

## AGENDA

### **PLANNING COMMITTEE**

**WEDNESDAY, 31 MAY 2023**

**1.00 PM**

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

Committee Officer: Jo Goodrum  
Tel: 01354 622285  
e-mail: [memberservices@fenland.gov.uk](mailto:memberservices@fenland.gov.uk)

Whilst this meeting is being held in person, we would encourage you to view the meeting via You Tube

- 1 Appointment of Chairman of the Planning Committee for the Municipal Year 2023 - 2024
- 2 To receive apologies for absence.
- 3 Appointment of the Vice Chairman of the Planning Committee for the Municipal Year 2023 - 2034
- 4 Previous Minutes (Pages 5 - 24)

To confirm and sign the minutes from the previous meeting of April 5, 2023.

- 5 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 6 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.
- 7 F/YR22/0062/O

Land South Of 73-81, Upwell Road, March

Erect up to 110no dwellings (outline application with matters committed in respect of access) (Pages 25 - 62)

To determine the application.

8 F/YR22/0914/FDL

Nene Parade Bedford Street, Chase Street, Wisbech

Erect a care home for up to 70 apartments, commercial floorspace (Class E) up to 900 square metres and up to 60 dwellings (outline application with all matters reserved) (Pages 63 - 92)

To determine the application.

9 F/YR23/0033/F

Farm Park, Short Nightlayers Drove, Chatteris

Erect an extension to existing building and change of use of land for light industrial use (Pages 93 - 108)

To determine the application.

10 F/YR22/1272/F

Land South Of Swan Lodge, Hassock Hill Drove, Gorefield

Erect a 2-storey 1-bed annexe, change of use of land to domestic and retention of a portacabin to be used as hobby room for existing dwelling, including removal of an existing access (part retrospective) (Pages 109 - 126)

To determine the application.

11 F/YR22/1170/F

Scout And Guide Hut, Wales Bank, Elm, Wisbech

Erect a dwelling (2-storey 3-bed), detached garage and polytunnel involving the demolition of existing scout hut and relocation of existing access (Pages 127 - 140)

To determine the application.

12 F/YR23/0070/O

Land East Of The Hollies, Hospital Road, Doddington

Erect up to 5 x dwellings including highway works (outline application with all matters reserved) including demolition of stables and haystore (Pages 141 - 160)

To determine the application.

13 F/YR23/0106/O

Land South East Of Aberfield, Well End, Friday Bridge

Erect up to 6 x dwellings and the formation of a new access (outline application with all matters reserved) (Pages 161 - 172)

To determine the application.

14 F/YR23/0160/PIP

Land South East Of 45, Cattle Dyke, Gorefield  
Permission in Principle for up to 4 x dwellings (Pages 173 - 182)

To determine the application.

15 F/YR23/0185/PIP

Land South East Of Cherryholt Farm, Burrowmoor Road, March  
Residential development of up to 3 dwellings (application for Permission in Principle)  
(Pages 183 - 194)

To determine the application.

16 F/YR22/0901/O

Land South East Of The Chimneys, Gull Road, Guyhirn  
Erect 1 x dwelling involving the demolition of existing building (outline application with  
matters committed in respect of access) (Pages 195 - 206)

To determine the application.

17 F/YR22/1215/O

Land West Of 2, Woodhouse Farm Close, Friday Bridge  
Erect up to 2no dwellings involving demolition of existing building (outline application  
with matters committed in respect of access)

(Pages 207 - 220)

To determine the application.

18 F/YR22/1361/PIP

Land East Of 156, High Road, Newton-In-The-Isle  
Residential development of up to 6 x dwellings (application for Permission in  
Principle) (Pages 221 - 234)

To determine the application.

19 Items which the Chairman has under item 5 deemed urgent

Members: Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs M Davis, Councillor  
Mrs J French, Councillor P Hicks, Councillor S Imafidon and Councillor C Marks,

This page is intentionally left blank



# PLANNING COMMITTEE

**WEDNESDAY, 5 APRIL 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 N Meekins, Councillor P Murphy, Councillor M Purser and Councillor W Sutton, Councillor A Miscandlon (Substitute).

**APOLOGIES:** Councillor Mrs K Mayor and Councillor R Skoulding.

Officers in attendance: Nick Harding (Head of Planning), Danielle Brooke (Senior Development Officer), Nikki Carter (Senior Development Officer), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services).

## **P127/22      PREVIOUS MINUTES**

The minutes of the previous meeting 8 March 2023 were agreed and signed as an accurate record.

## **P128/22      F/YR22/1410/F LAND SOUTH EAST OF 186 WYPE ROAD, EASTREA ERECT 2X DWELLINGS (SINGLE-STOREY, 4-BED) WITH DETACHED GARAGES, AND FORMATION OF A FOOTPATH**

Nikki Carter presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent. Mr Bevens stated he is glad the scheme is being recommended for approval and he has worked closely with the case officer to achieve a scheme that is acceptable. He explained that this scheme was similar to one approved in outline in April 2022 and the proposal for two bungalows on site follows the principle of the consented outline application scheme but more detail has been included in this full application with the designs taking some reference from the adjacent bungalows with good quality materials proposed and additional soft landscaping to improve the biodiversity on the site.

Mr Bevens expressed the view that the proposed two bungalows and attached garages ensure that no significant overlooking or overshadowing is created between the dwellings or adjacent dwellings, with en-suite windows having obscure glazing where they are located on the driveway side. He expressed the opinion that the bungalows have a good level of private amenity and are well set back from Wype Road which is in keeping with the adjacent development previously completed by the applicant with each plot sitting fairly centrally.

Mr Bevens stated that the highway design, together with the position of the access, sight lines and footpath provision, was discussed at some length with the highways officer to ensure consistency with the adjacent bungalows and maintaining pedestrian and vehicle safety. He expressed the opinion that they were advised that a 1.2 metre footpath inside the proposed new hedge planting would be acceptable and this still offers connection back in the north west direction into Eastrea village and there is nothing on the south eastern boundary so there is not a need to extend the footpath any further than indicated.

Mr Bevens stated that the case officer has confirmed the scheme is acceptable noting that it complies with the relevant policies of the Fenland Local Plan 2014 and the applicant is happy with the proposed conditions. He requested that members support the officer's recommendation.

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

- Councillor Sutton stated that he remembers this coming before committee previously when it was granted against officer's recommendation and he voted against it as, in his view, it was too far out of the village. However, it was democratically approved and he cannot see any problems why this now cannot be granted.
- Councillor Mrs French agreed with Councillor Sutton but asked officers to clarify the situation with regards to the footpath as she is aware that the Town Council objected previously. Nikki Carter explained that the 1.2 metre footpath on the inside of the hedge has been deemed to be acceptable as it was included on the previous approval.

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

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

**P129/22      F/YR23/0072/O**  
**LAND EAST OF STATION FARM, FODDER FEN ROAD, MANEA**  
**ERECT UP TO 5 DWELLINGS (OUTLINE APPLICATION WITH MATTERS**  
**COMMITTED IN RESPECT OF ACCESS) INCLUDING FORMATION OF A**  
**FOOTPATH ON THE WESTERN SIDE OF FODDER FEN ROAD**

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

Members received a presentation in accordance with the public participation procedure, from Robert Sears, the applicant, and Peter Humphrey, the agent. Mr Sears stated if successful his daughter will be able to have one of the plots as she is taking more responsibility and will very soon take over his responsibilities on the farm, currently being involved in undertaking the farm accounts. He feels it would be useful for her to be living on the farm and near the station as she has young children and it would enable them to go to school in either direction, with her husband being a teacher and it is all about future proofing for future generations.

Mr Sears referred to what he is doing on the farm in relation to the environment, with them being in a mid-tier scheme and are taking 240 acres out of food production, which is approximately one-sixth of their total farm for the next 5 years. He advised that the land will be sown with 5 different sorts of seed mixes, which will provide an all year round source of food and cover for the likes of birds and insects and provide pollen and nectar for pollinators and to complement this they have so far planted 2.3 miles of hedgerow and in the coming Winter they are planting 74 hedgerow trees which will provide shelter, food, nesting sites and song posts.

Mr Humphrey made the point that this application is for 5 executive style plots on the edge of Manea and, in his view, the market shows there is a distinct lack of such plots and if this application is approved it will help address this situation. He referred to the officer's executive summary which refers to the site as being beyond the established settlement of Manea and it is, in his view, on the edge of the village but adjacent to housing and a new development of the Station car park, with this development changing the character of the area and was a Council application and the access for the plots are within the village sign for Manea.

Mr Humphrey stated that from the previous refusal for this application members agreed that the site was within the village. He feels the application will help secure and future proof the Sears

farming enterprise for generations to come, with the site actually being closer to the school and village hall than the proposed allocations on the emerging Local Plan at Fallow Corner for some 29 dwellings by some 300 metres and the site is well related to the existing farm and the spatial characteristics of the village.

Mr Humphrey expressed the view that proximity of the station should not be underestimated and undoubtedly will be used by the residents of these dwellings. He referred to the NPPF, which prioritises new development with access to significant public transport hubs, such as rail stations, to provide a long-term sustainable transport option.

Mr Humphrey stated that the application also proposes a new footpath link for this development to the new rail station plus the village beyond. He acknowledged that the site is within Flood Zone 3, but referred members to the Council's own application in Parson Drove, F/YR22/1187/FDC, which was also in a Flood Zone 3 recommended for approval and he is looking for the Council's applications to be treated the same as his application.

Mr Humphrey advised that they are prepared to provide a further swan report if needed but Wild Frontier say that the results of the habitat survey and desk study indicate that the site is unsuitable for Hooper Swans and there are no known records of such species using the site or nearby fields.

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

- Councillor Marks stated that he lives within 250 metres of this site and asked Mr Sears whether he has ever known it to flood as he does not? Mr Sears agreed that he has not known it to flood.
- Councillor Benney asked if, as the site is in Flood Zone 3, full mitigation measures will be taken to safeguard the properties? Mr Humphrey responded that similar mitigation measures will be used as on the Fenland District Council Parson Drove scheme. He made the point that they have undertaken their own sequential test and it has been proved that this site passes and he asked that they be given a level playing field so they can provide exactly what the Council is.
- Councillor Mrs Davis made the point that it was mentioned that one of the houses would be for Mr Sear's daughter, but this still leaves four for market sale and asked why only one house is not just being provided? Mr Sears responded that due to the works there is a cost involved, his son-in-law is a teacher so does not earn enormous amounts of money so he wants to help his daughter in building a new home and it is beneficial to have five houses that generate some of the money towards the costs.
- Councillor Mrs French stated that she noticed that the road speed limit is 40 – 60 and asked if it had been considered to reduce the speed limit here? Mr Humphrey responded that this has not been considered but if permission is granted this can be discussed with the Parish Council to obtain their support. Councillor Mrs French stated that it is executive homes being proposed and she understands that the speed is bad in this area. Mr Humphrey made the point that vehicles slow up when they approach the rail line.
- Councillor Mrs French asked if the rail line is in Flood Zone 3. Mr Humphrey confirmed it was.
- Councillor Miscandlon questioned the de-restricted road sign by the entrance of the proposed site. Mr Humphrey responded that if the plan goes through this will be something they can look into with Highways and would be happy to accept this as a condition.

Members asked questions of officers as follows:

- Councillor Marks questioned if it was necessary to have a Habitat Regulation Assessment as the site is basically a brown field so why does the applicant need to go to all these lengths? Nikki Carter responded that it was a request by Natural England who are a statutory consultee referring to its comments within the report and there is an obligation to follow its advice. Councillor Marks queried whether the same would have been needed for the Manea Station car park? Nick Harding responded that he is not aware that this was the

case in this situation. Councillor Marks made the point that this location is just across the road. Nick Harding stated that he does not have the information to hand so could not say definitively yes or no, but it would be irrelevant as Natural England has made it quite clear the site needs to be subject to the Habitat Assessment process and that is not something that can be ignored. He stated that if planning permission was given today, it would be in the knowledge that it would be unlawful so he would strongly advise against that.

- Councillor Marks asked if the assessment could be made a condition on any approval? Nick Harding responded that it could not be guaranteed that the test would be passed.
- Councillor Mrs French made the point that 240 acres is going to be planted with seeds, hedgerow and trees and she has never heard of an applicant wanting to spend so much money. She expressed her confusion on why there is so much opposition to this development as opposed to the Manea Station car park development.
- Councillor Cornwell referred to the comments about encroaching on linear development but made the point there is development opposite and asked how further it is encroaching when there are properties there? Nick Harding clarified that there might be properties on one side of the road, but it does not necessarily mean there has to be development on the opposite side. Councillor Cornwell expressed the view that he fails to see where it is encroaching.
- Councillor Meekins asked that if it is a legal requirement that has to be undertaken, what are the consequences if this committee passes something today? Nick Harding responded that he would strongly advise against doing something that is knowingly unlawful and the decision could be subject to legal challenge from a third party.
- Councillor Marks questioned why the application has been brought before Council knowing there is a legal requirement and could the application be deferred? Nick Harding responded that a decision has been made as a committee on a similar scheme and there is no point making applicants undertake work when there is already a similar decision made by committee.
- Councillor Miscandlon asked if the applicants are aware of this legal requirement as if not someone was being negligent in not providing that advice. Nick Harding responded that the agent is very experienced and knowledgeable and has access to all the information that comes back through the consultee process so he would have been aware of the comments and on the previous application it was indicated but they did not want to provide it.
- Councillor Mrs French asked if the application could be deferred until the agent has the opportunity to get the information required? Nick Harding confirmed that deferment is possible.
- Councillor Sutton commented this was refused by committee last time as the site is a long way outside of the village and the Parish Council does not support this development and asked if the committee is saying that all the reasons for refusing it last time are no longer relevant as if members are not saying this it is pointless deferring the application for the agent to undertake the assessment.
- Councillor Marks expressed the view that there are two issues, a legal requirement that if the vote goes ahead could be open to legal challenge and is there any point in going forward at this time as the correct information is not before members and would it make more sense to defer it at this time or the officers' recommendation is accepted.
- Councillor Mrs French expressed the view that the last application was considered in September 2021, which is more than a few months ago and information was not previously given on the 240 acres being provided for wildlife and planting of trees. She made the point that these are executive homes and she would not support refusal but would support deferment.

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

- Councillor Cornwell made the point that it was September 2021 when the previous application was refused, with a subsequent application being withdrawn, but he does not remember the September 2021 application so cannot comment on it. He feels that members are going around in circles and they need to make a decision on the face of the application and the easy way may well be to determine the application today and if it is

refused the applicant can either appeal or resubmit but if it is approved the committee is taking a legal decision which puts the Council in a position that they could be challenged, which, in his view, is not an option.

- Councillor Mrs French stated that she would like to see a deferment to clarify what information is legally required. Councillor Marks agreed with Councillor French
- Councillor Benney stated that he remembers the application coming before committee previously and it was one vote that refused it, with, in his view, the decision being subjective. He added that fully supports the application, the area needs executive houses and it is right near the station. Councillor Benney acknowledged the legal position but questioned who would challenge Council? He feels it is a worthwhile development and would be pleased to see the houses built, although he is disappointed that it is an incomplete application.
- Councillor Marks added that he would vote in favour for this development as he feels this is the right place for development in Manea at this time, it is near a railway station, the houses would not add to traffic issues in the village or put any pressure on the sewage system as they will all have cesspits and Manea needs houses to keep the facilities open.
- Councillor Mrs French expressed the view that these are executive homes and Fenland is short of these.
- Councillor Cornwell expressed the opinion that on balance if the Council has not been challenged in the past he would support the application.
- Councillor Marks made the point that it is a field presently and he has never seen swans or habitat on this land.
- Councillor Meekins stated that he has listened to what other councillors have said but still feels uneasy if it was to be passed today knowing it to be unlawful. He feels it should be deferred for the assessment to be undertaken and then he could possibly support it.
- The Legal Officer stated that the legal requirements are unambiguous because the site is near a European site or special protection area the rules are that the Council should not grant planning permission unless satisfied that there will be no adverse impact on that site and the Council does not know that because Natural England who are the experts who advise the Council have said it needs more information on this. He added that if committee goes ahead and approves it today it will be making an unlawful decision and the fact that nobody might challenge that is not a reason to do it and he would never advise the Council as a whole to make an unlawful decision.
- Councillor Mrs French stated that this information was not presented in 2021 when the first application was refused so what law/policy has come into place to require this information now? Nick Harding responded that Natural England were informed in 2021 but at that time the Council did not receive a response. However, a response has been received on this application and it does not mean that it should be ignored now.
- Nick Harding stated that from listening to the debate it seems to be going in the direction in favour of the proposal and reminded committee of the previous reasons for refusal and in what way these were now addressed. He made the point that the Manea Station car park opposite the site was granted consent at the time of the previous applications and it is still considered that the site is an inappropriate location for this proposal. Nick Harding referred to the mention of the Council application at Parson Drove and referred members to the update report which addresses this position and it is not comparable as the application was in the settlement and redevelopment of an existing car park. He advised that if committee is still minded to look at the scheme positively then he would recommend that it is deferred to get the additional ecology information but to address the concerns of the highways officer, whose concerns were not sufficient to warrant refusal of the scheme but perhaps more work could be undertaken by the applicant.
- Councillor Cornwell referred to officers mentioning that it should be determined how this application differs from the previously refused one but he does not have the information as to why the previous scheme was refused. Nick Harding advised that this is in Section 9.3 of the report.
- Councillor Marks referred to the highway concerns being in regard to traffic and speed and

asked if this would not have been the same for the car park? Nick Harding responded that he could not say certainly but he would think it is in relation to the design of the access footway and the order for removing the speed sign and warning signs for the level crossing.

- Councillor Mrs French made the point that the agent and applicant were asked if they would be prepared to look at the speed so if they are the signs could be looked at at the same time.
- Councillor Cornwell referred to the officer's report outlining that the previous application had insufficient evidence so the applicant would have known this and should have complied with it. Nick Harding responded that the refused scheme did not have the objection from Natural England so the refusal reason was just on ecology.
- Councillor Mrs Davis stated that the committee needs to be sure of the reasons if it does decide to defer the proposal because if only the missing report is included that means members accept all the other reasons for refusal and she would like to see this application refused as all the elements cannot be sorted and for the application to come back again. Nick Harding responded that if members are going to defer for the issue of the Habitat Assessment then they need to be satisfied that all the other reasons for refusal have been overcome. He referred to the highway comments and feels the traffic regulations and signs are more complicated due to the railway and there is more engineering required so it can be demonstrated that it is viable.

Proposed by Councillor Sutton, seconded by Councillor Cornwell to refuse the application as per officer's recommendation, which was not supported by a majority vote by members.

**Proposed by Councillor Mrs French, seconded by Councillor Marks to defer the application to obtain the required ecology report and to resolve the highway concerns regarding the footpath and speed limit.**

Members do not support officer's recommendation of refusal of planning permission as they do not feel the site lies outside the settlement and is within Manea, it is within the existing village footprint, would not have an adverse impact on the surrounding area, the scale and location is in keeping, it is the right area of Manea to be developed, Manea needs to grow, flourish and thrive, it makes a positive contribution to the local distinctiveness and mitigation measures can be introduced for flood risk and the safeguarding of the properties.

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

*(Councillor Marks further declared that he is a member of Manea and Welney Drainage Board as is the applicant but is not pre-determined and would approach the application with an open mind)*

**P130/22      F/YR22/1053/F  
LAND TO THE WEST OF 167 GAUL ROAD, MARCH  
ERECT 1 DWELLING (2-STOREY 4-BED) WITH DETACHED GARAGE**

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

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey stated that this is a resubmission and enables them to hopefully overcome or clarify reasons for the previous refusal, namely flood risk. He compared this site to the Council's own application at Parson Drove, which is very similar and where the application was in Flood Zone 3 with sites that were available but were discounted and this proposal is in Flood Zone 3 and whilst sites are available they are not similar enough and he is sure everyone wants their applications to be determined in a similar manner to the Council.

