EA states that the main source of flood risk associated with this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB), who should be consulted with regard to flood risk and residual flood risk associated with watercourses under their jurisdiction and surface water drainage proposals. The IDB has been consulted and no response has been received.
- 10.35 In determining the appeal for the adjacent Spinney site, the Inspector stated the following in relation to flood risk;

*“The site is located within an area designated as lying within Flood Zone 3. A Flood Risk Assessment (FRA) carried out for the appellant concluded that the site has the benefit of defences designed to withstand a 1 in 100 year event, including climate change, and that with these defences in place the flood risk to the site is identical to a site in Flood Zone 2.*

*The FRA concluded that as the nearby drainage ditches were substantially below the level of the site, surface water would either be collected in the ditches*

*or, if they were overwhelmed, it would flood lower land to the north. These conclusions are consistent with the findings of a FRA carried out for a Travelling Showperson's site to the opposite side of the road, and neither the Environment Agency nor the Internal Drainage Board raised objection to the appeal proposal and, in the case of the Travelling Showperson's site the Council were satisfied that the wider sustainability benefits and the lack of evidence of more suitable sites outweighed flood risk considerations*

*With regard to the sequential test, the Development Plan does not identify any deliverable land for gypsy sites and there are no "reasonably available" appropriate sites with a lower risk of flooding. The site specific FRA demonstrates that the proposal would be safe from flooding for the lifetime of the development. However, to provide additional assurance and safeguards, the production of a Flood Plan for evacuation of the site can be required by condition."*

- 10.36 The Fenland Local Plan does not identify any deliverable land for gypsy sites. This, couple with the fact that the majority of the land outside of towns and villages will lie within flood zones 2 or 3, lead to a conclusion that there are no reasonably available sites with a lower risk of flooding. It is therefore considered that the sequential test will be passed.
- 10.37 Following successful completion of the sequential test, the exception test must be met which requires (a) development to demonstrate that it achieves wider community sustainability benefits having regard to the District's sustainability objectives, and (b) that it can be made safe for its lifetime and will not increase flood risk elsewhere ('flood risk management').
- 10.38 Wider community sustainability benefits - The District's sustainability objectives are outlined under 2.4 of the FLP and, relevant to this application includes the aim to thrive in safe environments and decent affordable homes (6.1) and redress inequalities related to age, gender, disability, race, faith, location and income. In respect of the proposal, it would assist in addressing a shortfall of accommodation needs for the Traveller community where an inadequate supply of housing currently exists.
- 10.39 The FRA sets out that even in the event of a breach of flood defences, the site is unlikely to flood, and the EA acknowledge this. The proposed mobile home would be raised off the ground by 450mm above existing ground level. This could be secured by condition.
- 10.40 Taking the above into account, it is considered that with regards to flood risk, the proposal is acceptable, subject to condition and complies with policy LP5, Part D (a) of the local plan. It is recognised that the PPTS, paragraph 13 (g) advises local planning authorities not to locate sites in areas of high risk of flooding, but the local circumstances of Fenland district must be taken into account, given the amount of land in the district that is at a higher risk of flooding. As already stated, the Inspector for the Spinney site took a pragmatic view on this matter.

## **Other Issues**

- 10.41 Residential Amenity

The development is sufficiently separated from the adjacent Spinney site and other dwellings, of which there are few in the vicinity, so as not to impact on residential amenity in terms of loss of privacy, loss of light etc. Over dominance has already been assessed above.

#### 10.42 Heritage Assets

There are no heritage assets in the vicinity of the site.

#### 10.43 Natural Environment

The submitted biodiversity checklist states that the proposal does not affect any natural features where species might be present. The site is adjacent to a drainage ditch adjacent to the northern boundary but does not directly impact it and from site visits it is not evident that this ditch is permanently wet. From historical aerial photographs the site was used as grazing land and covered in grass. It is not clear whether hedgerows have been removed. As the development has largely taken place it is not possible to say with any certainty that no protected species were affected by the development, however, impacts can be limited in the future and biodiversity could be improved with native planting which could be conditioned. Similarly, external lighting details would be conditioned.

#### Contaminated Land

There is no evidence to suggest that the site is contaminated.