Mr Humphrey expressed the view that they are offering renewable energy solutions as the Council did in order to make this application more acceptable. He referred to Policy LP16d, which states that the Local Plan requires that development makes a positive contribution to the local distinctiveness and character of the area and he believes this application will enhance Gaul Road as it goes down from the bypass and will add interest and help raise the profile of March

Mr Humphrey made the point that the proposal is on the site of a former dwelling and he has included historic plans to show that there was a dwelling here because the last time it was considered by committee members could not remember or did not realise that a dwelling was on the site which has been demolished. He feels it is unfortunate that this plot is the only area which is undeveloped in the Gaul Road area as developed by Cannon Kirk adding numerous new houses but would hate to see that this site is fenced in with Harris fencing and left until someone else tries to get a new house in the area.

Mr Humphrey expressed the opinion that it is edge of town, in a sustainable location and he believes that the Flood Zone 3 application is similar to one that the Council have had approved in Parson Drove.

Members asked questions of officers as follows:

- Councillor Cornwell made the point that in 1.2 it states that the site appears randomly placed but questioned this as it is going to be surrounded by the continuation of the current approved development in Gaul Road. Other members indicated that the development he is referring to is finished. Councillor Cornwell queried how the approval on this development in Flood Zone 3 differs from this particular site and questioned that there is no more development taking place in Gaul Road. Nikki Carter responded that there has been a recently approved application on the opposite side of the road for 55 dwellings within Flood Zone 1. Councillor Cornwell stated then the site is not actually isolated as such. Nikki Carter responded that it is not asserted that this site is isolated just that it is separated from the edge of the existing built form of the estate development on the northern side.
- Councillor Meekins asked the question what is the difference between isolated and separated? Nikki Carter responded that there is not a specific definition in planning but isolated would generally be described as a property in the open countryside that is separated from any kind of built form and in this particular case there is a 40 metre separation, so it is not isolated from the settlement, but it is out on its own in terms of character.
- Councillor Purser referred to the similar project in Parson Drove and made the point that each application is taken on its own merits. Nick Harding responded that the case cited by Mr Humphrey is materially different, this was already developed land being a garage parking court that has been redeveloped and within the settlement of Parson Drove.

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

- Councillor Mrs French expressed surprise that 55 dwellings were approved by delegated powers but feels that one house is not a separation of March, yes there is a small gap but she cannot see any reason why this cannot be approved.
- Councillor Cornwell made the point that further down Gaul Road are two other houses that are already there, which may be construed as isolated so he cannot see where this site is isolated especially when 55 dwellings have been approved on the opposite side of the road.
- Nick Harding reminded members that if they are minded to approve this application, the previous refusal reasons need to be considered and why this scheme overcomes these reasons.

**Proposed by Councillor Cornwell, seconded by Councillor Mrs French and agreed that the application be APPROVED against officer's recommendation.**

Members do not support officer's recommendation of refusal of planning permission as they feel that applications have been approved for a number of dwellings in the vicinity and whilst there is a gap in the built form this proposal is not in isolation, one dwelling will not harm the surrounding area and flooding issues can be overcome with mitigation.

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

**P131/22**      **F/YR22/1338/VOC**  
**LAND SOUTH OF EASTWOOD END, WIMBLINGTON**  
**VARIATION OF CONDITION 22 (LIST OF APPROVED DRAWINGS) RELATING TO**  
**PLANNING PERMISSION F/YR20/0641/F (ERECT 9 X 2-STOREY 4-BED**  
**DWELLINGS WITH GARAGES INCLUDING OPEN SPACE/PLAY AREA WITH**  
**POND AND FORMATION OF 2.5M HIGH BUNDING, 2M HIGH BUNDING WITH 1M**  
**HIGH CLOSE BOARDED FENCE ON TOP, 3M HIGH CLOSE BOARDED FENCE,**  
**3M WIDE FOOT/CYCLE PATH PARALLEL TO A141 AND 1.8M WIDE FOOTPATH**  
**ALONG EASTWOOD END TO MEET EXISTING FOOTPATH) TO ENABLE**  
**ALTERATIONS TO PLOT 1 (INCREASE IN HEIGHT FROM 8.77M TO 9M,**  
**ADDITION OF CHIMNEY AND WINDOWS TO STORAGE SPACE IN ROOF), PLOT**  
**2 (SITING AND WINDOWS TO SNUG) AND BOUNDARY ARRANGEMENT TO**  
**PLOTS 1, 2 AND 3**

Nikki Carter 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 he has worked closely with officers to secure support for the revisions in this application which have largely been instigated by a potential purchaser for one of the houses. He advised that the archaeological investigation is underway and subject to clearing the remaining conditions the applicant is looking to make a start on the site. He stated that revisions to the scheme are minimal and asked members to support the officer's recommendation.

Members asked questions of Mr Edwards as follows:

- Councillor Meekins referred to the Parish Council's comments on 16 March who objected on the basis of a chimney when it is not going to be used. Mr Edwards responded that it is an architectural feature.

Members asked questions of officers as follows:

- Councillor Mrs French referred to an e-mail received from a resident saying that the amendments are not minor and asked if they are or not? Nikki Carter confirmed they are minor changes in the context of this development for nine dwellings.

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

- Councillor Benney expressed the view that he sees this as a minor amendment to an approved planning application so he sees no reasons to refuse it and feels that officer's have made the right decision.

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

*(Councillor Marks declared that he knows the applicant and took no part in the discussion or voting thereon)*

*(Councillor Mrs Davis registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Wimblington Parish Council but takes no part in*



planning)

*(Councillor Connor registered that he is a District Councillor for Doddington and Wimblington and does attend Parish Council meetings but takes no part in planning)*

**P132/22**      **F/YR22/1415/F**  
**MARCH AIRFIELD, CROSS ROAD, MARCH**  
**ERECT 1 X DWELLING (2-STOREY 2-BED) IN ASSOCIATION WITH EXISTING**  
**AIR SPORTS ACTIVITY CENTRE, WITH INTEGRAL OFFICE AND ASSOCIATED**  
**FACILITIES, AND THE TEMPORARY (RETROSPECTIVE) SITING OF A MOBILE**  
**HOME DURING CONSTRUCTION**

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

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

Members received a presentation, in accordance with public participation procedure, from Mr Davies, the applicant, and Craig Brand, the agent. Mr Brand made the point that members were probably unaware of the airfield and the air sports the centre offers as it has never been advertised locally due to its unprotected rural location, with the business being successfully operating from the site since 2013. He stated that last year, at the end of the 10 year lease, the applicant completed the purchase of the field from the landowner and the centre currently relies on electricity from solar panels as a sub-station is required to provide a permanent supply at a cost of £44,000.

Mr Brand advised that fire gutted the applicant's home in 2021 and with the Council aware of their situation they moved into the current mobile home on site and since living here they have realized the benefits to their business which also allows passers by to call in and enquire about the centre's activities. He referred to the committee report stating that the business could be operated with security cameras but without a permanent electricity supply there is no guarantee that they would be operational during the night, especially in Winter.

Mr Brand referred to a report in the Fenland Citizen of a break-in at a builder's yard in Whittlesey Road where security cameras and houses opposite provided no deterrent and the applicants believe that only their full-time presence will provide a sufficient deterrent to protect their continued investment and allow them to advertise locally the recreational activities. He mentioned that the report also states a district-wide sequential test is required but, in his opinion, it is unreasonable to expect an existing business to comply with this and the Environment Agency's flood risk map shows roughly 90% of Fenland in Flood Zone 3, with the towns and villages situated in the higher flood zones.

Mr Brand expressed the view that the business requires an open countryside location for the wind and air sports offered, which Council officers appreciated in granting the original 2012 permission, and the closest dwellings, Cross Road and Burrowmoor Road are also in Flood Zone 3 and related to agricultural farms, none of these are for sale or suitable to provide the needed security. He stated that the applicant wants to make the Fenland community aware of the unique activities the centre offers but needs to be confident that their investment and the recent grant to assist their expansion is protected from theft, living on site they believe will provide that protection and allow an efficient operation being present for business 7 days a week.

Mr Davies stated that Fenland Wind and Air Sports Centre is a unique outdoor recreation centre in East Anglia which has been operating now for over 10 years and since living on site they have

picked up regular additional business that would have been missed in the past when they were only present for pre-booked activities. He advised that they recently received a substantial £55,000 Council grant to purchase an additional 10 blow karts complete with sidecars designed for young children and disabled activities, with them all being delivered later this month.

Mr Davies expressed the view that due to the value of his specialist equipment and long-term delays in getting replacements should a break-in occur they would like to live on site to prevent this possibly from happening and make running the business more efficient and secure. He stated that should he be granted planning permission today this will allow him to invest into the permanent electricity supply for the centre as part of the house build, which includes business reception office, disabled toilets and customer welfare facilities and will also enable them to invest in electric rechargeable segways and go-karts as a replacement activity when there is insufficient wind on pre-booked blow gliding days to run the session, being able to offer an alternative activity to the blow karts will dramatically reduce their refund and cancellation rates making the business more profitable and sustainable.

Mr Davies advised that they will also be looking at employing additional local staff to help instruct and supervise customers. He stated that before Covid they were taking party bookings via Groupon and Virgin Experience Days are waiting to come on board as soon as their blow karts are up and running but he has not felt safe to date advertising their local activities generating business only from out of area using websites specifically related to activities available at the Fenland Wind and Air Sports Centre.

Mr Davies expressed the view that knowing they could protect their business by living on site will allow them to expand and attract more new local business offering their services to the local Fenland community by advertising the centre in various town Discovery booklets distributed monthly in the Fenland area along with other local forms of media.

Members asked questions of Mr Davies and Mr Brand as follows:

- Councillor Mrs Davis asked how many times the property has been broken in to and was it reported to the Police? Mr Davies responded that he has had one break-in and it was reported.
- Councillor Mrs French asked how long has the mobile home been on site? Mr Davies responded for 18 months since his property in Almond Drive suffered fire damage.
- Councillor Mrs French asked if there is planning permission for the go-karts and is he aware of how noisy they are? Mr Davies responded that the go-karts are electric and environmentally friendly.
- Councillor Cornwell stated he understands the need for living on site for security, which is why the Economic Development Team support the business. Mr Davies responded that this is correct and they have an exclusivity deal of 75 mile flying rights. Councillor Cornwell asked was the grant received a Council grant? Mr Davies confirmed it was a growth works grant to help purchase the land.
- Councillor Marks queried what the 75 miles exclusivity deal is for? Mr Davies responded that it is for electric blow karts which have 3 wheels and a sail. He stated that the idea is to also have electric for segways and electric go-karts.
- Councillor Meekins asked what the core business is as there seems to be an emphasis on go-karts? Mr Davis responded that it is paragliding, being one of the largest centres in the UK, and anything wind related. He added that they are also an activity site and provide Virgin Experience Days and now they have purchased the land they want to reinvest into the business and to live on site to keep the business secure.
- Councillor Purser questioned how the business is picking up passing trade as it is not on a main road? Mr Davies responded that since they have been living on site people that bike or walk pass the site have been stopping and asking about the business plus it is used as a cut through from the bypass, hence attracting passing trade.
- Councillor Benney made the point that as Portfolio Holder for Economic Growth he is aware

that a grant had been given but has had no dealings with the site or the applicant.

- Councillor Mrs French questioned the condition of the road to the proposed site as it is known to be in bad condition? Mr Davies responded that it has not been fully resurfaced but some of the pot holes have been filled in. He stated that he tends to direct visitors from Knights End Road as that has been resurfaced.
- Councillor Connor asked if Fenland is open for business or not, with Economic Growth supporting the venture. He recognises the importance of living onsite from his own personal experience and asked Mr Davies for his views. Mr Davies responded that he agrees, Winter is the worst time as being solar powered they cannot keep secure and being 1.6 miles away from the site it could take up to 20 minutes to get it by which time he could have lost everything and he has worked all his life for this.

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

- Councillor Cornwell stated that he can remember when this proposal came before committee previously and there was a certain amount of reticence at that time, but it has proved to be very popular and has been given considerable support from the Council in more ways than one, with Fenland being open for business. He made the point that this type of business cannot operate from the middle of a town due to its nature and has to be located in the open countryside, with the site being chosen being away from most residents and it seems that the business is running successfully. Councillor Cornwell acknowledged that there are security problems in that area as he knows people who live in the vicinity. He can see no issues with this application and as the applicant now owns the land he is trying to make a formal set up and run his business properly.
- Councillor Benney made the point that the committee see several of these applications where members are told there is the need for security and whilst this site may have had one break-in, which was not successful, it is not the damage or theft but the consequences which could lead to the loss of the business. He feels the business needs security as CCTV systems are not foolproof and the best security is to have someone on site and the Council would be failing this business and the applicant if this application is not approved.
- Councillor Miscandlon stated that he was Chairman of the Planning Committee when this proposal was previously before committee and there was all sorts of concerns about noise and nothing has materialized. He feels it has become a solid business, which needs some form of security. Councillor Miscandlon referred to the mobile home currently on site and there is no notification as to when this will be moved or if it will be staying after the building has been constructed and this needs to be looked at should this application be granted.
- Nick Harding stated that there have been multiple noise complaints that have been investigated but it is not an easy thing to assess and have not found to be proven. He stated that during one of the enforcement visits to the site, there was discussion with the applicant regarding a fire at their property and the Enforcement Officer gave permission to live on site for a temporary period once the home was being refurbished but the applicant has lived there longer than it was thought and it was nearly at the point of an enforcement notice being served before this application was submitted. Nick Harding made the point that the recommendation for this application is one of refusal so if the committee seek to approve it then a condition will be placed on the application that the mobile home should be removed on first occupation of the dwelling. He also noted that it has become apparent that the Council failed to contact the Civil Aviation Authority (CAA) and they had objected to the development on the opposite side of the airfield on Cross Road so if committee is seeking to approve this application it would need to be subject to consultation with the CAA as a condition to make sure they do not have any objections to the dwelling being in the position that it is supposed to be.
- Councillor Sutton applauded the owners for their vision for this successful business, with many members being skeptical at the time of the previous application. He made the point that it could be said that there is not the functional need for a dwelling as the business has been running for 10 years and it would only be desirable to have an office and a dwelling next to the business for its continuing success. Councillor Sutton expressed the opinion that

if the committee feels that it is desirable to have a dwelling in this location then the reason for refusal on sequential test grounds falls away. He feels that he will be supporting the proposal but can see why officers reached the decision they have reached.

- Councillor Cornwell pointed out that the business would need consultation with the CAA but it is not the business that is being discussed but that of a residential property. He referred to the introduction in the report on the application and feels that the application does comply with LP3. Nick Harding disagreed in relation to the CAA, it does not have any powers to remove a development that has been granted planning permission so if the CAA object to a development when consulted as it poses a risk to pilots it should not be granted planning permission. He referred to the comments of Councillor Sutton in relation to LP3 who could not have explained it better as if it is considered there is a justification for this dwelling and whether it is essential then in relation to flood risk if the answer is yes it cannot go anywhere other than this site. Nick Harding stated that if the proposal is agreed today then delegated authority would be required to apply conditions to link the operation of the dwelling to the operation of the business, making sure that the floor height of the property is above flood level, that there is no objection from the CAA and the mobile home is removed from the site after first occupation of the dwelling.

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

Members do not support officer's recommendation of refusal of planning permission as whilst there is not a functional need for the dwelling there is a desirable need to support the successful operation of the business and therefore the proposal complies with Policy LP3 and the sequential test relating to flood risk is not required.

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

**P133/22      F/YR22/1217/PIP  
LAND SOUTH WEST OF WOODBURY, MANEA ROAD, WIMBLINGTON  
PERMISSION IN PRINCIPLE FOR UP TO 5 X DWELLINGS, INVOLVING THE  
DEMOLITION OF EXISTING BUILDINGS**

This item had been withdrawn.

**P134/22      F/YR22/1243/PIP  
LAND NORTH OF 8-10 ASKHAM ROW ACCESSED FROM HOSPITAL ROAD,  
DODDINGTON  
RESIDENTIAL DEVELOPMENT OF UP TO 3 X DWELLINGS (APPLICATION FOR  
PERMISSION IN PRINCIPLE)**

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)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Ian Hickey, an objector. Mr Hickey advised that he lives at 9 Askham Row, which is one of the two properties directly impacted from the proposed application. He stated that he moved from London in September 2018, with the primary reason for the purchase of his property being space, country living, village life, privacy, security, future retirement and a forever home.

Mr Hickey expressed the view that discussions with the original owner prior to the purchase

assured them that it was not his intention of building further properties on this land and would be kept as farmland. He stated that he asked if the land was for sale behind his property but the owner was unwilling to sell individual plots at that time and subsequently he was relieved when three of his neighbours purchased part of the land to prevent any possibility of future buildings.

Mr Hickey stated that in his objections Mr Bolton mentioned that he would never have sold the land to the applicant had he known his intention and he and his wife are also very disappointed with the applicant as the previous statement of his intentions was to purchase the land to prevent any building work going ahead. He referred to privacy and regulations, with the proposed dwellings creating an, in his view, unacceptable encroachment on his personal privacy which will have a direct line of site into his living room and as stated on his formal objection the application clearly goes against local planning policy and adds to the breach of the villages housing threshold which has 192 committed as of 8 March 2022 and is already at 150% of the threshold agreed.

Mr Hickey referred to the District Council recently refusing planning permission to one of the other neighbours that purchased the land from Mr Bolton at the same time as the applicant, with the application at that stage for a change of use to a garden and in the findings it was stated that the application breached Fenland's local planning policy LP12, delivering and protecting high quality environments, and it does not make sense that approval should be given to building 3 domestic dwellings and associated gardens on the same site. He stated that there have recently been two new dwellings approved and built on Hospital Road and there are further planning applications submitted for 5 houses along the same road the field in which the 3 dwellings would reside, which has space for approximately 50 dwellings and approval of this application would, in his view, set a precedent and would support an enormous spike in applications for this field, especially as the person that has purchased the remaining field land has already submitted planning applications for 7 dwellings.

Mr Hickey referred to 2 of his neighbours who purchased land at the same time as the applicant and whilst he has faith in them, the approval of this application would enable them to also apply for planning permission under the same criteria. He expressed the opinion that Hospital Road is a narrow single-lane road with no formal passing places with a lack of pedestrian pavements, it is a key part of Doddington circular route used by many walkers in the area, it provides emergency exit for the hospital and the care home opposite the site and further development will have a severe impact on the character of the road necessitating destruction of many hedgerow and trees, therefore, urbanizing a countryside road and walking route.

Mr Hickey made the point that, as confirmed by the Highway Authority, Hospital Road is a narrow road devoid of opportunity for safe passing, generally ill-suited for further development due to increased risk of vehicle and pedestrian conflict but it does say, however, that the additional 3 houses would not in itself have material impact on Hospital Road but that it does provide a precedent which could result in a severe cumulative impact. He expressed the view that the summary findings of the recent survey conducted by Doddington Neighbourhood Plan Group concluded that 71% of respondents had concerns about traffic, too many houses, public transport and infrastructure and on these grounds he urged members to reject the application.

Members asked questions of Mr Hickey as follows:

- Councillor Meekins referred to the officer's report at 5.3 which shows 9 letters of support have been received but there is nothing to show any letters of objection. Mr Hickey responded that this was not true. Councillor Connor advised that the report does refer to objectors. Mr Hickey expressed the opinion that a lot of the supporters were canvassed.

Members received a presentation, in accordance with the public participation procedure, from John Cutteridge, a supporter. Mr Cutteridge advised members that he is owner of Mega Plants in Hospital Road and the Council did grant them planning permission to extend the garden centre with a shop and café recently so highways did support them and say the road was suitable for

further traffic and he has submitted an application asking to widen the road and pedestrianize it, which he will be paying for but this has not been approved as yet. He stated that he has lived down Hospital Road for over 45 years, since he was a small boy, he has attended the village school, been to the Scout group and been a Scout leader and maintained most of the village most of his life with grass cutting, hedge cutting and tree planting.

Mr Cutteridge agreed that there will be small piece of hedgerow removed for access to these dwellings but the hedgerow is badly diseased being full of Dutch Elm Disease and most of the trees do fall during the Winter time and he has to go along and remove them and the Council has recently granted permission for several hundreds of metres to be removed for 10 Askham Row to move their fence line out, which was granted with no problem, with new hedgerow to be planted at the rear to cover this. He stated that nobody canvassed himself to come to the meeting and speak in support of the application, he was in complete support of it when it was submitted and the people that have objected are mostly from Askham Row and have given reasons for their own properties not to exist as the properties they live in are on the very same piece of agricultural land that this application is for.

Mr Cutteridge stated that he has seen this land farmed all his life and the access to the site is very good as there is clear vision to the end of the road to the public highway and the street lighting at the end of the road lights this road very well and, in his view, there will be more lighting at the entrance to the properties if the application is approved. He made the point that this is a Flood Zone 1 site and, in his view, the photos shown by the Council give a very poor indication of Hospital Road and opposite these proposed dwellings is the extension of Doddington Court, a very large building which the Council did approve and has a bigger impact than these dwellings can have and the opposite side of the field the rear the extension on Askham House is also quite large and substantial and goes a lot further into the countryside than these properties, so this proposal is not really impacting on views.

Mr Cutteridge expressed the opinion that the site is only 0.3 miles from the centre of the village going from the Clock Tower and he does not consider it to be on the outskirts of the village as Doddington spreads out 1.4/1.5 miles. He feels there has been more development on the north-east and south sides to the west, which are further from the centre of the village and a lot of the access roads on the new estates are narrower than Hospital Road.

Mr Cutteridge stated that he is very proud to live in the Fens and where he lives, he realizes that there is the need for affordable homes and the Council have said this proposal is not good use of land and there should be more dwellings but when you go to the Cotswold or the Chilterns there are beautiful homes and people look at these homes in envy and he cannot see why this cannot be the Fens. He referred to the suggestion that there are no passing places down Hospital Road but there is which he had to put in as part of his planning permission.

Members asked questions of Mr Cutteridge as follows:

- Councillor Marks asked how far down the road is the entrance to this new development and are there any passing places before the entrance? Mr Cutteridge responded that it is quite close and there are no passing places between the top of the road and the new development.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall made the point that Doddington is a growth village and there have been planning approvals in the last 2 years beyond this site down Hospital Road for residential development approved by the committee against officer recommendation. He stated that the site is within Flood Zone 1 and there are no highway objections.

Mr Hall acknowledged that there have been various concerns about the hedge to the front of the

site but a single access is being proposed approximately 5 metres width through the hedge and various biodiversity features that the officer talks about in the report can be incorporated into the dwellings if approved. He stated that at the top of Hospital Road, similar to what Mr Cutteridge has just said, there is a section of hedge being removed which is nothing to do with this application as it is a different piece of land and another access granted in 2022 under delegated powers and no concerns were raised here.

Mr Hall stated that members have just heard from the adjacent business owner, Mr Cutteridge, owner of Mega Plants, who supports the application. He expressed the opinion that the reason at this stage why 3 indicative plots have been shown are for large executive style properties with large gardens which is similar to Askham Row which is adjacent to this site and as members will be aware Askham Row was originally agricultural field and that was all built out, with the officer recommendation being to refuse which was overturned by committee.

Mr Hall referred to the presentation screen showing the site and an area further north where development was approved by committee for 2 dwellings in 2020 against officer recommendation because it was felt by officers to be in the open countryside and then 2 further approvals were granted in 2022 by committee against officer recommendation which was also felt by officer to be in the open countryside. He referred to the previous speaker talking about three sections of land at the back of Askham Row that were sold off, with one of these being the application site but this is the only parcel of those three that has road frontage onto Hospital Road, the other two, which are not in the ownership of the applicant, only have access from Benwick Road itself and there have been other approvals in Hospital Road for both frontage and backland development.

Members asked questions of Mr Hall as follows:

- Councillor Mrs French referred to the comments of Mr Hickey and his concerns about his property being overlooked. Mr Hall responded that the gardens at Askham Row will be 30-35 metres long and these dwellings will be side on to those gardens, with the windows being 50 metres away.
- Councillor Marks asked again how far down the road is the proposed dwelling and how far are the road passing places? Mr Hall responded that the proposed dwelling is 70-90 metres away from the nearest passing place.
- Councillor Cornwell stated the proposed access is only 30 metres from the rear entrance of the hospital which is a gated fire access so surely there is a passing place here? Mr Hall responded that from a highway perspective this is not a passing place.

Members asked questions of officers as follows:

- Councillor Sutton queried that as the application is a PIP that the access is only indicative and is not committed? Nick Harding confirmed this was correct.

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

- Councillor Cornwell expressed the view that due to past decisions of the Council where developments have been approved further along Hospital Road he does not think the committee can say no to this proposal.
- Councillor Sutton made the point that “two wrongs do not make a right”, he agrees with officers, he does not feel it is the right place and Doddington Parish Council do not either.
- Councillor Marks referred to 1.4 of the report and asked if more development should be proposed on the land? Nick Harding responded that 1.4 says that there are too few houses on the site and it is not the efficient use of the land even if members say the principle of development is acceptable. He referred to the objector mentioning that the immediate neighbour to this site on the left had an application refused by the committee due to the loss of countryside and this site sits next door to this site.
- Councillor Murphy expressed the view that this is the wrong location to be building 3 houses, when members went on the site visit the bus just got into the road and had to move and the road will never be widened as it should be. Nick Harding made the point that

highways is not one of the reasons for refusal.

- Councillor Benney expressed the opinion that this dwelling has merit and it will be a nice home for somebody, others have been approved down this road and only 5 metres of hedgerow is being removed to provide 3 very nice homes that he does not see any problem with. He feels that Hospital Road has lots of traffic going down it and he has never experienced any problems.
- Councillor Cornwell referred to the highway report where it clearly says that the addition of 3 more properties will only have a minor impact on the traffic on the road but further development will have a cumulative impact so if anything further is proposed than these 3 properties they will need to look at the situation again.
- Councillor Benney made the point that highways have no objections and he sees nothing wrong with the proposal.
- Nick Harding made the point that there are two recommended reasons for refusal, the first reason is the key one and members really need to focus on why this proposal is acceptable when the proposal for next door was not and members need to be as robust as possible in their justification so that the decision can withstand inspection further down the line.

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

*(Councillor Connor and Mrs Davis registered that they are District Councillors for Doddington and Wimblington and do attend Parish Council meetings but take no part in planning)*

*(Councillor Benney declared that he knows the agent for this application and he has undertaken work for him but he is not pre-determined and will approach the application with an open mind)*

*(Councillor Murphy declared that he knows the agent for this application but he is not pre-determined and would approach the application with an open mind)*

**P135/22      F/YR22/1351/F  
21 THE STITCH, FRIDAY BRIDGE  
ERECT A 2-STOREY SIDE EXTENSION TO EXISTING DWELLING**

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)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall made the point that there are no neighbouring objections to the proposal or any objections from the consultees. He feels the key point with the application is the neighbouring property, number 19, which is to the west of this site and when he visited the site he reviewed the street scene in this area of The Stitch and showed a photo on the presentation screen that he had took of the bungalow immediately adjacent to the proposal site and to the left-hand side of this bungalow there is already a two-storey property constructed in 2005, which is approximately a metre from the boundary, set well forward of the adjacent bungalow and is similar to what is being proposed with this application.

Mr Hall expressed the view that on the opposite side of The Stitch, properties 68 and 72, which are further to the east, have a very similar situation where there is a bungalow set well back from the street scene and a two-storey property set well forward. He referred to the officer's report making reference to this property being set forward but, in his view, there are numerous other properties along this side of The Stitch that are set forward and more forward than this dwelling, which can be seen on Google Maps and also on Ordnance Survey.



Mr Hall stated that on the actual street scene he has submitted it does show a 1.8 metre high fence along that boundary so he has shown a boundary treatment but he would be happy to accept a condition here. He expressed the opinion that the proposal still has over a third garden area, parking on site for 3 vehicles, materials matching in with the existing property and there are no doors and windows on this side elevation against the neighbouring building and this proposal is no higher than the existing property with this application receiving no objections.

Members asked questions of Mr Hall as follows:

- Councillor Marks stated that there are no windows or anything on the property itself but asked what about the bungalow? Mr Hall responded that the bungalow's principal elevations are front and rear but he believes there is an opening on the right hand side of the bungalow which faces the proposal site but the bungalow is set back.
- Councillor Murphy asked why the photo shows this side of the bungalow when there is more room as the house here is at an angle away from the bungalow but the side where this proposal is going is right up close to the bungalow and the photo should have been taken the other side. Mr Hall responded that the property on the photograph is parallel with the bungalow and he is trying to show what is on the opposite side and he is trying to match in with it to show that there is a two-storey property against a bungalow. He stated that there is 1.2 metres from the bungalow to the fence on the opposite site and on the proposal side there is fractionally less than a metre from the bungalow to the proposed fence.
- Councillor Mrs Davis made the point that the gap between the photo of the house that Mr Hall has taken to the bungalow is bigger than the one on the other side and in the report it says a fence is to be built as the hedge has to be taken down to accommodate the build and the fence to be replaced will be right up against the edge of the bungalow. Mr Hall reiterated there is a 1.2 metres on the side of the bungalow to the fence on the opposite side and slightly less than a metre once the hedge is taken down and replaced with a fence, so the proposal side is probably about a foot closer.
- Councillor Murphy queried why a photo was being shown of a property on the other side of the bungalow and not showing the proposal site against the bungalow.
- Councillor Sutton remarked that there seems to be confusion on the distance between number 19 which is on the left-hand side and is 1200 to the boundary fence and on the right-hand side is a metre to the boundary fence. He feels what Councillor Murphy is referring to is number 17 and the distance from the end of No.17 to their boundary fence. Mr Hall asked for the photo to be displayed again and explained the photo shows No.17, which is not the site that is proposed to be extended, and he has tried to show that there is already a two story building approved in close proximity and stepped forward.
- Councillor Murphy made the point that when members walked along the road from the right hand side of the photo to the bungalow's gate a lady came out of the bungalow and members were shown a house on the right hand side which is going to have the extension on it and the house in the photo has nothing to do with the application. Councillor Sutton stated that Mr Hall is trying to show that one side is built out the same as he is proposing. Councillor Murphy disagreed that the other side is built out, it is not going to be built out the same as the property shown on the photo.
- Councillor Miscandlon expressed the view that the confusion arises from the Ordnance Survey map because it shows No.17 set well in front of No.19 which looking at the photo it is not and it is No.21 that is going to have the extension.
- Councillor Cornwell agreed with the comments of Councillor Miscandlon as the Ordnance Survey clearly shows that No.19 is behind No.17, however, the site for this application is No.21 which is forward of No.19 and No.23 and he thinks the agent is trying to say that the gap between the property is OK but he feels the closer you are to a boundary the more problems it causes. He feels on the face of it it does look very close.
- Councillor Sutton asked who actually owns the hedge? Mr Hall responded that the applicant does own the hedge.
- Councillor Mrs Davis stated that in the report the neighbour is happy for the hedge to be taken down and a fence put up in its place and has no objections to the build. Mr Hall

confirmed this to be correct and that the neighbour has e-mailed and it is on public access but has asked for a fence to be put back up, which is being proposed.

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

- Councillor Sutton made the point that there is not any neighbour complaints and the neighbour at No.19 has asked for a fence and it should be insisted upon a reasonable sized fence. He understands what the officers are saying about the 45 degree viewpoint but out of the window to the right of the bungalow if you looked out of it now you would not see any further than you do when the extension is there as the hedge is already 2½ metres at least. Councillor Sutton referred to street scene and his own personal view is that the proposal improves the street scene as it makes the house symmetric and the proposed extension does not come any further forward than the right hand wing of the dwelling. He has no problem with the proposal as particularly on that side of the road there is not any development line and there is no neighbour objection.
- Nick Harding made the point that as presented by the officer the proposal will be bringing the side elevation of the property much closer to the boundary so it is going to be much more obvious to the adjacent occupiers of the bungalow in terms of their outlook and quality of outlook as it is going to be a significant blank elevation which would be detrimental to their amenity.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that due to the height of the hedge already in situ the extension will not be demonstrably harmful from the current situation and the proposal will improve the street scene by making the property symmetrical.

*(Councillor Benney declared that he knows the agent for this application and he has undertaken work for him but he is not pre-determined and will approach the application with an open mind)*

*(Councillor Murphy declared that he knows the agent for this application but he is not pre-determined and would approach the application with an open mind)*

**P136/22      F/YR22/1389/F  
LAND SOUTH WEST OF 27A WIMBLINGTON ROAD, DODDINGTON  
ERECT A DWELLING (2-STOREY, 3-BED)**

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

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

- Councillor Sutton expressed the view that "postage stamp" springs to mind, he feels that officers have made the right decision and he will be supporting the recommendation.
- Councillor Mrs Davis agreed with Councillor Sutton as she feels it is shoehorning onto a too small plot.
- Councillor Miscandlon agreed, it is shoehorning and the amenity space left for the residents will be detrimental to their health and wellbeing.
- Councillor Cornwell expressed the opinion that officers have got the decision right.

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

*(Councillor Connor and Mrs Davis registered that they are District Councillors for Doddington and*

*Wimblington and do attend Parish Council meetings but take no part in planning)*

5.02 pm

Chairman

This page is intentionally left blank

**F/YR22/0062/O**

**Applicant: Allison Homes**

**Agent : Jenny Keen  
Marrons Planning**

**Land South Of 73-81, Upwell Road, March, Cambridgeshire**

**Erect up to 110no dwellings (outline application with matters committed in respect of access)**

**Officer recommendation: Grant**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 This is an outline application for up to 110 dwellings (20% affordable) on the eastern edge of March, accessed off Upwell Road. March is classified as a Market Town in Policy LP3, the Councils settlement hierarchy, where the majority of the district's new housing should take place.
- 1.2 The site is an allocated site in the Emerging Local Plan.
- 1.3 Access is between numbers 81 and 85 Upwell Road.
- 1.4 Significant numbers of residents have objected and have included a petition. The Town Council object regarding overdevelopment, flooding and poor access.
- 1.5 The Local Highway Authority considers the Transport Assessment to be credible and robust and does not identify any reason on which to refuse on highway grounds.
- 1.7 The Local Lead Flood Authority gives no reason on which to refuse the application on flood risk grounds. However, the LLFA has sought survey data on the route of the outfall to Horsemoor drain.
- 1.8 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 Section 106 Agreement.

## **2 SITE DESCRIPTION**

- 2.1 The site is approximately 3.9 hectares on the south-eastern side of March to the south of Upwell Road and the dwellings fronting this. It is a flat agricultural field with some hedgerows and trees existing on the site boundaries. Residential areas of Cavalry Drive, Clydesdale Close and Cleveland Bay form the site's western boundary alongside the permissive footpath (Woodman's Way) which links to a Public Right of Way (156/8) located along the sites southern border. Cavalry

Primary School is located approximately 400 meters from the site. The nearest bus stop is approximately 400 metres away.

2.2 The site is located with Flood Zone 1.

### 3 PROPOSAL

- 3.1 The proposal is for up to 110no dwellings (outline application with matters committed in respect of access). An indicative parameters plan illustrates how development might come forward with an internal road layout, SUDS/pump station and a central area of open space with houses facing onto the open space. The site would include a 3-metre easement on the eastern boundary setting development back from the boundary with Stow Fen (the open countryside) to the east. There is substantial open space /tree retention on the western edge, although reduced in depth as the site goes to the south. This indicative plan is not for determination, however there is some merit in achieving this type of open space and having housing facing towards such areas.

Full plans and associated documents for this application can be found at:  
[F/YR22/0062/O | Erect up to 110no dwellings \(outline application with matters committed in respect of access\) | Land South Of 73-81 Upwell Road March Cambridgeshire \(fenland.gov.uk\)](#)

### 4 SITE PLANNING HISTORY

F/YR17/0563/O Land south of 85-89 Upwell Road (Neighbouring site)  
Application to erect 4 Dwellings(Outline)  
Refused/Appeal dismissed.

F/YR20/1138/O Land south of 85-89 Upwell Road (Neighbouring site)  
Application to erect up to 6 dwellings (Outline)  
Recommended for refusal, overturned at Planning Committee and approved.  
Subsequent Full application (F/YR22/0705/F) refused February 2023

### 5 CONSULTATIONS

#### **Cambs County Council (Lead Local Flood Authority)**

- 5.1 29<sup>th</sup> November - *Proposed connection to watercourse. The assessment of the watercourse network is still required to be provided before the connection is agreed with the LLFA and not prior to its installation. We will require evidence that the watercourse itself has an outfall and is in a suitable condition to receive surface water. The lack of detailed information on these grounds may increase the level of uncertainty we have about the effectiveness of a drainage strategy. Whilst it is acknowledged that the site is only shown to be at surface water flood risk in isolated areas, the assessment is needed to ensure the residual risk of flooding from obstructions within the watercourse network is considered before undeliverable site layouts are agreed. Should maintenance concerns arise for any watercourse into which the site would discharge, works must be agreed before any connection of the surface water drainage is formalised.*

9<sup>th</sup> Feb LLFA stated:

*We have come to the agreement that in principle the information demonstrated in the maps would be sufficient for us to remove our objection to this application. The additional information required in relation to the connectivity of each of the drains would be something that we would be able to include within conditions. We would*

*also be able to highlight the requirement for the use of FEH data at the detailed design stage, within an informative.*

23<sup>rd</sup> February the LLFA reviewed the following documents:

- *Flood Risk Assessment, Residential and Commercial Engineering, Ref: RACE/AH/URM/FRA4, Dated: 15 November 2022*
- *Email Thread Subject: Upwell Road March, RD and Applicant, Dated: 31 January 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 an attenuation pond restricting surface water discharge to 4.08l/s, the greenfield QBAR rate for the site. It is proposed to discharge surface water into the existing watercourse along the eastern boundary of the site. Further information should be provided at the detailed design stage to demonstrate connectivity between the point of discharge and the eventual outfall of this watercourse into Horse Moor Drain.*

*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 an attenuation pond is supported by the LLFA due to its multi-beneficial nature, providing surface water treatment, amenity, and biodiversity benefits to the site. Within the report it is discussed that reed beds and a low flow channel can be incorporated; this would be encouraged by the LLFA. Water quality has been adequately considered at this outline application stage. Further consideration should be given at the detailed design stage, and the Simple Index Approach as outlined in the CIRIA SuDS Manual should be used to ensure that sufficient treatment stages are provided based on the proposed land use. We request conditions are imposed.*

After further discussions regarding the flooding raised by the objectors the LLFA required the applicant to:

*The LLFA therefore feel that a CCTV survey of the surface water drainage system, into which it is proposed to drain surface water from the site is required. The purpose of the survey is to:*

- *Survey all of the relevant pipework, opens section of watercourse and associated chambers and features, pertinent to the relevant surface water infrastructure that comprises the drainage strategy for the site, as submitted to the LLFA.*
- *Confirm connectivity from the proposed discharge location from the site to the eventual outfall into Horse Moor Drain.*
- *Report on all defects, damage and deficiencies in respect of the elements of the system that it is possible to survey.*
- *Indicate any reasons why the survey could not be fully carried out.*
- *Provide recommendations for repair or improvement to the sections of the system surveyed.*
- *Produce a plan and preferably a video of the sections surveyed that indicates the date, time, location and distances surveyed and any significant observations with respect to flood risk.*

*Should it be found that the proposed discharge location was unsuitable, a viable alternative would be required in order for the LLFA to support the application. It should be noted that the LLFA does not support the discharge of surface water into*

*the foul sewer as this is not included in the drainage hierarchy, and often increases the flood risk in the downstream environment.*

The applicant submitted the conclusions of a CCTV survey on 17<sup>th</sup> May. The further consideration of the LLFA is awaited. It is understood that the data identified elements of the stretch of watercourse to be silted and therefore further works to improve the flow of surface water will be required prior to commencement of development. The further comments from the LLFA will be included in the update to committee.