#### 10.44 Agricultural Land Quality

The Natural England land classification map shows the site to be grade 2, very good quality agricultural land. The majority of land within the district outside of the built-up areas will be either grade 1 or grade 2 land. Given that there are no available alternative sites available, the proposal is acceptable in this regard.

#### **Personal Circumstances**

- 10.45 There is no evidence of any particular health or education needs relating to the applicant.

### **11 CONCLUSIONS**

- 11.1 Fenland District Council is currently unable to demonstrate that it has a five-year supply of sites to meet the need for traveller sites in Fenland. The GTNA undertaken in 2013 is now out of date. Neither national policy in the PPTS nor policy LP5 of the Fenland Local Plan rule out traveller sites being located in the countryside therefore in principle, the proposal is acceptable.
- 11.2 The application is being assessed on the basis that the proposal for 5 pitches on the adjacent land to the west and south of the site (F/YR21/0356/F) is approved. At the time of writing this application is pending determination. If the adjacent 5 pitches are approved, this current application for one pitch would not in itself have an adverse impact on the character or appearance of the area if conditions are imposed to ensure that external boundary treatment comprises post and rail fencing with native hedgerow planting. As such, whilst potentially only partially

complying with policy LP5 (a) and (e) and LP16 (d), adequate fencing and landscaping, could ensure that this isn't significant harm to the landscape.

- 11.3 If the adjacent proposal for 5 pitches is approved, the addition of this one pitch (and the pitch under application F/YR21/0768/F) will not make a material impact to the overall numbers of pitches at this general location and it would not be possible to successfully sustain an argument that 19 pitches as opposed to 17 makes such a difference in terms of over dominance of the nearest settled community. As such it is considered the application meets paragraph 14 Policy C and paragraph 25 Policy H which seek to ensure that sites do not dominate the nearest settled community.
- 11.4 In other respects and subject to conditions, the application is acceptable.

## 12 RECOMMENDATION

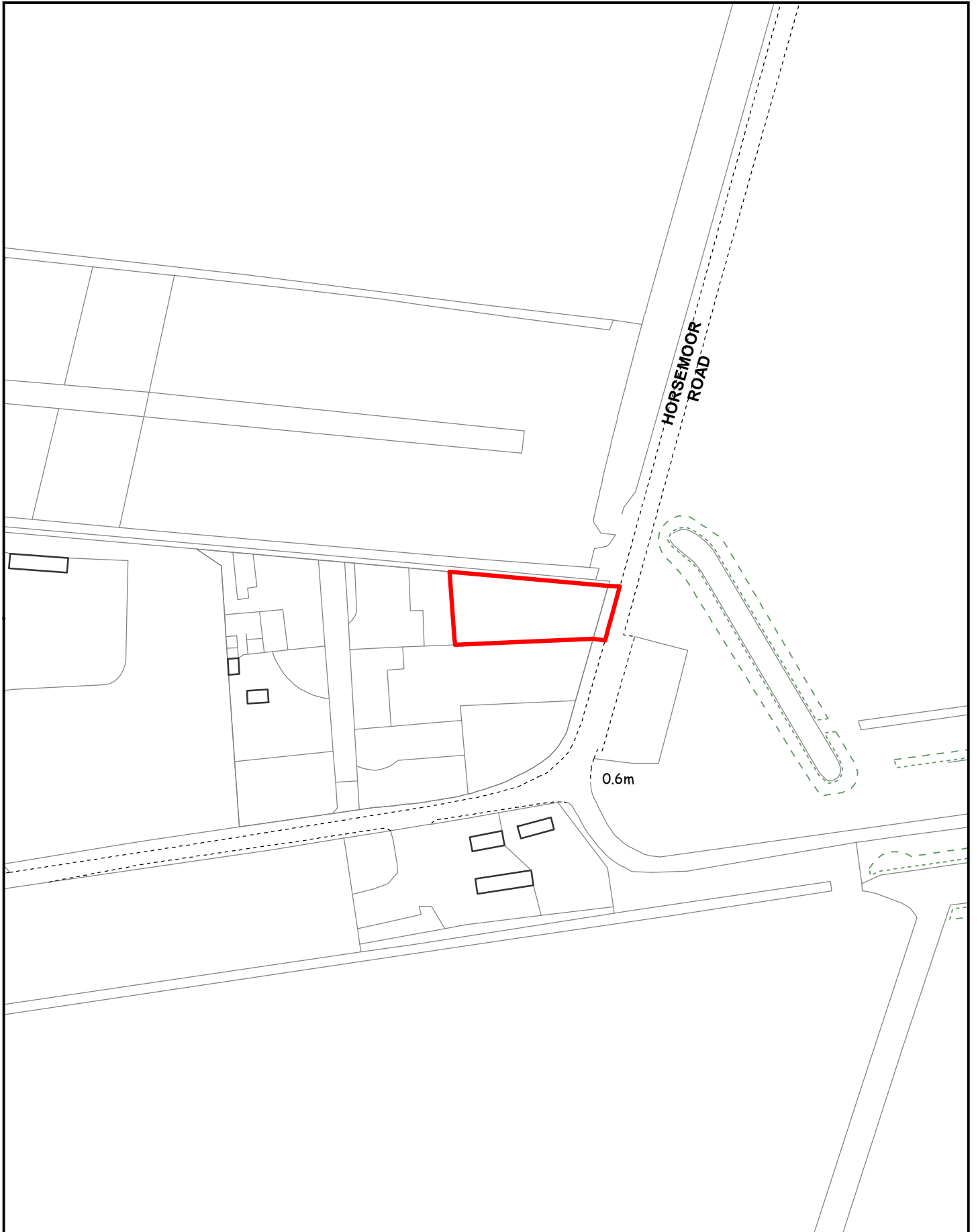
**Grant;** subject to the following conditions:

1	<p>The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (DCLG 2015)</p> <p>Reason: The application is only approved due to the applicants meeting this definition and to clarify what is hereby approved.</p>
2	<p>No more than 2 caravans comprising 1 static and 1 tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at the site at any time.</p> <p>Reason: To clarify what is hereby approved and to ensure that the stationing of the caravans does not have an adverse impact on the character or appearance of the area in accordance with policy LP5 of the Fenland Local Plan.</p>
3	<p>No more than one commercial vehicle shall be kept for use by the occupier of the plot and shall not exceed 3.5 tonnes in weight.</p> <p>Reason: In order to control commercial activity at the site and the visual appearance of the land in accordance with policy LP5 of the Fenland Local Plan</p>
4	<p>No commercial activities shall take place on the land, including the storage of materials.</p> <p>Reason: In the interests of the visual appearance of the land and area in accordance with policy LP5 of the Fenland Local Plan.</p>
5	<p>Notwithstanding the details shown on the approved site plan, within 3 months of the date of this permission, the access to the site shall be constructed and sealed for the first 10 metres from the highway edge and drained away from the highway.</p> <p>Reason: In the interests of highway safety in accordance with policy LP5 of the Fenland Local Plan</p>

6	<p>Within 2 months of the date of this decision, the following information shall have been submitted to the Local Planning Authority for approval;</p> <ul style="list-style-type: none"> <li>- Details of a scheme to plant a mixed native hedgerow with post and rail fence to all external site boundaries including the site frontage. This shall include a plan, fence details, planting specification, visibility splays and timetable for planting and the removal of any existing solid fencing and gates to the external boundaries. The approved scheme shall be implemented in full in accordance with the approved timetable. The solid fencing shall be permanently removed from the external boundaries. Should any of these plants die, become diseased or are removed within the first 5 years of planting, they shall be replaced by similar native species within the next available planting season. The hedgerow and fencing shall be retained thereafter.</li> <li>- Details of all existing and proposed external lighting including luminance levels and measures to avoid light spillage. Within 4 weeks of the approval or refusal of the lighting scheme from the local planning authority, all external lighting which has not been approved shall be permanently removed from the site. Thereafter, only external lighting that accords with the approved lighting scheme shall be erected.</li> </ul> <p>Reason: In the interests of the visual appearance of the site and biodiversity in accordance with policy LP5 of the Fenland Local Plan.</p>
7	<p>With the exception of the fencing to be approved under Condition 6, and notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no other gates, fences, walls or other means of enclosure shall be erected on the site, unless planning permission has first been obtained from the local planning authority.</p> <p>Reason: In the interests of the visual appearance of the site in accordance with policy LP5 of the Fenland Local Plan.</p>
8	<p>All floor levels to the static caravans shall be at least 450mm above the ground level and shall be retained as such.</p> <p>Reason: In the interests of the safety of the occupants in the event of flooding in accordance with policies LP5 and LP14 of the Fenland Local Plan.</p>
9	<p>Within 2 months of the date of this decision, full details of the foul drainage treatment and its ongoing future maintenance shall be submitted to the local planning authority for approval. The foul drainage shall only be installed in complete accordance with the approved details and shall be maintained thereafter in complete accordance with the approved maintenance schedule.</p> <p>Reason: In the interests of public health and prevention of contamination to the environment in accordance with policies LP5 and</p>