## **CCC Highways**

### **5.2 Transport Assessment Section 10<sup>th</sup> February**

*Traffic Surveys The baseline surveys undertaken at the following junctions are acceptable for use within this assessment:*

- Junction 1 - Upwell Road/Cavalry Drive mini roundabout*
- Junction 2 - B1099 St Peters Road/B1101 The Causeway signal-controlled junction*
- Junction 3 - B1101 High Street/Burrowmoor Road mini roundabout*

*To provide a robust assessment, it is noted a sensitivity assessment has also been undertaken for Junction 1 which exponentially increases the background flows to demonstrate that there would be ample capacity at this junction. This is agreed. Pedestrian and Cycle Accessibility The development site is situated within acceptable walking and cycling distance to local facilities and amenities. It is noted cyclists currently use the existing footways or on-road routes within the vicinity of the site. As previously requested, the developer has undertaken an audit of the existing footway provision along the northern side of Upwell Road between the pedestrian crossing point by Morton Avenue and Elwyn Road. It is agreed that much of the existing footway is of sufficient width with the exception of a few pinch points where there are established trees. Given the location of established trees at these pinch points, it is agreed that footway widening at these locations is not feasible. As previously requested, to enhance pedestrian access to Cavalry Primary School and Neale Wade Academy from the development site, the developer should upgrade the side road junctions on the eastern side of Cavalry Drive to include drop kerbs and tactile paving. This should also include the Suffolk Way junction on the western side of Cavalry Drive. Such works should be subject to a planning condition should approval be given. It is noted the developer will upgrade Public Footpath No.8 to a 3m wide shared use path with street lighting within the development red line boundary. The public footpath will also be upgraded to public bridleway status as part of the proposals. Whilst the enhancement of Public Footpath Upwell Road, March No.8 to a 3m wide shared use path within the red line boundary is agreed, as previously requested, the developer should also upgrade the western section of Public Footpath No.8 to a minimum 2m wide footway between Cavalry Drive and the proposed 3m wide shared use path to enhance pedestrian access to and from the site. The Highway Authority believe Fenland District Council are responsible for the land which any third-party works may occur on. Therefore, to confirm the above works are deliverable, the developer should contact FDC to determine whether they would be agreeable for the above works to be carried out on their land. Evidence of discussions with FDC must be provided. Following discussions with FDC, a revised plan of the indicative works should be submitted for review should they be agreeable to the works.*



*Public Transport Accessibility* The revised audit of existing bus services in March is agreed. *Multi-Modal Trip Generation* The development is anticipated to generate 106 two-way vehicle movements in the AM peak, and 100 two-way vehicle movements in the PM peak. The development is also anticipated to generate 14 pedestrian, 14 cycle, and 7 public transport trips in the peak periods.

*Committed Development* The committed development included within this assessment is agreed. The committed development traffic flow diagrams are acceptable for use. It is agreed that given the timescales of this development and the West March proposal which is anticipated to be delivered after the development timescales, that the West March proposal is included within this assessment as a sensitivity test scenario. *Future Assessment Years* The assessment scenarios included within this assessment are acceptable for use. The TEMPRO growth rates used within this assessment are also acceptable for use.

*Junction Capacity Assessments* The junction capacity assessments have been modelled using Junctions 10 and LinSig software. It is noted the Junctions 10 models use the DIRECT profile as previously requested. It is noted the Site Access junction and Upwell Road/Cavalry Drive mini roundabout are both anticipated to operate within capacity during all future year assessment scenarios. Whilst the High Street (S) arm of the B1011 High Street/Burrowmoor mini roundabout will operate over capacity in the future year scenarios, this is anticipated to be a result of committed development traffic. The development is not expected to have a severe impact on capacity at the High Street (S) arm of the junction, increasing RFCs by a maximum 0.02 RFC and queue lengths by 2 vehicles. Whilst the B1099 St Peters Road/B1101 The Causeway signalled junction is anticipated to operate over capacity in the PM peak of the 2031 Design Year Sensitivity Test, it has been suitably demonstrated that the junction is anticipated to operate over capacity as a result of the West March proposals and not this development as the junction is anticipated to operate within capacity under all other future year assessment scenarios. The West March development is subject to a separate planning application (ref: F/YR21/1497/O) with an ongoing transport assessment. It is noted the 3 B1099 St Peters Road/B1101 The Causeway signalled junction is one of the junctions identified for improvement within the March Area Transport Study (MATS). Whilst it has been demonstrated that the proposed development in isolation will not cause severe impact on the surrounding network, it is evident that the cumulative development in March will cause detriment to the operation of the surrounding highway network, of which, the proposed development will worsen. The developer should therefore provide a S106 monetary contribution of £165,000 (£1,500 per dwelling) towards strategic highway and active travel improvements. A S106 contribution of £1,500 per dwelling towards strategic highway and active travel improvements has also been requested for other cumulative developments within March.

*Mitigation* The developer at present, proposes to deliver the following mitigation:

- Upgrade Public Footpath No.8 to a 3m wide shared use path with street lighting within the development red line boundary. The public footpath will also be upgraded to public bridleway status
- Travel Plan Please see the above comments set out within this response with regards to the proposed improvements to Public Footpath No.8. As previously requested, to enhance pedestrian access to Cavalry Primary School and Neale Wade Academy from the development site, the developer should upgrade the side road junctions on the eastern side of Cavalry Drive to include drop kerbs and tactile paving. This should also include the Suffolk Way junction on the western side of Cavalry Drive. As previously requested, the developer should provide a

*S106 monetary contribution of £165,000 (£1,500 per dwelling) towards strategic highway and active travel improvements.*

*Conclusion The Transport Assessment 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.*

8<sup>th</sup> March - Background

These comments concern the additional information submitted by the agent in the email dated 7th March 2023 provided in response to the comments dated 10th February 2023 produced by the Highway Authority.

Transport Assessment –

*Review Public Footpath 156/8 Improvement It is noted the developer will upgrade Public Footpath 156/8 to a 3m wide shared use path with street lighting within the development red line boundary. The public footpath will also be upgraded to public bridleway status here as part of the proposals.*

*The developer will also upgrade the western section of Public Footpath 156/8 to a minimum 2m wide footway between the existing tarmacked section of Public Footpath 156/8 between nos. 51 and 47 Cavalry Drive and the proposed shared use path within the red line boundary via the permissive path (Woodman's Way), to enhance pedestrian access to and from the site. This is agreed. It has been demonstrated that Fenland District Council agrees to the proposed works. Following review of the developer's correspondence with FDC, the Highway Authority agree that the proposed works are deliverable.*

21<sup>st</sup> March

The LHA was asked to comment regarding criticism of its assessment of the applicants TA resulting in the following:

*With regards to the neighbour objections, please see the following which addresses the key points made in the objections:*

#### Road Safety

*The accident data and accompanying analysis submitted within the assessment is acceptable. The accident data used within the assessment is obtained from a reliable source (uses County Council data comprising up-to-date accident records obtained from the police and fire service database) and uses the latest 60 months available accident data at the time of submission. An accident cluster site is determined using a series of algorithms which identify and link similar accident types and causes that occur at the same location. It is noted no accident cluster sites were identified within the assessment study area (inclusive of Upwell Road) within the assessment timeframe. Therefore, there is no pattern in the data to suggest that there is any particular problem or safety hazard that would be exacerbated by the proposed development.*

*It should be noted that instances of speeding within March are a matter for Police enforcement, not the County Council. It is not up to this development to provide a solution. There are existing traffic calming measures on Upwell Road within the vicinity of the proposed development site. The existing speed cushions on Upwell Road within the vicinity of the site access will remain on Upwell Road should the*

development be approved (at a location relocated to the west of the site access junction).

#### Data Use

Multi-modal trip generation for the proposed development has been derived using TRICS vehicle trip rates in conjunction with 2011 Census 'Method of Travel to Work' data for the Fenland 007 MSOA. The Census Fenland 007 MSOA comprises East March where the site is located and so reflects traffic mode share patterns typical of the area. The Highway Authority accept the use of TRICS trip rates in conjunction with 2011 Census data to determine trip generation as it provides robust trip generation assumptions. Despite being 12 years old, 2011 Census data is considered representative to reflect the existing mode share as in addition to providing a large dataset for March, there is no other representative dataset available which reflects the mode share situation in March. TRICS is a nationally accepted system used for trip generation analysis containing over 7,150 directional transport surveys and covering a wide variety of development types. The Highway Authority are satisfied with the proposed trip generation. Car ownership data is not used to determine development trip generation.

#### Traffic Impact

When reviewing planning applications, we assess the impact of a proposed development on the surrounding highway network during the weekday peak hour periods as this is when the network is at its most constrained and residential developments generate the most trips. This typically happens twice every weekday, once in the morning (AM peak) and once in the afternoon or evening (PM peak) i.e. the times during which most people commute.

Junction capacity assessments were undertaken using Junctions 10 and LinSig modelling software to assess the ratio of flow to capacity (RFC) and practical reserve capacity (PRC) at the study area junctions for the baseline and future year assessment scenarios with and without development. Junction capacity analyses is based upon peak traffic flows from the development at peak journey times on the highway network, representing a worst-case scenario. Junctions 10 is the latest version of a nationally recognised software package used to model and predict capacity, queues, and delays at roundabouts and priority junctions. LinSig software is used to model signal junctions. Whilst it is noted that the High Street/Burrowmoor Road and the B1101 The Causeway/B1099 St Peters Road junctions will operate over capacity in the future year scenarios, this is demonstrated to be a result of committed development traffic. As per Government policy, developments should only be prevented or refused on highways grounds if the development impacts are severe. An additional 2 vehicles on queues at the High Street/Burrowmoor Road mini roundabout and additional delays of 5 seconds at the B1101 The Causeway/B1099 St Peters Road signal junction respectively is not considered to be a severe impact.

That said, whilst it is demonstrated that the proposed development in isolation will not cause a severe impact on the surrounding network, to consider the impact of the cumulative development in March on the surrounding highway network, this development in addition to other committed developments within March, will be required to each provide a S106 monetary contribution towards strategic highway and active travel improvements in March. Such S106 monetary contribution will be supplementary to the active travel improvements which form part of the mitigation package for this development.

14<sup>th</sup> April

*To provide an update on our position regarding a controlled crossing, as previously noted, a controlled crossing across Upwell Road for schoolchildren is not necessary or required for this development as at no point would schoolchildren from this development need to cross Upwell Road to access both Cavalry Primary School and Neale-Wade Academy. As such, we cannot reasonably request such mitigation as it would not meet the planning tests set out within the NPPF.*

*With regards to your comment on queueing at the Cavalry Road/Upwell Road junction, I should note that worst case queues at this junction is anticipated to be 2.6 vehicles as per the sensitivity test scenario (Table 10) in the latest TA Addendum submission (03/02/23). The 0.85 figure which outlines a concern relates to RFC and not vehicle queues. This junction is anticipated to operate within capacity below 0.85 RFC under all future year scenarios and vehicle queues are minimal.*

*As noted, the accident data evidences that there is no existing safety issue regarding pedestrians crossing Upwell Road within the vicinity of the site. The slight accident involving a child on St Peters Road which occurred to the east of Elwyn Road happened back in 2018. A zebra crossing has since been installed at this location to facilitate crossing here. Therefore, it is evident that there is no existing safety issue relating to crossing Upwell Road.*

*As previously mentioned, there are existing crossing points available along St Peters Road/Upwell Road that can accommodate schoolchildren travelling from northern March to Cavalry Road Primary School and Neale-Wade Academy. These include a drop kerb and tactile paved crossing between the Cavalry Drive roundabout and Morton Avenue, the zebra crossing to the immediate east of Eastwood Avenue, and a signal crossing at the St Peters Road/The Causeway signal junction. The first of which is located within c35m of Cavalry Drive. Given the accident analysis does not highlight any existing safety issues concerning schoolchildren crossing Upwell Road, it is considered that the existing crossing provision on Upwell Road is satisfactory to continue to accommodate the safe crossing of schoolchildren from northern March.*

*Whilst the development will increase vehicle movements on Upwell Road during the peak periods, the additional vehicle trips on Upwell Road generated by the development is not in our view significant enough to warrant a controlled crossing point. The existing crossing provision available on Upwell Road is considered to be satisfactory to continue to accommodate the crossing of Upwell Road.*

*The key desire line for schoolchildren from the development site choosing to access the schools via the Upwell Road route is via the existing footways on the southern side of Upwell Road and the eastern side of Cavalry Drive. For the primary school, there are existing drop kerbs available for pedestrians to cross Cavalry Drive to the school. The accident database for the latest 5-year period does not highlight any existing safety issues relating to crossing Cavalry Drive.*

*In light of the above, it is considered that an additional controlled crossing across Upwell Road is not required to make this development acceptable in planning terms. Children from the development site can access the schools without the need to cross Upwell Road. As such, it would not be reasonable for us to request such mitigation for this development as it does not meet the planning tests set out in para 57 of the NPPF, namely it is not necessary to make the development acceptable nor is it relevant to the development.*

*Further to our meeting this morning, please see the below S106 cost breakdown:*

- *Total scheme cost for MATS Schemes 2 & 6 (Peas Hill & Hostmoor Ave) = £10m*
- *£10m / 2,000 (BCP dwellings) = £5,000 per dwelling*
- *Considering 50% Match Funding for MATS Schemes 2 & 6 = £2,500 per dwelling*
- *In light of the above and taking into account viability in the Fens, we feel that a £1,500 per dwelling figure is reasonable*
- *As such, £1,500 x 110 dwellings = £165,000*

*The above calculation and cost per dwelling is a consistent approach taken towards other growth sites within March. With regards to the Broad St and St Peters Rd MATS Schemes (Schemes 1 and 4) mentioned in the meeting, whilst we acknowledge that these MATS Schemes are closer to the site, we do not consider that either of these schemes mitigate the strategic impacts of this site. I should note that the Broad St Scheme is funded whilst the St Peters Rd Scheme is not a capacity enhancing scheme.*

#### *Site Access Junction off Upwell Road*

*The proposed site access junction layout has been modelled for capacity and is demonstrated to operate well within capacity during all future assessment year scenarios and is thus considered suitable to accommodate the proposed development.*

#### *Construction Traffic*

*Should approval be given, a pre-commencement condition will be secured to provide an adequate temporary facilities area off the public highway for construction traffic to use for parking, turning, and loading and unloading during the construction period to reduce the impact of construction traffic on the surrounding highway.*

#### *Travel Plan*

*At this stage, the Highway Authority have not commented on any detail of the Travel Plan submitted. The final agreement to, the final detail of, and the implementation of the Travel Plan will be secured through a pre-occupation condition should approval be given.*

*19<sup>th</sup> May Regarding further letter from the neighbour.*

*The points set out in my previous response are also applicable to the concerns set out within the neighbour objection. To confirm, we are satisfied with the methodology used by the applicant to calculate traffic generation for the proposed development site. Such methodology is common practice and uses nationally accepted software. When reviewing planning applications, we assess the impact of a proposed development on the surrounding highway network during the weekday peak hour periods (AM and PM peaks) as this is when the network is at its most constrained and residential developments generate the most trips.*

*To provide further context on the future operation of the site access junction, the site access junction has been modelled for capacity and is demonstrated to operate with ample capacity during all future assessment year scenarios and is thus considered suitable to accommodate the proposed development. Such assessment uses development trip generation figures based on a larger development of 170 dwellings and thus provides a robust assessment. Furthermore, with regards to concerns of 'turning danger' at the proposed site access junction highlighted within point 1.4 of the neighbour objection, the site access junction layout has been designed in accordance with the Highways*

*Development Management General Principles for Development and with appropriate visibility splays and vehicle tracking.*

### 5.3 Highways Development Management

31<sup>st</sup> January

*The applicant has secured the necessary consent to relocate the existing speed humps. However, the application was premature as they did not first determine if a vehicle turning left out of the site would be able to straighten prior to crossing over the humps (as stated in the original consultation response). The vehicle tracking shown on drawing LH-BWB-HGN-00-DR-TR-111 Revision P1 demonstrates that a refuse freighter turning left out of the development is unable to safely straighten up prior to the proposed speed hump location – top right viewport. The tracking of this movement requires a refuse vehicle to first swing out into the opposing lane prior to the give-way, which a driver will not have sufficient foresight to do. Instead, the more realistic manoeuvre is that a turning vehicle will encroach the eastbound lane on Upwell Road (which is acceptable) but this means that it is unlikely the vehicle will first be able to straighten up, hitting the hump at a skewed angle. The applicant must either retrack the turn to omit the ‘swing out’ manoeuvre or propose alternative speed hump locations.*

10<sup>th</sup> February

*The revised vehicle tracking shown on the drawing LH-BWB-HGN-00-DR-TR-111 Revision P2 is acceptable, and I therefore have no objection as my previous comments have been addressed. Please append the following Conditions and Informatives to any permission granted.*

*Conditions Adoptable Standards: The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.*

*Construction Facilities: Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.*

*Gates/Enclosure/Access Restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved.*

#### **CCC Definitive Map Officer.**

- 5.4 Public Footpath No. 8, March runs through the southern part of the site. The Design and Access statement states that the application will retain and enhance the existing Public Right of Way on the Southern Boundary which we welcome. In order to future proof the site and ensure that it can provide sustainable access opportunities for all non-motorised users in the future, Public Footpath No. 8, March should be upgraded to bridleway status to ensure that the maximum number of non-motorised users (pedestrians, cyclists and equestrians) are able to benefit from access to the byway to the east and any potential future access enhancements on the permissive path (Woodman’s Way) to the west of the site. This would accord with Local Plan Policy 7(p) which states that development should ‘Ensure Rights of Way are protected and enhanced where possible’. As the

application intends to enhance the public footpath, I would be much obliged if the following condition could be included as part of any potential planning permission to safeguard the public footpath in the interest of public amenity and safety:

Prior to the commencement of development, a public rights of way scheme shall be submitted to and approved by the Local Planning Authority in partnership with the Highway Authority. This should include provision for: i. The design of public rights of way routes and their surfacing, widths, gradients, landscaping and structures ii. Any proposals for diversion, upgrade and creation of public rights of way

### **CCC Contributions**

- 5.5 The County Council, in its role as the Local Children's Services Authority, responded to the application setting out its position in relation to the development proposals in July 2022. It concluded the following:

#### Early years

*On the basis of the revised calculation, there are sufficient places and a contribution towards early years provision is not required.*

#### Primary School

*The paper suggests that the calculation of need is widened to include schools north of the river. Whilst the river does provide a distinct barrier in the town, a further analysis of the patterns of admission does indicate a reasonable flow of pupils from the south to the north of the town. This shows a large surplus of places. The impact of housing developments north of the river should be included in the calculation, but there are not sufficient of these to generate 210 primary places.*

*Therefore because of discounting West March and including all four town primary schools, we accept that there should be not contribution towards primary school places.*

In January the Applicant presented further evidence and the CCC responded accordingly:

#### Secondary School

*I am content to agree that should your client's planning application be approved ahead of Land West of the Avenue (March West), then there would be sufficient capacity at Neale Wade Academy to accommodate need arising from your development. If Land West of the Avenue is approved ahead of your planning application, then that scheme would use up the available capacity, and need to make a proportionate contribution towards any further (new) provision. Your scheme would then need to contribute towards new provision too.*

#### Officers note.

This application comes to Committee before the March West proposal and no education request is therefore required.

### **PCC Wildlife Officer**

- 5.6 2nd September 2022

*Recommendation: Recommend refusal of application on grounds that the current proposed layout will create new significant negative impacts on neighbouring habitats of high biodiversity value.*

*The proposal documents submitted under F/YR22/0062/O currently show proposed housing immediately adjacent to the woodland to the east of the site boundary and the hedges along the west of the site boundary. I have reason to believe that the new temporary disturbance of construction and the permanent disturbance during operation of the site will create new significant negative impacts on these habitats.*

*It is important to note that I am satisfied that there is no risk to protected species being negatively impacts nor the site resulting in an overall loss of biodiversity, the proposals have been well considered from those perspectives. However, the neighbouring woodland and hedges, although not some of the best examples of the habitat, are increasingly rare within the fenland structure and represent "Island" habitats, significantly increasing the need from protection. I also have a concern that houses that are immediately abutting the woodland may have new lighting installed upon them outside of the developers control which will create new negative lighting impacts. As such I have to recommend an objection to this development until it has been demonstrated that alternative site layouts have been considered and discounted. Required amendments/information:*

*I would therefore recommend that:*

- The site layout is revised to only have gardens and green spaces bordering the ecologically valuable habitats of the woodland to the east and the hedges identified within the Preliminary Ecological Appraisal. This will ensure that the site is in line with the mitigation hierarchy. The updated plans should then be submitted to Fenlands Council which can then be assured in the positive impact the proposal will have to the local habitats and species.*

*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.*

*After submitting an amended Parameters plan the wildlife officer commented further 23<sup>rd</sup> December.*

*I think in principle this does remove my objection, although I would like to see what the boundary treatment is for the houses on the other side of the easement. In a perfect world I would like to see a very low vegetation barrier so that people in the houses get nice views of the fens to the east. However, I am keen to ensure no excessive light spillage.*

*20<sup>th</sup> March Following emails from the Planning Officer the wildlife officer confirmed no objection as follows:*

*I believe that A Construction Environmental Management plan using my usual condition wording would be perfect in this case. The "Biodiversity Protection Zones" bit would cover the potential impact on the neighbouring woodland. A lighting plan I believe would be necessary as well as I mention the risk of light spill that still exists.*



*I believe those are the only two. Although it is particularly important that they avoid non-native invasive species on this one as well.*

### **CCC Archaeology**

5.7 April 2022

*Our records indicate that the site lies in an area of archaeological potential, situated on the fen edge at the eastern extent of the March Island. Fen-edge locations such as these were frequently the focus of Prehistoric and Roman activity. This is evident from linear features visible as cropmarks, for example (Cambridgeshire Historic Environment Record reference 08982) to the south of the application area and similar features (10999) to the north. To the southwest of the application area is the March Sconce: A Civil War fieldwork (National Heritage List for England reference 1015200). Archaeological investigations to the northwest along Upwell Road have also identified evidence of post-medieval occupation (MCB18453). Geophysical survey of the application area was undertaken in April 2021, and a report of results is included as supporting information along with the present application. We have reviewed this, along with the submitted Heritage Statement (RPS, 2021) and concur with the assessment that there are no fundamental archaeological constraints to development in this location. We therefore do not object to development from proceeding in this location but consider that the site should be subject to a programme of intrusive archaeological investigation to ground-truth the results of the geophysical survey. A suitable condition is requested.*

Officers comment. The condition is attached.

### **Housing Strategy**

5.8 15<sup>th</sup> Feb 2022

*On developments where 10 or more homes will be provided, the provisions of Policy LP5 of the Fenland Local Plan seeking 25% affordable housing apply. Accordingly, the affordable housing requirements for this site are as follows:*

- *Major developments (10 or more dwellings) 25% affordable housing (rounded to the nearest whole dwelling)*
- *Tenure Mix 70% affordable housing for rent (affordable rent tenure) and 30% other affordable routes to home ownership tenure (shared ownership housing)*
- *Since this planning application proposes the provision of 110 number of dwellings, we would expect a contribution of 28 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 20 affordable rented homes and 8 shared ownerships in this instance.*

*I note in the Design & Access and Planning Statement documents submitted with this application that 25% affordable housing provision is mentioned in compliance with Policy LP5. However, I am unable to find a breakdown of proposed units for this site, specifically an affordable housing mix. I am happy to discuss the details of the housing or tenure mix at a later date, if required.*

On 23<sup>rd</sup> March, Housing Strategy issued further comments:

*In view of the reduced proposed percentage of affordable housing being provided due to viability, we would update our comments below.*

*Based on the provision of 20% affordable housing provision we would seek a contribution of 22 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 15 affordable rented homes and 7 shared ownership based on the provision of 20% affordable housing.*

*As mentioned in the Planning Statement submitted with this application, based on an indicative mix of 2, 3 and 4 bed homes we would ask that affordable rented comprised a range of units such as 2, 3 & 4 bedrooms (including 1 x 4 bed) and we request that the shared ownership units be 3- & 4-bedroom units. Once there is a clear mix for the scheme i.e., at reserved matters we would like to have further conversations about the property mix and tenures proposed.*

### **FDC Environmental Health**

- 5.9 *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development as it is unlikely to be affected by ground contamination. The information contained within the MEC Acoustic Air Quality Screening Assessment (December 2021) is acknowledged and accepted. It is noted and agreed that a full air quality assessment will be necessary in the event that this outline planning permission is granted, with the possibility of a mitigation strategy to minimise the impact on the air quality within the area as a result of the proposed development. Any future communication on the issue of air quality should in the first instance be made to [envhealth@fenland.gov.uk](mailto:envhealth@fenland.gov.uk) Given the size and scope of the proposed development and in the event that planning permission is granted, conditions are recommended*

20<sup>th</sup> March

Following objections regarding traffic noise impact to the two properties either side of the proposed access the EHO officer commented further:

*The separate dust condition can be removed and covered solely by the CEMP.*

*Regarding noise, I am comfortable with asking for a noise impact assessment to be undertaken (regarding the impact of the access on the occupiers of No's 81 and 85 Upwell Road), with a subsequent report submitted that provides details of noise mitigation to adequately protect existing residents, having regard to external amenity areas as well those internally. From the information available, I anticipate recommended mitigation measures along the lines of a 2m close boarded fence along the boundary of existing properties and inclusion of an Asphalt/Tarmac type surface on the entrance road to reduce passing vehicle noise, something that can be particularly relevant over paved or gravel surfaces.*

*Given the expected low speed of vehicle passing the existing properties on Upwell Road, it may even be that noise levels fall below those considered excessive in accordance with BS 8233:2014 "Guidance on sound insulation and noise reduction for buildings".*

Officer Note. These conditions are attached.

### **Cambridgeshire Police**

- 5.10 The Police consider this an area of low risk of crime although the wider ward is higher. The officer welcomes the indicative layout however as no layout is being

determined these comments are more relevant at the detailed stage. The officer highlights the need to light the public footpath and gives advice for a detailed scheme.

Officers note: These are included in proposed informatives.

### **Cambridgeshire Fire and Rescue**

- 5.11 *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.*

### **Natural England**

- 5.12 Natural England has no comments to make on this application.

### **NHS**

- 5.13 15<sup>th</sup> Feb 2022

*The proposed development is likely to have an impact on the services of the 3 x GP Practice operating within the vicinity of the application site, Riverside Practice, Cornerstone Practice and Merchford Practice. Upon reviewing the existing estate footprint and registered patients, they do not have the capacity to support this additional proposed growth resulting from this development.*

*CAPCCG acknowledge planning application does include a Health Impact Assessment (HIA) The HIA acknowledges that the NHS was not consulted on this site and the site does not include any health care facilities.*

*The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development would generate approximately 264 residents and subsequently increased the demand and healthcare pressures upon the existing services. The primary healthcare services directly impacted by the proposed development and the current capacity position is shown in Table 1(The table assessed Riverside practice, Cornerside Practice and Merchant House).*

*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. Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.*

*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 £95,040. Payment should be made before the development commences. 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.*

5.14 **Middle Level IDB** were consulted but no comments received.

### **Anglian Water**

5.15 *This response has been based on the following submitted documents: Flood Risk Assessment - Development at Upwell Road, March. Based upon the above reference documents, the proposed connection is acceptable. We do not require a condition in planning for foul water. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.*

Following discussions regarding issues raised by residents regarding flooding Anglian Water raised further comments.

*As per our planning application formal response we can confirm that foul drainage strategy submitted with the application is acceptable to Anglian Water. Please be advised that when carrying out our capacity assessment, we take into account the additional foul flows from the development to be discharged into our network. We also consider the existing developments as well any incidents of flooding that are network capacity related incidents. The available capacity within the network and within our water recycling centre will be dependent upon the development proposal, location of any connection point and proposed discharge rates proposed by the applicant.*

*Please note we don't take into account the incidents of flooding that are not related to capacity in our network such as blockages caused by non-flushables, tree roots, operational maintenance issues. In heavy rainfall, surface water often gets into the sewer network and may cause flooding in our foul sewer network which can become overwhelmed with the sudden surge of surface water. This surface water should not be in the dedicated foul sewer network, the foul sewers are not designed to accept this additional flow.*

5.16 **March Town Council** objects regarding the following:

- Overdevelopment of the site
- Flooding issues on the site and the surrounding areas.
- Single access/egress onto a main carriageway.

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

#### **Objectors**

5.17 86 letters of objection received (these are summarised below, but the full letters are available on the Council's website) referring to the following:

- Drainage and flooding (reference to problems of surface water in Cavalry Drive,
- Objectors consider and include photos of insufficient sewer capacity being contrary to Policy LP2 and LP9. Numerous objectors refer to sewer capacity and flooding on calvary Road, additional concern of pumping station increasing issues, roads appear to be sinking with drainage failing therefore resulting in pooled flooding on roads,
- An objector refers to numerous flooding issues including photos and highlights drainage infrastructure problems. Referring to Anglian Water

problems detailing The Stage 2a Water Cycle Study highlighting necessary improvements (March – locations to the south and west are likely to need new mains, and Such network improvements will become necessary as development comes forward and will largely be funded by the developer in negotiations with Anglian Water!)

- The objector considers it contrary to the Fenland Infrastructure Delivery Plan,
- Increased traffic resulting in congestion to the Cavalry Drive Upwell Road junction with pedestrian safety issues regarding school children crossing, traffic noise, air pollution and impact to people with allergies, increased car parking demand, on street parking blocks the roads,
- Impact on schools, surgeries and dentists, development contrary to LP13, no increase in policing,
- Harm to green spaces and biodiversity/wildlife and loss of habitat,
- A preference for smaller infills rather than major developments.
- Excessive mass and scale of 110 properties
- Effectively back garden development, greenfield when brown field sites are available,
- An objector refers to other applications granted nearby totalling 24 dwellings.
- Concerns regarding the degree of use of the proposed access in particularly given the close proximity to the side garden boundary of No 85 Upwell Road ( Alleged 2 metres between garden and the road, 3 metres between living room and pavement) and impact on the occupier of No 81, being contrary to Policy LP16(e) and para 130(f) of the NPPF.
- Concern that the applicants estimate of traffic movement appears low and fails to consider cumulative impact,(The full letters are available on the Council's website) refers to Road traffic trends, key statistics sourced DoT and RAC,
- The transport plan is incomplete and uses out of date sources.
- Turning out onto Upwell Road with no priority will result in backlogs, increasing noise and pollution to occupier of No 85,
- Vehicle Speed compliance.
- Concerns regarding poor access for construction vehicles and disturbance caused, having to come by St. Peter's Road exacerbated by parked cars, these comments were made as part of the pre-application consultation but appear to have been ignored,
- Encroachment into the countryside, impact on this semi-rural footpath which should have a buffer in the development site, objection to proposed improvements to the footpath,
- Impact on access for emergency vehicles,
- Accident rates are higher than reported
- Proposal does not represent a windfall site.
- Overly dense proposal
- Anti-social behaviour, creation of litter/waste, increased risk of crime
- Design/appearance, out of character with the area and visual impact,
- Contrary to policy, does not respect the form of the settlement, which is predominantly linear, representing urban sprawl
- Light pollution
- Outside DAB
- Overshadowing and loss of light.
- Creation of odours, Loss of trees of which few are in the area,
- Sets a precedent.
- Loss of dog walking area,
- Does not benefit existing residents,
- Vibration damage to house exacerbated if more traffic from development.

- Too much development for the town with too little investment whilst shops are failing. Town already met its 2014 requirement,
- An objector refers to an appeal decision (ref F/YR17/0563/O) for 4 dwellings to the rear of Nos 85-89 Upwell Road and considers the inspector's reasons for dismissing the appeal should be similar to refusal of this application,
- Cavalry Park and Drive are subject to weight restrictions,

A representation from the Right Honourable Stephen Barclay MP was received that referred views he received from a member of the public.

A petition received with 514 signatures objection on the following grounds:

- Loss of agricultural Land
- Increased volume of traffic and pollution including construction site traffic,
- Concerns of insufficient capacity on the sewer network(Anglian Water) leading to flooding,
- Insufficient infrastructure (Healthcare and schools)
- Impact on neighbours of noise dust and pollution,
- Indicative layout has amenity issues for immediate neighbours,
- Loss of privacy, loss of views result in negative impact (including property value)
- The Council only supports these applications due to increasing council tax.

Letters of support received from 4 residents referring to the following:

- More job opportunities,
- Greater local income,
- Not against change.

A further letter from the occupier of No 85 was received referring to a letter of response to the objectors concerns of 13<sup>th</sup> February. The letters are available in full on the Council's website. The objector doubts the credibility of the TA figures and conclusions as detailed on Page 2. The objector re-states concern of air pollution, noise, traffic danger at the junction, and asthma, methodology used in the TA, errors, opinions etc. Loss of private amenity, the access is inadequate Considers the degree of queuing will lead to congestion. Traffic speeds are planning matters, use of out-of-date census data, misleading door to door travel distances, an unenforceable travel plan.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**  
**National Planning Practice Guidance (NPPG)**  
**National Design Guide 2021**

Context  
 Identity  
 Built Form

Movement  
Nature  
Public Spaces  
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  
LP9 – March  
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 5 – Local Green Space  
Policy 7 – Design Quality  
Policy 8 – Historic Environment  
Policy 10 – Flood Risk  
Policy 12 – Delivering Sustainable Transport

The Draft Local Plan refers to Site allocation LP39.05 'Land to the rear of 81 Upwell Road' with estimated 98 dwellings. The site is within the Settlement Boundary as detailed in the Draft Policies Map.

### **March Neighbourhood Plan 2017**

H1 – Large Development Sites  
H2 – Windfall Development  
*Policy H2 – Windfall Development Proposals for residential development will be supported where they meet the provisions of the Fenland Local Plan and where the following additional criteria are met:*  
*a) The proposal will not result in unacceptable impact on levels of light, privacy and private amenity space for the occupants of the proposed dwellings. The impact*

*of proposals on existing neighbouring properties will be assessed against Policy LP16 of the FLP;*

*b) The proposal will not result in the net loss of formal or informal open space; [See Policy OS1]*

*c) The site is at a low risk of flooding (i.e. not within land designated Flood Zone 2 or 3 by the Environment Agency) and will not create flooding problems on or off-site, including problems associated with surface water run-off. Development within flood zones 2 and 3 will only be considered where appropriate sequential and exception tests have been met;*

*d) The proposal includes a safe vehicular access and will not result in severe impacts on the road network taking account of any mitigation proposed.*

*e) The proposal provides any on or off-site infrastructure required to make the development acceptable.*

*f) The proposal is of a high standard of design; and g) The proposal will not result in the loss of community facilities or services unless the separate tests set out in Policy LP6 of the Fenland Local Plan are met.*

*Neighbourhood Plan Policies Submission Plan - Applicants should carry out appropriate and proportionate pre-application community consultation on schemes of 10 dwellings or more. The applicant should demonstrate the engagement with the community which took place and how such views and aspirations of the community have been taken on board in shaping the proposals, together with, if applicable, an explanation as to why some suggestions have not been taken on board*

H3 – Local Housing Need

OS1 – Open Space

## **8 KEY ISSUES**

- **Principle of Development**
- **Design and Impact on the character of the area.**
- **Flood Risk**
- **Highway safety**
- **Residential Amenity**
- **Affordable Housing**
- **Infrastructure Contributions and viability**
- **Other**

## **9 BACKGROUND**

- 9.1 The applicant undertook a pre-application consultation exercise, leafleting 4229 properties in November 2021 giving a consultation period of two weeks. The report summarising the responses to this is included in the application submission available in full on the Council's website.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 This site is located on the edge of March which is a Market Town in the Council's settlement hierarchy where the majority of the district's new housing should take place (Policy LP3). There are no settlement boundaries defined within the adopted local plan. This site is therefore considered a sustainable location with good access to services/facilities.



- 10.2 Policy LP4 Part B sets out that '*small scale housing proposals on the edge of market towns see Policy LP16*' ( In the context of LP 4 Part B considers proposals up to 250 are considered to be small scale). Therefore, the proposal falls to be assessed against Policy LP16, but itself is not contrary in principle to the council's adopted spatial strategy or housing policies.
- 10.3 Regarding the windfall policy in the March Neighbourhood Plan, it is considered the proposal either accords with or capable of according with Criteria a-g, given this is only an outline application. Further consideration is given in sections below.
- 10.4 The emerging plan seeks to allocate this site for housing. However minimal weight can be given to emerging policies. Nevertheless, the proposal is considered acceptable in principle subject to compliance with other relevant policies considered below.

**Design and impact on the character of the area.**

- 10.5 This site is on the edge of March, however numbers of properties extend further to the east on Upwell Road in a largely linear form. To assess the impact on the character of the wider landscape, the applicant undertook a Landscape and visual appraisal which concluded the site being flat, set against an urban backdrop but with woodland screening and likely landscaping on the site boundaries, there is a likelihood of low impact when seen from wide ranging viewpoints.
- 10.6 The applicant includes an indicative parameters plan which includes illustrative developable areas, an area of public open space on both eastern and western edges, and similarly the southern edge, including the 3-metre easement, and a draft attenuation area in the south eastern section. These open areas are important to the wider visual impact of the development. It is considered that open space should be provided in broad accordance with the parameters plan and as such shall be included in the legal agreement including management and maintenance details.
- 10.7 As regards the character of the area inevitably developing housing on a field will alter the site. However, development of the site will, when seen from the open countryside, be set against the backdrop of the developed area. As regards street scenes, there is housing either side of Upwell Road, and development extending further east on Upwell Road, the visual impact is largely as seen through the existing gap between 81 and 85 Upwell Road, and as seen from some houses adjacent to Woodman's Way or from pedestrians using the footpaths themselves. But as regards views from the streets and the settlement pattern, this will be limited.
- 10.8 The gross density is approximately 28 per hectare. 30 dwellings per hectare is considered to be an effective use of land, but perhaps higher densities more appropriate for city or town centre sites. Given the landscape assessment and the limited degree visual impact, and the reasonably limited gross density, it is difficult to conclude the proposal will have a significantly detrimental impact to the character of the area. The local distinctiveness will be assessed at the point of a detailed planning application. A planning condition is attached requiring the detailed application be assessed against the National design Guide. This includes sections of part 2 of the Design Guide that requires consideration of identity (responding to existing local character and identity, well designed high

quality and attractive places) that ought to safeguard this policy concern. The detailed design should also address designing out crime issues raised by the Police enabling compliance with Policy LP16(j).

#### 10.9 Neighbouring site consideration

Objectors referred to the reasons for refusal and the inspector's decision on the neighbouring smaller site. This application was for 4 dwellings to be accessed between Nos 87 and 89 Upwell Road and was a small site abutting the rears of Nos 85-89. The application was refused for the following reason:

*Policy LP16 of the Fenland Local Plan, adopted May 2014 requires that proposals for new development should deliver and protect high quality environments which respond to and improve the character of the local built form and respond to the street scene and existing settlement patterns. The proposed development is shown to occupy a secondary position within the street scene which does not respond to the existing linear settlement pattern and therefore represents urban sprawl into the open countryside contrary to Policy LP16 of the Fenland Local Plan, adopted May 2014.*

The subsequent appeal decision was dismissed. That inspector relied heavily on the gap between the appeal site and the edge of the clearly defined edge of March Settlement. That gap is the current planning application site. The application site would not result in undeveloped space on 3 sides because this proposal abuts the existing edge of development which is therefore materially different from the appeal site. Furthermore, this proposal as an edge of Market Town Settlement accords with adopted policy in principle and provides identifiable benefits in terms of ongoing provision of housing, affordable housing that meets current interpretation of affordable policy and therefore meets housing need and provides requested and justified infrastructure contributions. As regards the settlement pattern, as this would abut and expand on the settlement itself it is perhaps more desirable than expanding in a linear or ribbon form which could arguably expand unendingly along Upwell Road further away from facilities. Whereas, a more comprehensive development that abuts immediately onto the current edge of settlement, would seem more appropriate. Whilst of minimal weight the emerging plan has sought to allocate this site and include within the settlement boundary. In the context of the above it seems difficult to identify harm to the settlement form.

#### 10.10 Following the appeal, a further application on a slightly larger version of the same site was submitted for 6 Houses (application ref F/YR20/1138/O) and was recommended for refusal on the same grounds as the previously refused and dismissed appeal. However, the Planning Committee (31<sup>st</sup> March 2021) disagreed with the previous decision and the inspectors view stating:

*Members did not support the refusal of planning permission as they felt, whilst acknowledging the Appeal Decision, that each application is judged on its own merits, under LP16 of the Local Plan there is a requirement to deliver good quality housing, which members feel this proposal is, the application will be a good quality environment in which families can live and grow and the proposal will not bring demonstrable harm to the countryside by the building of six houses.*

Nevertheless, Planning Committee refused the subsequent detailed application F/YR22/0705/F for reasons of layout, scale massing and design fails to take account of the open countryside, and the impact on the amenity of No's 87 and

89 Upwell Road. There was also a failure to provide sufficient drainage information. The Outline permission for up to 6 houses remains extant.