	LP14 of the Fenland Local Plan
10	Approved plans



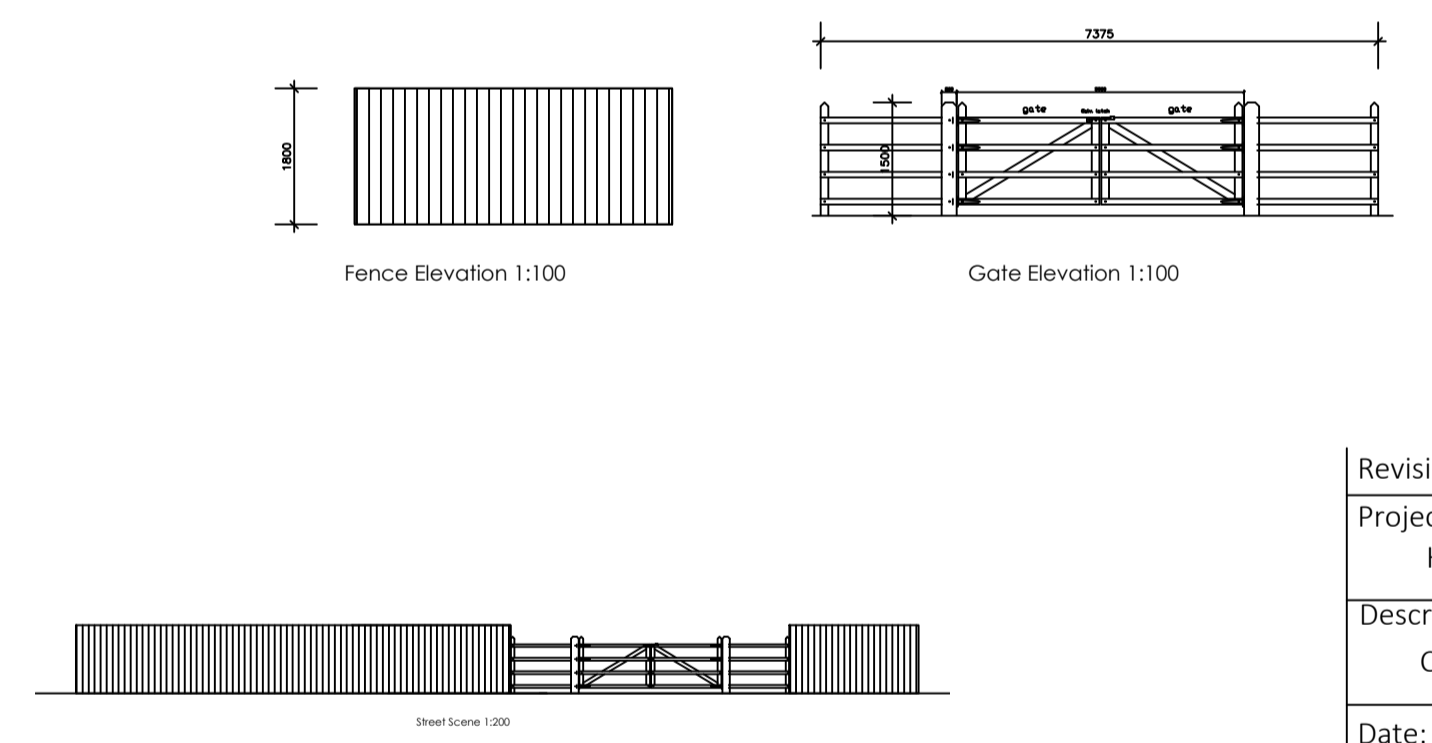
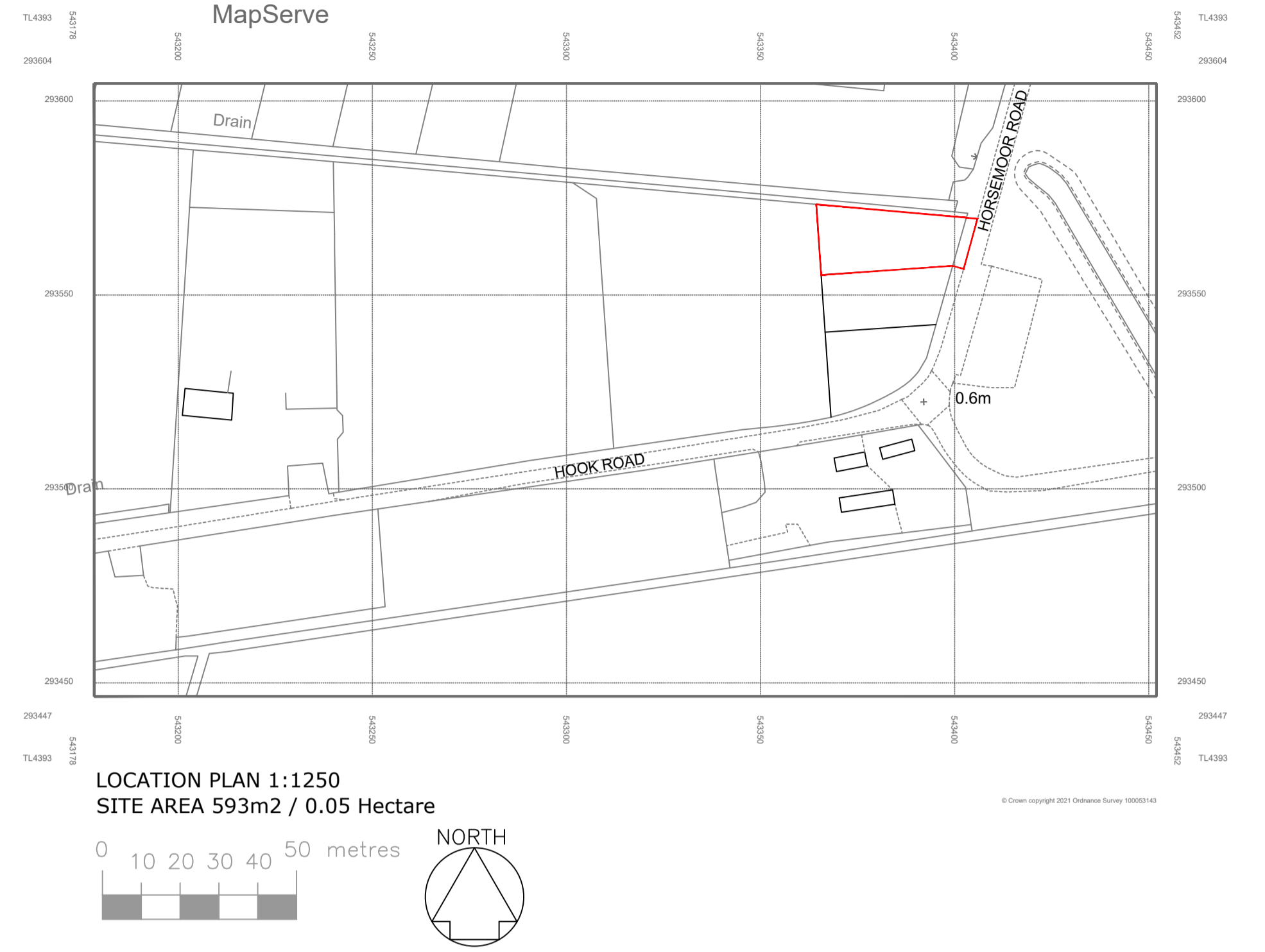
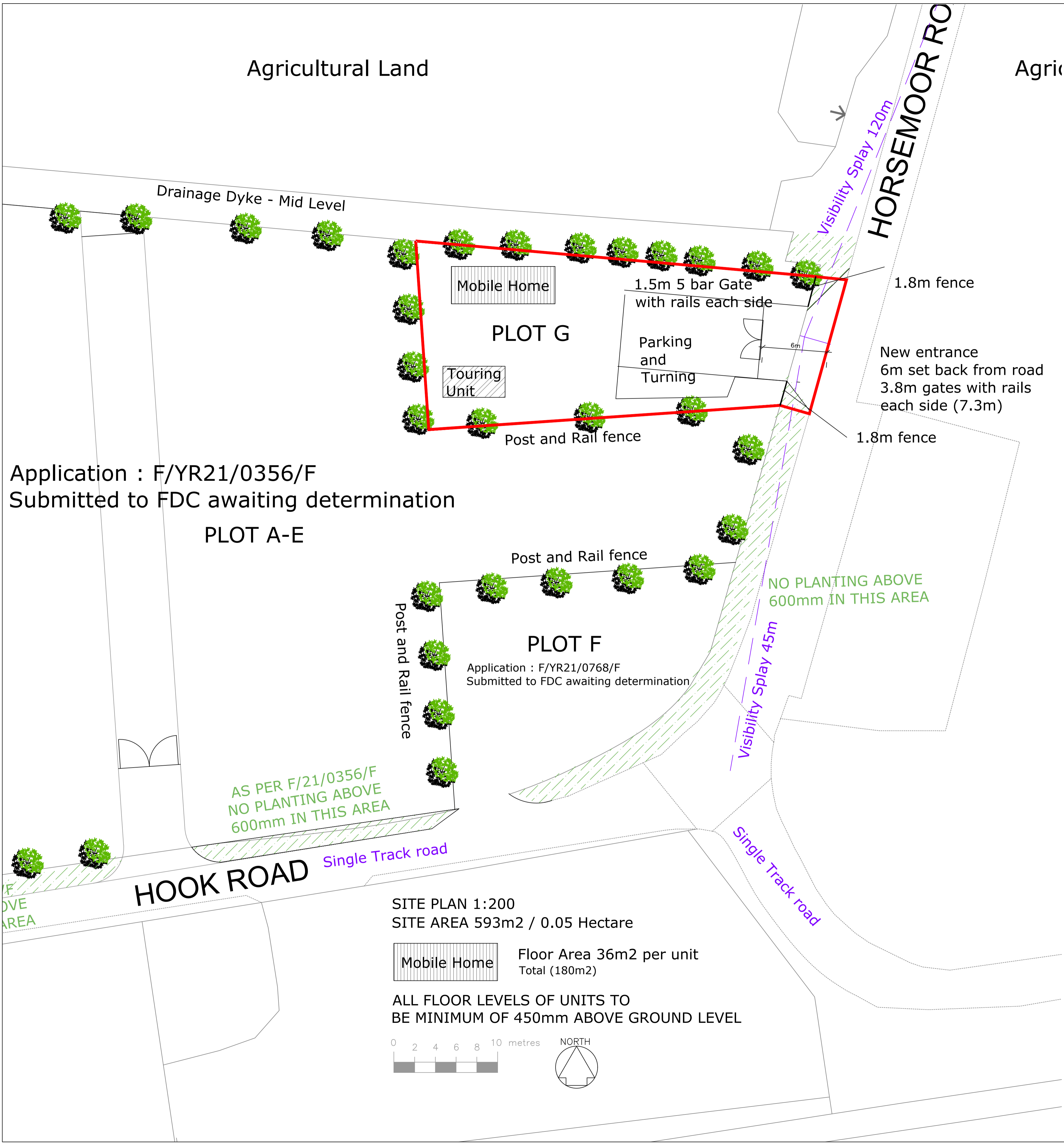
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**F/YR22/1135/F**

Scale = 1:1,250





**SITE PLAN 1:200**  
SITE AREA 593m<sup>2</sup> / 0.05 Hectare

Mobile Home Floor Area 36m<sup>2</sup> per unit  
Total (180m<sup>2</sup>)

**ALL FLOOR LEVELS OF UNITS TO BE MINIMUM OF 450mm ABOVE GROUND LEVEL**

0 2 4 6 8 10 metres

NORTH

Revision:	
Project:	Hook Road HOOK
Description:	CHANGE OF USE SITE G
Date:	10-3-21
Scale & Sheet Size:	VARIOUS @ A1
Drawing Ref:	<b>PLOT G</b>
Taylor Planning & Building Consultants 28-2c Broad Street Whittlesey Peterborough PE7 1HA 01733 530757 <a href="http://www.TaylorPlanningandBuilding.co.uk">www.TaylorPlanningandBuilding.co.uk</a>	

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