- 10.11 Whilst every application should be considered on its merits, it would appear that the results of the previous refusal and appeal, and subsequently permitted application, are that the concerns regarding Settlement form and urban sprawl and the implementation of Policy LP16 (d) appear weakened if it were to be refused on only this ground. Therefore, due consideration as to the objector's reference to a previous appeal decision has been given.
- 10.12 Whilst at this stage the design, appearance scale of housing is undetermined (being an issue for a detailed application) it is not considered that there is sufficient evidence to refuse the application on grounds of harm to the character of the area. Therefore, the proposal is considered to accord with Policy LP16(d).

### **Flood Risk**

- 10.13 The site is within Flood Risk Zone 1 where residential developments are directed being normally at least risk of flooding. The applicants Flood Risk Assessment proposes Suds with wetland habitats linked to a large attenuation area in the south-east corner which will release surface water to an outfall ditch beyond. The scheme includes a Fowl Water Pumping Station just north of the attenuation feature.
- 10.14 Both the LLFA and Anglian Water have been asked to comment on the flood matters/evidence submitted by the objectors. The objectors highlighted the flood on Cavalry Drive in December 2020. The LLFA highlighted a Flood report that summarised the high degree of rainfall that took place which the resulting flood waters entered and overwhelmed the foul sewers. This flood was not linked to the application site. Whilst it cannot be stated that under similar circumstances a flood of these areas would not re-occur, as far as this application is concerned the surface water drainage should be considered as robust as possible in terms of not contributing to any possible flooding of the adjacent land. The LLFA confirms it has robustly sought a drainage system that once in operation should not impact upon the residential area to the west. However, given the gravity of the flooding raised by the objectors, the LLFA (supported by Anglian Water and planning officers) requested the detailed survey work on the drainage route from the site to the Horse moor drain be undertaken prior to reporting to committee. The applicant has provided the requested survey results which the LLFA have considered and have orally informed officers they have no objection to but are at the time of writing considering robust planning conditions required. Subject to the detailed assessment of this work (and no further objection) the amended FRA is considered to be acceptable.
- 10.15 Anglian Water confirm that there is capacity within the sewer system to serve the application site and that the consultation reply takes on board local flooding matters. It also states there is not a combined sewer in the area and therefore does not welcome surface water entering the foul water network. The LLFA has confirmed it took on board local flooding concerns in coming to its conclusion. The further watercourse survey work is evidence of a robust assessment by both the applicant and the drainage authorities. It is considered the drainage authorities have given appropriate consideration to the matters of flood risk and those issues raised by objectors. The application is therefore considered to accord with policy LP14.

### **Highway safety**

- 10.16 The TA team have agreed submitted Traffic Surveys, have considered pedestrian and cycleway accessibility and considers the mitigation provision of drop kerbs and tactile paving on the side road junctions on Cavalry Drive, and the Suffolk Way junction on the western side of Cavalry Drive to be acceptable. Planning officers were concerned regarding the vehicles leaving the site and crossing the Cavalry Drive/Upwell Road junction (mini-roundabout) given the lack of pedestrian crossing facility in the proximity of Cavalry Primary School. However, the LHA concluded there is no identifiable need generated by the development for improved pedestrian crossing of Upwell Road, particularly because the majority of pedestrians accessing the school from the site will do so from the south and not cross Upwell Road.
- 10.17 The LHA supports improvements to public footpath No 8 to a shared-use path with lighting within the red line boundary. This is to be conditioned; however, it will need to retain trees, and the lighting to be restrained to accord with ecological concerns and other planning conditions.
- 10.18 Concerns regarding the credibility of the applicant's Transport Assessment and the LHA's assessment have been raised by objectors. Both the LHA and the applicant have responded in detail. The applicant had addressed the objector's estimate previous figure of 1000 vehicle movements per day and identified the estimate to be far less (677). The objector identifies that the applicant estimates the likely vehicular movements both in and out to be just under 700 daily and considers the scale to be excessively large. These letters are available in full on the Council's website. Nonetheless the LHA considers the Transport assessment to be robust and has used appropriate methodology, and therefore retains credibility. It is understood from the LHA's previous comments that the traffic impact of the access is well below capacity on Upwell Road and therefore the LHA has no traffic congestion concerns.
- 10.19 The LHA considers all matters within the application to be acceptable subject to both requested conditions and Section 106 contributions. The request is a total of £165,000 improvement projects namely the following: Peas Hill Roundabout & Hostmoor Ave junction highway improvements. It is considered that the LHA has justified these requests and the applicant provided further supporting data regarding CIL compliance. It is considered the LHA has robustly considered the relevant highway matters including neighbour's concerns, and the proposal accords with Policy LP15.

### **Residential Amenity**

- 10.20 Concerns have been highlighted regarding the proximity of the access road and number 85 Upwell Road. Such matters frequently occur when new access points occur between existing housing fronting main roads. The drawing submitted within the applicant's Transport Assessment details the position of No 85's access and garage with a separation of approximately 5.4 metres to the proposed path, and a separation of 9 metres from the nearest point of the bungalow to the path. There remains approximately a 4-metre space for landscaping etc at this position. Whilst the provision of the access road is clearly going to be a significant change from the current relationship with an informal track, and significant numbers of vehicles will pass this property, such a relationship is not uncommon. Without such access points many sites would not be able to come forward to provide much needed housing. It should also be acknowledged that this part of Upwell Road, is currently largely urban in nature and is not an isolated rural road. A planning condition seeks details of a noise assessment and noise mitigation (probably acoustic fencing) to be constructed in

the space between the road and the boundary edge of No 85 and 81 Upwell Road.

- 10.21 Other concerns such as loss of view, (nobody has a right to a view) and loss of property value is not a material planning consideration. Issues of privacy overshadowing or overdominance cannot be assessed at this point as no details are being proposed. Noise and dust from construction will be addressed by planning conditions. It is however noted that the public footpath which will be retained, separates most of the dwellings immediately to the west of the site. Most properties face trees/hedges on the eastern side of the public right of way with separation distances of what are likely to be rear to rear juxtapositions of approximately 25-30 metres plus. There are two existing properties that are orientated side-on to the public right of way. However, these would be side to rear relationships and as such closer proximities are normally acceptable on estate layouts. Whilst none of this is being considered at present, it does appear that layouts are capable of safeguarding neighbouring amenities particularly with the retention of the footpath and likely trees/hedges.
- 10.22 The terrace to the north (No's 71-81 Upwell Road) has rear separation to the site boundary of approximately 30 metres (which includes a rear access road. Again, acknowledging that these matters will be addressed at the detailed stage, as normally acceptable separation for rear to rear is 20 or 21 metres, and 10-15 for rear to side, there appears again suitable space between potential properties. As such there appears minimal grounds of concern at the detailed stage regarding privacy, overshadowing or overdominance. At this time there appears the proposal is capable of complying with Policy LP16

### **Affordable Housing**

- 10.23 The application proposes 20% affordable provision which accords with the Council's viability position. At 70 % affordable rented and 30 % shared ownership the uppermost provision (22 units with 15 affordable rent and 7 shared ownership). This accords with the Council's current position thereby according with policy requirements. The development will therefore provide much needed affordable housing.

### **Infrastructure Contributions and viability**

- 10.24 Due to The Council's own viability assessment in support of the Emerging Local Plan, the Council considers that as part of the evidence base weight be given to the results. Therefore, any scheme to the south of the A47 that accords with the provision of 20% affordable housing and provides infrastructure contributions to the value of £2000 per dwelling, will be acceptable. It is confirmed by the County Council that currently no education contribution is necessary. Therefore, in terms of infrastructure contributions this proposal includes the following:

- £95,040 to the NHS as requested to either Riverside Practise, Cornerstone Practise or Merchford House.
- £16,225 to develop space at March Library (or 147.50 per dwelling).
- £165,000 towards highway improvements at Peas Hill Roundabout and A141/Hostmoor Avenue junction.

The S106 agreement will also include (subject to the final total number provided at the reserve matter stage)

- 15 affordable rented homes and 7 shared-ownership dwellings.

- The provision of public open space in accordance with the Indicative parameters plan, to be managed by a private management company.

These have been confirmed as agreed as acceptable with the applicant.

- 10.25 In conclusion, whilst residents referred to under-provision of infrastructure in March, the NHS and library request will be fully met, and the County Education makes no request. Therefore, the proposal accords with policy LP13.

## **Other Considerations**

### **Agricultural Land**

- 10.26 Neighbours refer to loss of agricultural land. The Regional classification is Class 3 (good to moderate) but this is not defined in its the sub group, (3a is within the Best and most versatile whereas 3b and beyond is not). Fenland as a district has a large amount of Best and most versatile land. This land which sits abutting the edges of urban development is somewhat impacted and as such the loss of this under 4-hectare site in terms of impact on the district as a whole, is not considered significant. It is not known when the site was last used for agriculture (the 2018 appeal refers to it as unused agricultural land). The applicant has not undertaken a survey but points to the council's allocation for development in the Council's draft plan suggesting therefore the loss of agriculture has been considered by the Council. The planning case officer could not locate any plan within the Council that further defines the sub-group of the land. Given the apparent lack of evidence regarding the quality of the land and recent use, and the large degree of good to moderate land in the district, it is not considered this a reason by itself to justify refusal of the application.

### **Biodiversity**

- 10.27 The wildlife Officer confirms acceptance of the Ecological data and the illustrative layout and requests planning conditions be attached which are included. Given the advice received the proposal is considered to accord with Policy LP19 of the Fenland Local Plan.

### **Other matters**

- 10.28 In addition to the matters addressed above representations received have also raised issues of anti-social behaviour and problems arising from construction traffic. It is unclear how the development proposed would result in anti-social behaviour and there is no evidence to support that this would be an issue. Construction traffic is not a material planning consideration.

## **11 CONCLUSIONS**

- 11.1 It is considered that a development, which is on the edge of a Market Town in a sustainable location, can be considered to be acceptable in principle with the adopted local plan subject to compliance with other relevant policies.
- 11.2 The objections raised and summarised in this report, have been considered. Concerns of flooding and highway matters have received detailed replies from statutory consultees.
- 11.3 The proposal of up to 110 dwellings (subject to provision of high-quality layout at the detailed stage) will benefit housing supply, the continued provision helps Fenland retain an ongoing supply, and meet much needed affordable housing need.

- 11.4 Matters of Flood Risk, Highway safety and impact on infrastructure provision, all raised consistently by objectors, have been considered in detail and it is concluded the application accords with policy requirements. Whilst concerns regarding harm to residential amenity will largely be relevant for a detailed application, concerns regarding the impact of the access on immediate neighbours has been addressed and resulted in appropriate planning conditions. Design and impact on the character of the area (landscape and visual impact) including appeal decisions have been addressed and considered to accord with Policy LP16. Other issues regarding loss of agricultural land and biodiversity are not considered to merit refusal of the application.
- 11.5 The proposal is considered to accord with the adopted local plan and does not conflict with the neighbourhood plan.

## 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/YR22/0062/O 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.

An initially proposed list of conditions is 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</p>   |

|   |  |
|---|--|
|   | development in detail and to comply with Section 92 of the Town & Country Planning Act 1990.   |
| 3 | <p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>  |
| 4 | <p>The residential elements of the development shall be up to and no more than 110 dwellings (Use Class C3). 110 dwellings shall depend on submission of an acceptable layout at the submission of reserved matters stage, no layout of 110 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>  |
| 5 | <p>No development 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 demolition and construction:</p> <ul style="list-style-type: none"> <li>a) Construction and phasing 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.</li> <li>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.</li> <li>d) Delivery times and collections / dispatches for construction 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</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>h) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition, and road sweepers to address depositing of mud on immediate highways.</li> <li>i) Use of concrete crushers.</li> <li>j) Prohibition of the burning of waste on site during</li> </ul> |



|   |   |
|---|---|
|   | <p>demolition/construction.</p> <p>k) Site artificial lighting including hours of operation, position and impact on neighbouring properties.</p> <p>l) Drainage control measures including the use of settling tanks, oil interceptors and bunds.</p> <p>m) Screening and hoarding details.</p> <p>n) Access and protection arrangements around the site for pedestrians, cyclists and other road users.</p> <p>o) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.</p> <p>p) External safety and information signing and notices.</p> <p>q) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures.</p> <p>r) Membership of the Considerate Contractors Scheme.</p> <p>The approved CEMP shall be adhered to throughout the demolition and/or construction period and must demonstrate the adoption of best practice to reduce the potentially adverse effects on those living and working nearby the development site, whilst also acknowledging the health, safety and welfare of those working on site. The CEMP should be in accordance with the template on the Fenland District Council website via the following link:<br/> <a href="https://www.fenland.gov.uk/planningforms">https://www.fenland.gov.uk/planningforms</a></p> <p>Reason: In the interests of safe operation of the highway and protection of residential amenity in accordance with policy LP15, LP16 and LP19 of the Fenland Local Plan (2014).</p>  |
| 6 | <p>The details submission as required by condition No 1 shall include a scheme for the provision of external lighting together with a light impact assessment. This should be undertaken by a suitably qualified professional, and the accompanying report would be required to demonstrate to what levels the residential properties will be potential affected by the proposed scheme and what mitigation measures are considered necessary. The report must include an Iso contour plan and demonstrate that any proposed lighting will be within parameters set in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, having regard to the relevant Environmental Zone, that being (E2) rural areas.</p> <p>Furthermore, the report shall address biodiversity concerns of external lighting from the development affecting wildlife habitats on adjacent woodland and shall include the following:</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: To protect the amenity of nearby properties in accordance with Policy LP16 and LP19 of the Fenland Local Plan(2014).</p>   |
| 7 | <p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment and in accordance with policy LP16 of the Fenland Local Plan (2014).</p>   |
| 8 | <p>The layout as required by condition No 1 shall include a 3metre wide green easement in which no development shall occur other than landscape planting, on the eastern edge that abuts woodland to the east. The layout as submitted in the Arboricultural report is not approved and carries no weight.</p> <p>Reason: In the interests of biodiversity for ecologically sensitive woodland and for the avoidance of doubt and in accordance with policy LP19 of the Fenland Local Plan (2014)</p>   |
| 9 | <p>The details submission as required by condition No 1 shall include a detailed design of the surface water drainage of the site. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.</p> <p>The scheme shall be based upon the principles within the agreed Flood Risk Assessment prepared by Residential and Commercial Engineering (ref: RACE/AH/URM/FRA4) dated 15 November 2022 and shall also include:</p> <ul style="list-style-type: none"> <li>a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events.</li> <li>b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance.</li> <li>c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);</li> </ul> |

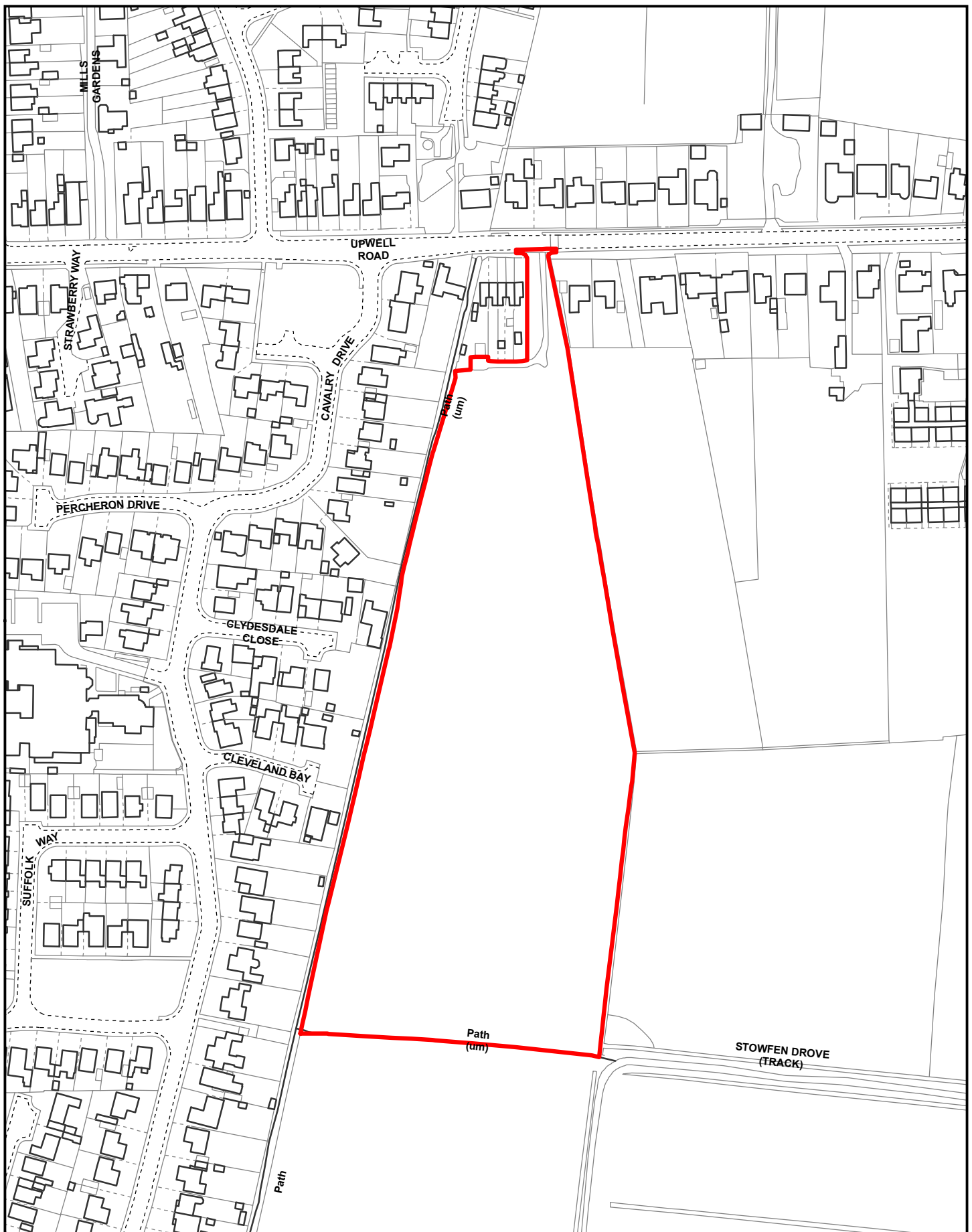
|    |  |
|----|--|
|    | <p>d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);</p> <p>e) Site Investigation and test results to confirm infiltration rates;</p> <p>f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;</p> <p>g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;</p> <p>h) Full details of the maintenance/adoption of the surface water drainage system;</p> <p>i) Permissions to connect to a receiving watercourse or sewer;</p> <p>j) Demonstration of connectivity between the proposed outfall from the site and Horse Moor Drain.</p> <p>k) Measures taken to prevent pollution of the receiving groundwater and/or surface water</p> <p>Reason To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts. Also, in accordance with Policy LP14 of the Fenland Local Plan (2014)</p> |
| 10 | <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>  |
| 11 | <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</p>  |

|    |  |
|----|--|
|    | <p>Local Planning Authority.</p> <p>Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development and in accordance with Policy LP14 of the Fenland District Plan (2014).</p>   |
| 12 | <p>Prior to occupation of the development, the developer shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan is to be monitored annually, with all measures reviewed to ensure targets are met,</p> <p>Reason: In the interest of sustainable transport in accordance with Policy LP15 of the Fenland Local Plan (2014).</p>   |
| 13 | <p>Prior to occupation of the development, the developer shall upgrade Public Footpath 156/8 to a 3m wide shared use path along the southern boundary of the site, and to a minimum 2m wide footway between the southwestern boundary of the site and the existing tarmacked section of Public Footpath 156/8 between nos. 51 and 47 Cavalry Drive via the permissive path (Woodman's Way). Details to be submitted to and agreed in writing with the Local Planning Authority.</p> <p>Reason: In the interest of sustainable transport and pedestrian safety and in accordance with Policy LP15 of the Fenland Local Plan (2014).</p> |
| 14 | <p>Prior to occupation of the development, the developer shall upgrade the side road junctions on the eastern side of Cavalry Drive to include drop kerbs and tactile paving. The developer shall also upgrade the Suffolk Way junction on the western side of Cavalry Drive to include drop kerbs and tactile paving. Details to be submitted to and agreed in writing with the Local Planning Authority.</p> <p>Reason: In the interest of pedestrian access and safety in accordance with Policy LP15 of the Fenland Local Plan (2014)</p>  |
| 15 | <p>Prior to the last dwelling being occupied the highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build).</p> <p>Reason: In the interest of satisfactory development and highway safety in accordance with Policy LP15 of the Fenland Local Plan(2014).</p>  |
| 16 | <p>Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.</p> <p>Reason: In the interest of satisfactory development and highway safety in accordance with Policy LP15 of the Fenland Local Plan(2014).</p>   |
| 17 | Notwithstanding the provisions of the Town and Country Planning  |

|    |   |
|----|---|
|    | <p>(General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved.</p> <p>Reason: In the interest of satisfactory development and highway safety in accordance with Policy LP15 of the Fenland Local Plan (2014).</p>   |
| 18 | <p>The details submission as required by condition No 1 shall include development details of existing ground levels (in relation to an existing datum point and refer to levels on the properties adjacent to the site), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.</p> <p>Reason To ensure that the precise height of the development can be considered in relation to adjoining dwellings and for the visual appearance of the finished development in accordance with policy LP16 of the fenland Local Plan (2014).</p>  |
| 19 | <p>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:</p> <ul style="list-style-type: none"> <li>a) the statement of significance and research objectives;</li> <li>b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</li> <li>c) The timetable for the field investigation as part of the development programme;</li> <li>d) The programme and timetable for the analysis, publication &amp; dissemination, and deposition of resulting material and digital archives.</li> </ul> <p>Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated 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 and Policy LP 18 of the Fenland Local Plan (2014).</p> |
| 20 | <p>The layout as required by condition No 1 shall include details of an access for emergency services separate from the access off Upwell Road.</p> <p>Reason: In the interests of public safety for developments over 100 dwellings in accordance with Policy LP15(c).</p>   |
| 21 | No construction work shall be carried out and no plant or power   |

|    |  |
|----|--|
|    | <p>operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the local planning authority.</p> <p>Reason: To protect the amenity of nearby properties in accordance with Policy LP16 of the Fenland Local Plan (2014).</p>   |
| 22 | <p>Prior to commencement of construction of the access road a noise assessment and noise mitigation scheme within the application site regarding traffic noise from the use of the proposed access road and its impact on occupiers of the adjacent dwellings (No's 81 and 85 Upwell Road) shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of management and maintenance. The development shall be implemented in accordance with the approved scheme prior to occupation of the first house and shall be retained thereafter.</p> <p>Reason: In the interest of the amenity of occupiers of No's 81 and 85 Upwell Road in accordance with Policy LP16(e) of the Fenland Local Plan (2014).</p>   |
| 23 | <p>No development shall take place (including demolition, ground works,) 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 interests of biodiversity and in accordance with Policy LP19 of the Fenland Local Plan.</p> |
| 24 | <p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.</p>   |

|    |   |
|----|---|
|    | Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP16 of the Fenland Local Plan(2014).  |
| 25 | <p>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> |
| 26 | <p>The detailed layout and the landscaping required by condition 1 shall be in broad accordance with the indicative parameters plan. No agreement is given to the removal of trees as detailed in the Arboricultural report unless a landscaping scheme seeks semi mature native replacement trees in the same or similar position.</p> <p>Reason: In the interests of visual and residential amenity and for biodiversity reasons in accords with policy LP16 and LP18 of the Fenland Local Plan.</p>  |
| 27 | Approved Plans  |



Created on: 03/02/2022

© Crown Copyright and database  
rights 2022 Ordnance Survey 10023778

**F/YR22/0062/O**

Scale = 1:2,500







This page is intentionally left blank



**F/YR22/0914/FDL**

**Applicant: Mr Adam Broadway  
Fenland Future Limited**

**Agent : Mr Simon Machen  
Barmach Ltd**

**Nene Parade Bedford Street, Chase Street, Wisbech, Cambridgeshire**

**Erect a care home for up to 70 apartments, commercial floorspace (Class E) up to 900 square metres and up to 60 dwellings (outline application with all matters reserved)**

**Officer recommendation: Grant**

**Reason for Committee: Fenland District Council is the landowner and applicant.**

---

## **1 EXECUTIVE SUMMARY**

- 1.1 This application is in outline form with all matters reserved for a care home up to 70 apartments, commercial floorspace (Class E) up to 900square metres, and up to 60 dwellings on Fenland District Council owned land and 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 site is within the Nene Waterfront and Port broad location for growth in the adopted local plan.
- 1.3 The proposal seeks regeneration of an important vacant riverside site.
- 1.4 Highways and drainage authorities support the proposal.
- 1.5 An outstanding issue with archaeology on a potentially historic sensitive site.
- 1.6 The application is in front of committee only because of it being a council application and the outstanding matter of archaeology.
- 1.7 The recommendation is to Grant consent unless the archaeology objection is not withdrawn within 4 months of this Committee meeting, in such time the application be refused being contrary to Policy LP18.

## **2 SITE DESCRIPTION**

- 2.1 The 1.78 ha site is located to the north of the town centre, near the local shops and amenities. Access is via the Freedom Roundabout/Lynn Road to Chase Street & Bedford Street. To the north-east of the site is the existing Boathouse Business

Centre, a prominent building of some design stature. Some modern houses face the site from the east on Chase Street. Older terraced housing surrounds the site from the north-east. The roads are currently one-way from the south.

- 2.2 The site is currently vacant, separated into distinct development plots by the roads. The site is adjacent to the port and Nene Parade, providing access to public realm and the riverfront. The site is somewhat unkempt and given its prominent relationship with the waterfront is perhaps in need of regeneration via redevelopment.
- 2.3 The site is largely within Flood Zone 3 around 1/3<sup>rd</sup> within Flood Zone 2.

### **3 PROPOSAL**

- 3.1 The outline application refers on the application form as 'Outline planning application (with all matters reserved) for the development of an extra care facility (up to 70 one- and two-bedroom apartments), Class E commercial units (up to 900 square metres), residential apartments and housing (up to 60 units) with associated landscaping, access and emergency works.'
- 3.2 The indicative layout shows development on the sites within and retaining much of the existing street pattern, suggesting retention of the current one-way traffic flows off Bedford Street and Chase Street.
- 3.3 Full plans and associated documents for this application can be found at:  
[F/YR22/0914/FDL | Erect a care home for up to 70 apartments, commercial floorspace \(Class E\) up to 900 square metres and up to 60 dwellings \(outline application with all matters reserved\) | Nene Parade Bedford Street Chase Street Wisbech Cambridgeshire \(fenland.gov.uk\)](#)

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

- F/YR22/0309/F Erect 8 x residential units (1 x 3-storey block of 1-bed flats) involving demolition of existing building  
5 Bedford Street, Wisbech  
Granted 26.08.2022
- F/YR04/0036/O Residential Development and 640 sq. Metres mixed use including A1, A2, A3, B1 and D2 uses (0.79 ha)  
Land East and West Bedford Street, Wisbech  
Granted 30.04.2004
- F/YR07/0544/F Erection of a part 3-storey, part 2-storey office building comprising; meeting room, harbour master's office, washroom facilities for the river user, yacht club, cafe and offices and erection of 12.5 metre high antenna mast to roof and 15.0 metre high (to hub) wind turbine to side, provision of bin storage and car/cycle parking  
Land Fronting Silver Street/Chase Street/Russell Street /Nene Parade,  
Granted 27.07.2007
- F/YR09/0074/FDC Pedestrianisation works to Nene Parade between Russell Street and Freedom Bridge, new access road to Wisbech Police Station and signal control pedestrian facility across Freedom Bridge  
Land At Freedom Bridge and Nene Parade,  
Granted 26.11.2010
- F/YR09/0072/FDC Construction of link road between Chase Street and De Havilland Road Land Between Chase Street and De Havilland Road, Wisbech  
Granted 26.03.2012
- F/YR03/0810/O Residential Development (0.79 ha) Land East and West Bedford Street, Wisbech  
Refused 22.12.2003
- F/YR06/1129/F Erection of a part 3-storey, part 2-storey office building comprising; meeting room, harbour master's office, washroom facilities for the river user, yacht club, cafe and offices. Erection of 12.5-metre-high mast on roof of 2-storey building, provision of bin storage and car/cycle parking  
Land Fronting Silver Street /Chase Street / Russell Street /Nene Parade, Wisbech  
Granted 19.12.2006
- F/YR06/0976/F Remediation of previously developed land (incorporating excavation and back filling) and implementation of first phase of highway and landscape works including drainage infrastructure, laying of services, creation of landscaped square (Harbour Square), creation of pedestrian orientated space along Nene Parade, Silver Street / Russell Street  
Phase 1 Land Fronting Silver Street / Chase Street /Russell Street/Nene Parade,  
Granted 16.11.2006
- F/YR08/0617/FDC Remediation of the remaining land and associated ground works including the raising of the site levels to accord with the recommendations of flood risk assessment  
Land Fronting Silver Street and Chase Street And Russell Street /Nene Parade, Wisbech  
Granted 02.09.2008

#### **5 CONSULTATIONS**

## 5.1 Senior Archaeologist (CCC)

*It is considered likely that important archaeological remains survive on the site and that these would be severely damaged or destroyed by the proposed development. This site lies to the north of the early medieval core of Wisbech, which was surrounded on its north and east side by the Well Stream (the former outfall of the Great Ouse until diverted in 1300) and by the canalised route of the River Nene to the west (CHER ref MCB26862). The core area contains the castle of Wisbech (Cambridgeshire Historic Environment Record reference 01926) later re-used as a prison, around which the medieval town developed. The 1st edition Ordnance Survey mapping dated to 1885 indicate that the development area was covered by timber yards, the Union Brewery, limekilns, a manure works and a foundry alongside manure works, gas works, coal works and an industrial railway. Periodic inundation of the area from overbank flooding of the pre-drainage river systems means that earlier archaeological deposits are likely to be sealed beneath silt and clay river flood deposits and, where archaeological investigations have occurred, good levels of survival of medieval and post-medieval remains have been demonstrated at sites such as Market Mews (CB14619) and Sandyland (ECB2489).*

*Owing to the archaeological character and significance of the wider landscape outside the proposal area and lacking the baseline physical evidence from the site, accordingly the application cannot be supported in its current form as this evidence is required to inform a planning decision. Consequently, we recommend that the site is subject to an archaeological evaluation, to be commissioned and undertaken at the expense of the developer and carried out prior to the granting of planning permission. The evaluation results should allow for the fuller consideration of the presence/absence, nature, extent,*

19<sup>th</sup> April

*My comments to the applicant's archaeological consultant were that they needed to produce a professional standard archaeological desk-based assessment, incorporating a heritage impact assessment, to support their planning application, as per NPPF para 194. This is not an expensive or time-consuming exercise and can be completed in a few days – it should be very straightforward for the applicant's archaeologists to produce. We had previously received a document that was well short of professional standards.*

*Once I see the updated report then we may be happy to go by condition, but the approach depends greatly on the applicant's proposed foundation design. There is high potential for significant archaeology (remains of Wisbech's medieval/post-medieval port), but this is buried at some depth, so we just need to see if the applicant's foundation design involves substantial physical impact at that depth.*

20<sup>th</sup> April

*It's about getting the applicant to have the right information/documentation in place that we can reasonably say if challenged that any planning decision has been appropriately informed in archaeological terms. I would expect the desktop survey to assess likely depth of remediation (and likely depth of archaeology). This would be particularly effective if there is any up-to-date borehole data/ground investigation data that could be incorporated. Based on the findings of that study we would probably have to choose between conditioning the foundation type/depth or requiring the applicant to do predetermination trenching and/or ground investigation. A watching brief would not be suitable. I imagine they are likely to want to pile in this location.*

*Some of the confusion with this one comes from us being sent the existing 'archaeological scoping report' directly by the applicant's archaeological consultant with no mention of it being related to this planning application, and being told that it was a very early 'scoping report' for a future planning application!*

## **5.2 Section 106 Officer**

*Commenting on the applicant's viability assessment, which concludes that if the proposal included affordable housing it would not be viable, I've reviewed the inputs and confirmed with the agent that they all seem reasonable.*

Officer Comment: The conclusion therefore is that the development is unable to provide any affordable housing for reason of viability.

## **5.3 Designing Out Crime Officers**

*Thank you for the opportunity to comment on this planning application, I have viewed the supporting documents in relation to crime, disorder, and fear of crime, and searched the constabulary crime and incident systems covering this location for the past two years - a two-year period would usually provide sufficient information however, these figures also take account of Covid-19 lockdown and restrictions. I would consider this to be an area of low/medium vulnerability to the risk of crime at present. There is no specific mention in the documents in relation to crime, disorder and the fear of crime, whilst some security measures have obviously been considered. It is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, and the environment provide a safe place for employees and visitors.*

*Having looked at the proposed layout for the development this is in keeping with the local area, it appears that the residential properties will be provided with parking in curtilage to front and side of properties, some homes have back-to-back protected rear gardens which reduces the risk and vulnerability to crime and have been provided with defensible space to their front.*

*I would like to see a lighting plan including layout, lux levels and calculations once available!*

*What access control and compartmentalisation measures are being implemented for the flats/apartments?*

*Internal and external cycle/mobility scooter stores, access control fitted with self-closers, push button egress residents only!*

*Boundary treatments around the parking courts should be 1-2 meters high, well maintained in order to prevent light spill from vehicles over neighbouring properties.*

*Commercial premises security, and Curtain walling if applicable.*

*Whilst this is at an early stage in the process, I would like the above comments considered and potential conditioning.*

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

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

*Having studied the content of the Noise Assessment report provided by Tetra Tech (Revision 3 / 24.06.2022), I am satisfied with the methodology and subsequent findings having regard to the appropriate acoustic standards in this scenario. This is however based on the assumption that glazing and ventilation standards will be installed in accordance with those recommended in the*

*aforementioned report. Similarly, this has relevance to external amenity areas where relevant standards appear to be met with the inclusion of a minimum height 1.8m close boarded fence.*

*In the event that planning permission is granted, I would recommend the inclusion of a condition that ensures appropriate noise mitigation measures are implemented.*

*Regarding ground contamination, I have located a hard copy of the Cognition Land & Water Limited 'Report on Remedial Works' (Ref: CLW00189) Issue status 'final' and dated June 2010. I consider this to be the most up to date information available and supersedes the September 2009 'draft' version. The main report, available in hard copy form and appendices, some of which are in hard copy form and remainder available on disc, confirms that necessary validation took place where relevant as identified during the remediation strategy. The locations in question (Plots 1 – 5) for proposed development under F/YR22/0914/FDL mirror some of the locations confirmed as validated in the aforementioned report (Validation Drawing plan ref: CLW/LS/983-1A). The report also includes a concise validation grid drawing that matches up with associated labelled (spray painted) ground/site photographs. Relevant documentation for imported/exported materials and licensed disposal certification is also available to further confirm that the validation process was indeed completed in accordance with the requirements set out in the remediation strategy. 2 Whilst the above negates the requirement for a further contaminated land assessment due to the land use remaining unchanged and vacant since the initial involvement as part of the Nene Waterfront Regeneration, this service would still welcome the inclusion of the unsuspected contaminated land condition in the event that planning permission is granted.*

*A CEMP condition is requested.*

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

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

### *1. Proposed 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 District and City councils.*

*At present, the surface water strategy proposes to discharge surface water at a rate of 6.9 l/s which demonstrates 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, exceeds that of the existing site. This may increase the flood risk on site and in surrounding areas.*

### *2. Impermeable area discrepancy*

*As per Tables 4 and 6 of the Flood Risk Assessment & Drainage Strategy (dated June 2022), there appears to be a discrepancy in the total proposed impermeable areas. As such, we require clarification of the correct impermeable area for the development.*

### *3. SuDS proposals*

*Although it is positive to see the inclusion of permeable paving as part of the surface water strategy, paragraph 163 of the National Planning Policy Framework requires development to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Despite the applicant providing a review of viable SuDS features, green roofs.*

*21<sup>st</sup> February - We have reviewed the following documents:*



• *Flood Risk Assessment & Drainage Strategy, Tetra Tech Limited, Ref: 784-B030853 Rev 04, Dated: 8 February 2023*

*Based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and swales with tanked attenuation, before discharging into the adjacent main river at a rate of 1.5 l/s in all storms up to and including the 100 year including a 40% allowance for climate change. We request conditions are imposed.*

## **5.6 Anglian Water**

**Section 1 - Assets Affected** There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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

**Section 2 - Wastewater Treatment** The foul drainage from this development is in the catchment of West Walton Water Recycling Centre that will have available capacity for these flows Planning Report

**Section 3 - Used Water Network** This response has been based on the following submitted documents: Flood Risk Assessment & Drainage Strategy 784-B030853 Jun 22; The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

**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. Anglian Water has reviewed the submitted document Flood Risk Assessment & Drainage Strategy 784-B030853 Jun 22 and can confirm that the proposed surface water drainage strategy is acceptable as outlined in section 4.5.3 Existing and Proposed Discharge Rates, proposing an agreed upon discharge rate of 6.9l/s. It is required that these documents be listed as approved plans/documents if permission is granted. Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage. We note the applicant states the SuDS scheme will be adopted in part by Anglian Water. As yet the applicant has not engaged with us, therefore we cannot comment, at this stage, on the SUDS proposal's suitability. Anglian Water encourage the use of SuDS and if the developer wishes us to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry, please contact [planningliaison@anglianwater.co.uk](mailto:planningliaison@anglianwater.co.uk)

## **5.7 Wisbech Town Council**

That the application be supported.

## **5.8 Cambridgeshire County Council Highways Authority**

6<sup>th</sup> September 2022

Transport Assessment Group

*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 in the form of a revised Transport Assessment or Addendum and reviewed*

11<sup>th</sup> November

*The document reviewed is the Transport Statement Addendum dated October 2022 prepared by Tetra Tech to accompany the planning application for the mixed-use development comprising a Care Home for up to 70 apartments, a 900sqm commercial unit (Class E), and up to 60 dwellings on land at Nene Waterfront, Wisbech.*

*The development site forms part of the LP8 Strategic Allocation for around 300 new homes, and leisure and retail uses identified within the Fenland Local Plan (2014).*

*Public Transport Accessibility*

*The development site is situated within acceptable walking distance to Wisbech Bus Station. It is noted highway improvements are proposed at the Bus Station as part of the Wisbech.*

*Access Study.*

*Development Proposal*

*The proposals comprise the development of a Care Home for up to 70 apartments, a 900sqm commercial unit (Class E), and up to 60 dwellings.*

*Access and Servicing*

*A new 2m wide footway will be delivered on the western side of Chase Street along the eastern frontage of the site. It is noted, pedestrian drop kerb crossing points will be installed along this footway to link to the existing provision on the eastern side of Chase Street to connect this footway to the existing provision on Lynn Road. Given part of these works would fall outside the red line boundary of the site, the crossing points will need to be secured through a planning condition. The works can be accommodated within both land within the applicant's control and land within the highway boundary. It is noted new 2m wide footways will also be delivered on both sides of Bedford Street within the application site. Two connections will be delivered as part of the proposals to the shared space along the waterfront. These connections are anticipated to facilitate cycle trips. It is noted prior to the highway works proposed at the Freedom Bridge roundabout as part of the Wisbech Access Study, the traffic circulations on Chase Street, Bedford Street, and Russell Street will remain as existing.*

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

*Trip Generation*

*Multi-modal trip generation has been determined using TRICS software. The total*

*development is anticipated to generate 29 vehicle trips in the AM peak and 31 vehicle trips in the PM peak.*

#### *Traffic Impact*

*The proposed development is not anticipated to cause detriment to the operation of the surrounding highway network.*

#### *Conclusion*

*The Highway Authority do not object the proposals subject to recommended conditions.*

*CCC Highways DM Group 9<sup>th</sup> May*

*As this is an outline application with all matters reserved, my comments relate to the principle of development only, which is broadly acceptable. However, the following points require attention to make the development acceptable in highway terms:*

- While the proposed site layout is indicative, the access to the car park between Plot 5 and Cambridgeshire Constabulary is not accepted. The existing spur road is public highway and serves as a means of access for emergency service vehicles. A footway must be retained around the perimeter of the carriageway as the road is not suited for safe shared use by virtue of the quantum and nature of anticipated use. Furthermore, while new accesses onto this road are permissible, it cannot be integrated into a parking court, where manoeuvring vehicles are likely to conflict with Police vehicles.*

*Below are comments which largely relate to future reserved matters applications, but some will necessitate changes to the Design and Access Statement:*

- It is proposed to pedestrianise Russell Street between Nene Parade and Bedford Street and introduce a surrounding landscaped public realm. Public highway should not account towards public open space, and it may be beyond the resource capability of the Local Highway Authority to maintain certain soft landscaped proposal. Should the application be permitted pre-app with the LHA is recommended in advance of preparing a reserved matters submission. The applicant may wish to pursue stopping up of part of Russell Street via Section 247 of the Town and Country Planning Act 1991 in order to maximise opportunities along this stretch; a path for pedestrians, cyclists and / or emergency vehicles serves a highway function, which surrounding public realm may not. But this may be complicated by the presence of public sewers along the road. While I don't object to this in principles, such a stopping up order must be granted by the Secretary of State.*
- The treatment to the existing highway within the application boundary (Chase Street, Russell Street, Bedford Street) will need to conform with CCC's General Principles for Development, a copy of which can be found at the link below. While details will be agreed as part of any future reserved matters applications, consideration will be needed for pedestrian / cycle provision, visibility splays and vehicle tracking. The applicant should note that the LHA will not adopt linear on-street parking along Bedford Street and instead a continuous footway adjacent to the carriageway must be maintained.*
- Direct access on Russell Street between Plots 12 and 16 as shown on the indicative layout is not appropriate. The placement between two sharp bends*

*means that road users would have insufficient forward visibility to a vehicle turning into / out of a parking space.*

- *The drainage strategy for the site utilises permeable surfacing for private drives. The LHA does not accept permeable surfacing in isolation and where such areas fall towards public highway, a secondary means of surface water interception is required.*

*If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations.*

Officer comments: These comments are noted. The highway spur into the police station is likely to impact upon the space for and development of Plot 5 perhaps reducing the developable footprint. Similarly, the potential pedestrianisation of the western spur of Russel Street as indicatively shown within the TA documents would be matters for the future developer of the site. These concerns will be attached as informatives, and it will be incumbent of any future developer to address these. However, at present no details are submitted for determination and whilst clear constraints for the future, cannot be used to refuse the matter at this time.

## **5.9 Environment Agency**

*The submitted FRA, dated June 2022 and referenced 784-B030853, does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:*

- o consider how people will be kept safe from the identified flood hazards*
- o Provide enough information relating to finished floor levels or drawings of floor plans/elevations*

*The FRA has acknowledged the residual flood risk from tidal breach and overtopping, however, has not defined the breach hazard and overtopping hazard by mapping depth bands on site.*

*It is unclear which topographical levels for each plot the FRA is considering when calculating the levels in Table 2.1 and 3.1. Detailed drawings of floor plans and elevations for each plot should also be provided. We agree that there should be no ground floor sleeping across the site.*

*All finished floor levels must be stated in mAOD for each area of development. It is insufficient to state finished floor levels will be set 'by disabled access requirements based on surrounding levels'. All finished floor levels must be above the maximum breach depths for the 0.5% scenario (if 2 storeys.) It is not known whether the flood risk mitigation measures proposed to address flood risk for the lifetime of the development are adequate to make the development resilient to the expected flood depths arising from a breach in the defences during a flood that has a 1% fluvial / 0.5% tidal chance of occurring in any one year up to 2115. We request finished floor levels must be set 1m-1.6 (depth band) above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth. For two-storey development, proposals must use the 0.5% 2115 depth scenario. For single storey development, proposals must use the 0.1% 2115 depth scenario.*

1<sup>st</sup> November

*We have reviewed the submitted flood risk assessment undertaken by Tetra Tech For Fenland Future Limited (dated June 22, ref: 784-B030853) and are satisfied to remove our holding objection.*

*We have set out our position in the flood risk section below.*

#### *Flood Risk*

*To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA are:*

- Finished floor levels of Plot 3 to be set no lower than 5.2mAOD and dwellings must be 2 storey*
- Finished floor levels of Plot 2 to be set no lower than 5.1mAOD and dwellings must be 2 storey*
- Finished floor levels of ground floor commercial Plot 1 to be set no lower than 4.8mAOD with safe refuge to higher floors provided*
- Finished floor levels of the first floor residential Plot 1 to be set no lower than 5.4mAOD*
- Finished floor levels of plot 4 will be set no lower than 5.4mAOD with safe refuge provided to higher floors of the apartments*
- Finished floor levels of Plot 5 will be set no lower than 5.5mAOD with no ground floor sleeping*
- All buildings will have flood resilient construction of 300mm above the FFL*

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

#### *Safety of Inhabitants – Emergency Flood Plan*

*We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.*

*Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.*

*We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. This indicates that there will be:*

- A danger for all people (e.g., there will be danger of loss of life for the general public and the emergency services).*

*We remind you to consult with your Emergency Planners and the Emergency Services on the evacuation proposals.*

*Advice to LPA/applicant*

*The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.*

- *Adequacy of rescue or evacuation arrangements*
- *Details and adequacy of an emergency plan*
- *Provision of and adequacy of a temporary refuge*
- *Details and adequacy of flood proofing and other building level resistance and resilience measures*
- *Details and calculations relating to the structural stability of buildings during a flood*
- *Whether insurance can be gained or not*
- *Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased*

*Environmental permit*

*The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:*

- *on or within 8 metres of a main river (16 metres if tidal)*
- *on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)*
- *on or within 16 metres of a sea defence*
- *involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert*
- *in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission*

*The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.*

Officers note. Despite the advice given regarding emergency evacuation measures, the Environment Agency offers no objection and states it is not responsible for the above matters. Nevertheless, appropriate conditions are attached.

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

The County Council gave justification for the following contributions:

- Early Years see formula in appendix 3, at £18,187 per place, expected to be 18 places in Wisbech.
- Primary school not required as capacity exists.
- Secondary (see formula in appendix 3) Expected 15 secondary school places generated at a cost of £26,366 per place, Thomas Clarkson Academy (Secondary school).
- Libraries £8,850 Wisbech Library
- Monitoring £150

Background context is given based upon the indicative scheme submitted in support of the application.

### **5.11 County Development, Minerals & Waste Planning Group**

*The proposed development is partially located within the Consultation Area for the safeguarded Transport Infrastructure Area (TIA) known as Wisbech Port as identified under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) (MWLP).*

*Policy 16 seeks to safeguard waste management facilities. It states that development within a CA will only be permitted where it is demonstrated that the development will not prejudice the existing or future use of the area, i.e. the Port for which the CA has been designated; and not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated.*

*It is noted that the proposed development is for the development of a care home including 70 apartments a commercial unit (Use Class E), and 70 dwellings. The maps indicate the site is approximately 220 metres south-east of the TIA, and only the northern most part of the site is within the CA. Several industrial buildings are located between the Port and the proposed site. It is further noted, that whilst the Port can be accessed from the south via Silver Street, the main entrance to the port appears to be via Mount Pleasant Road. The Planning, Heritage and Viability Statement (PHVS) does make reference to the MWLP in respect of minerals safeguarding, which as it notes is not relevant in this instance, but it does not address the safeguarded TIA.*

*To demonstrate that the proposal will not prejudice the use of the Port and therefore meet the requirements of Policy 16, the MWPA requests that the Applicant provides a brief addendum to the PHVS. This addendum should identify if there are any conflicts between the industrial nature of the port and the proposed development, and where those may occur, propose appropriate mitigation. Depending on the relationship between a port and a development site, common of conflict can include noise, dust, traffic (both vehicle and pedestrian), and light.*

### **5.12 Cambridgeshire Fire & Rescue Service**

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

### **5.13 NHS England (East)**

*I refer to the above planning application and advise that, further to a review of the applicants' submission, the following comments are with regard to the primary healthcare provision on behalf of CAPICS.*

*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 Wisbech Practices: Trinity Practice, North Brink and Clarkson. A contribution will be required to mitigate the impacts of 60 dwellings of £36,060.89.*

*2. A 70 bed care home would require a mitigation of £85,893.25. CAPICS calculates a total NHS mitigation of £121,954.14. Payment should be made before the development commences.*

### **5.14 Wildlife Officer**

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

*While I acknowledge that it is unlikely that the proposal will create new negative impacts for protected species outside of nesting birds, there is potential for a large removal of habitat and no assessment of the potential loss to biodiversity has been provided. The PEA proposes several recommendations in order to minimize this impact and I am confident that with the appropriate investigations a no net loss of biodiversity can be found. The conditions above ensure that no net loss of biodiversity will be achieved, and all recommendations folded into the proposal documentation.*

*It is noted that Japanese rose (Rosa Rugosa) was discovered on site, please note that this is a Schedule 9 species and should be removed from the site with all appropriate safeguards against spreading. These details should be included within the CEMP. Please note that the protection of the River Nene is of utmost importance in regard to this development. Any and all negative environmental and ecological impacts both during construction and operation should be mitigated for and clearly demonstrated within the above documentation.*

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

### *Fenland Local Plan Policy LP5 Requirements*

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

*I note that the proposed care home, to be delivered on plot 5 of the site, is proposed as an extra care scheme in the Design & Access agreement submitted as part of this application. The proposal consists of:*

*48 x 1 bed flats at 56sqm each*

*12 x 2 bed flats at 71sqm each*

*The 60 dwellings are across the remaining 4 plots but with no detailed information about the unit types proposed for these dwellings at this stage.*

### *The Fenland Viability Report (March 2020)*

*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 considered when determining planning applications from May 2020 onwards.*

*Consequently, while the Council aims to deliver policy compliant 25% affordable Housing provision on qualifying schemes where possible, it is acknowledged that a reduced percentage of affordable housing via planning obligations to a maximum of 20%, will be achievable in most instances.*

*The current tenure split we would expect to see delivered for affordable in Fenland is 70% affordable rented tenure and 30% shared ownership. In the event that Planning considers the dwellings proposed as extra care fall into class use C3(a), we would expect 20% to be delivered as affordable housing. We would also seek that 20% of the other residential dwellings across plots 1-4 are provided as affordable housing.*

## **5.16 Local Residents/Interested Parties**



## **Objectors**

4 letters of objection received regarding the following:

- A land agent objected considering to permit a council application would set a precedent. “The applicant is Fenland Futures Ltd which is based at Fenland Hall, being Funded by tax-payers money via Fenland District Council and yet the planning application is being determined by Fenland District Council own planning department. In the interests of transparency something does not seem right here”.

Residents of Chase Street and Ogden Gardens objected on the following matters:

- The roads are over congested, needs improving, could one-way be reversed, emergency vehicles cannot access, traffic will be further generated from new housing,
- Is there a need for a care home,
- The land has been vacant for years, could it be a small park or additional public open space
- Overdevelopment
- Does not comply with policy, no accompanying viability report
- Concerns of an existing resident overlooking a car park,
- Concerns of what possible commercial uses might occur, not policy compliant

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**  
**National Planning Practice Guidance (NPPG)**  
**National Design Guide 2021**

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

Homes and Buildings

Resources

Lifespan

**Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**  
Policy 16 (Consultations Area)

**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
- LP8 – Wisbech

This area to the east of River Nene and north of the town centre and its continuing development is key to the regeneration of the town. The southern most part to include sites around the boathouse will be a mix of residential(300 houses) retail and leisure uses.

- 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:

- LP1 Settlement Hierarchy
- LP2 Location of Residential Development
- LP5 Health and Well being
- LP7 Design
- LP8 Amenity provision
- LP11 Community safety
- LP12 Housing need
- LP16 Town Centres
- LP17 Culture, Leisure, Tourism and community facilities
- LP19 Strategic Infrastructure
- LP20 Accessibility and Transport
- LP22 Parking provision
- LP23 Historic Environment
- LP24 Natural Environment
- LP25 Biodiversity Net Gain
- LP27 Trees and Planting
- LP28 Landscaping
- LP29 Green Infrastructure
- LP31 Open Space
- LP32 Flood and water management.
- LP33 Contamination
- LP34 Air Quality
- LP35 Regeneration Wisbech.

## **8 KEY ISSUES**

- **Principle of Development**
- **Character of the Area**
- **Affordable Housing**
- **Residential amenity**
- **Highway safety**
- **Flood Risk and Climate Change**
- **Archaeology**
- **Other – Minerals and Waste**

## **9 BACKGROUND**

- 9.1 The Nene Waterfront SPG was produced prior to the adoption of the Local Plan. Policy LP8 of this relates to Wisbech and makes reference to the Nene Waterfront and Port broad location for growth and consequently the SPG, advising that updated guidance is to be produced, but in the meantime the SPG forms part of the policy framework and its requirements are to be applied flexibly taking account of current market conditions. No updated guidance has been produced to date and as such the SPG remains a relevant consideration.
- 9.2 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 site is part of the Nene Waterfront and Port broad location for growth identified in Policy LP8 of the adopted Local Plan. The policy refers to an updated guidance document being produced however this has not occurred.
- 10.2 The site has good access to services and amenities and considered a sustainable location. The principle of largely residential (including an extra care facility as significantly residential in character) accords with the general emphasis of the Broad location for growth and policy LP8. The vacant site is in need of redevelopment.
- 10.3 The proposal indicates it seeks to retain existing street patterns. The County Council Minerals and Waste officer refers to the proposed development is partially located within the Consultation Area for the safeguarded Transport Infrastructure Area (TIA)). The policy states that development within a CA will only be permitted where it is demonstrated that the development will not prejudice the existing or future use of the area, i.e. the Port. Given minimal changes to the

access arrangements being proposed, it is difficult to see any negative aspects resulting from the proposal and in that context the principle is acceptable subject to considerations of other policies.

### **Character of the Area**

- 10.4 No details are proposed other than indicative demonstration of blocks on existing plots. The site is currently vacant land. Whilst a significant redevelopment is likely to change to the character of the area, it is considered desirable and likely to lead to some regeneration benefits. Careful consideration at the detailed stage is advisable. It is hoped a similar impact will take place as occurred with the Boathouse Business Centre, which has had a positive outcome. Consideration of any detailed scheme would benefit from a pre-application approach to officers to address design and landscaping particularly considering the waterside aspect.
- 10.5 An indicative storey height drawing is included which refers to plots varying between 2.5 storeys to 4 storeys, but this is not for approval, with all details reserved. Attention should be given to development that faces existing housing on Chase Street in order not to overwhelm the existing housing. Nevertheless, at this stage no harm to the character of the area is considered likely and therefore currently accords with policy LP16.

### **Affordable Housing and Infrastructure.**

- 10.6 Following the Council's own viability assessment as part of the evidence base for the new draft local plan, the Council accepted a position that 20% affordable housing south of the A47 with £2000 per dwelling infrastructure contributions, and 10% provision of First Homes north of the A47 and no infrastructure contributions would be a generally viable level of contribution for sites to deliver. However, the applicant has submitted a case specific viability assessment which confirms no affordable housing will be delivered due to the viability position of the site.

### **Residential Amenity**

- 10.7 Consideration needs to be given to the storey heights of the indicative Plots 1 where the buildings may directly face existing two-storey housing (a condition is recommended). The indicative storey heights plan indicates Plot 1 to be 3.5 storeys. This directly faces housing on Chase Street. A direct relationship of 2 storey facing 3.5 is unlikely to be acceptable. The layout will need to consider appropriate amenity for both immediate neighbours and future occupiers, but this is not a matter for current determination. Conditions regarding construction nuisance are attached. Currently the proposal is not considered to harm the amenity of residents and therefore accords with Policy LP16(e)

### **Highway Safety**

- 10.8 The County Council Transport Assessment Team has considered the application and has no objection subject to attached conditions. It is considered that parking should be provided in accordance with current standards.
- 10.9 The Development Management section of CCC Highways raise concerns particular regarding detailed design of the existing access road to the police station on what is highway land, and possible pedestrianisation of part of Russel Street. But also, compliance with the LHA standards and the use of permeable paving. However, the DM section has sought to address indicative layouts and even an indicative layout within the TA document. None of these carry any weight in the current application being for indicative purposes only. The applicant and any future developer should take note of the LHA's concerns as these matters

may need to be addressed (dependant on which scheme comes forward at the reserved matters stage).

- 10.10 There are no highway safety reasons on which to refuse this application given that no details are being proposed. Care should be taken with submission of reserved matters taking on board the LHA concerns attached to this decision.

### **Economic Growth**

- 10.11 The retail elements are small in overall scale but give an opportunity to both provide some degree of local amenity and provide an active frontage and uses less vulnerable than residential sat ground floor in areas of flood risk. Mixed retail or commercial uses are welcomed in or near town centres. The actual mixes and juxtaposition to residential needs to be considered at the detailed layout stage. Nevertheless, such proposals accord with Policy LP6.

### **Flood Risk and Climate Change**

- 10.12 The site is approximately 2/3<sup>rd</sup> within Flood Zone 3 around 1/3<sup>rd</sup> within Flood zone 2 as such development is in areas not recommended due to high flood risk. Therefore, normally the application would be required to pass the sequential test. However, as this site is allocated in the adopted local plan it is considered to have passed the sequential test.
- 10.13 The applicant has amended the Flood Risk Assessment as requested by the LLFA which includes guidance on finished floor levels. Requested conditions are attached and the LLFA and Anglian Water has no objection. The Environment Agency makes detailed reference to concern regarding levels and to the need for evacuation routes and to address with emergency services and emergency planning facilities. However, the EA stresses it is not the responsible organisation. The emergency services make no reference at all to evacuation or safety matters other than the need to request fire hydrants. The Council does not have emergency planning service that comments on planning applications. However, the development as it comes forward with the reserved matters application will be required to accord with the approved FRA and thereby accord with the EA's wishes. No single storey housing will come forward and any development below permitted finished floor levels will not be of a vulnerable use without accommodation above. A planning condition is attached seeking provision of satisfactory evacuation routes. In this context it seems the sensitive area in which the application is situated has been considered and will need to be brought forward in accordance with the approved FRA document. It will then have reasonably addressed developing in a high risk of flooding area and therefore accords with policy requirements.
- 10.14 It would be welcomed if the detailed development address sustainable construction issues, for example the use of grey water, particularly relevant in Fenland and in areas of high flood risk, and/or photovoltaics, heat source pumps, or measures over and above the building regulations. A nearby affordable development on the edge of Wisbech is currently providing photovoltaics to all dwellings suggesting therefore some measure that address climate change could be provided.

### **Archaeology**

- 10.15 This site is located on an area of archaeological sensitivity. The County Archaeologist had previously confirmed the potential for important archaeological remains to survive on the site. It lies to the north of the early medieval core of Wisbech which was surrounded on its north by the 'Well Stream' and by the

canalised route of the Nene to the west. The 1<sup>st</sup> edition OS map indicates the area was covered by timber yards, the Union Brewery, limekilns, manure works, a foundry, industrial railway etc. Therefore, the Archaeologist considers earlier archaeological remains may be sealed beneath silt with possible medieval and post-medieval remains. Therefore, further evidence is necessary in order to proceed.

- 10.16 The applicant is of the view that a planning condition should be attached, and further work be undertaken beyond this decision. However due to the sensitivity involved the County Archaeologist advises the LPA against this action. Until greater degree of knowledge is obtained the appropriate course of action cannot be determined. Therefore, the application arrives at this point. However, the applicant has requested the application comes to committee. The County Archaeologist has requested appropriate assessment since September 2022. However, due to delays with the remediation data (previous application included remediation works due to contamination) the applicant submitted an archaeological scoping assessment. However, the current information is inadequate and further work is required. Therefore, to bring this matter to a head it is suggested that a further period of 4 months is given to comprehensively address the archaeological assessment required. The Senior Archaeologist considers this adequate time to resolve matters in a satisfactory manner. However, the recommendation is to refuse the application if the outcome has not been resolved after the 4 months. It is recommended the applicant urgently communicates with the County Archaeologists in order to proceed.

### **Other Considerations**

#### **Minerals and Waste**

- 10.17 The applicant has responded to the County Planning Officers comments. The development is not considered likely to impact on the use of the Port and Waste facilities. The Port was consulted but made no representation. This is not considered likely to result in any negative impact on the Minerals and Waste plan.

#### **Gas pipeline**

- 10.18 There is a gas pipeline on the eastern edge of the site which the applicant is aware of. Any application should address this constraint at the detailed stage.

#### **Issues of Probity**

- 10.19 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.

## 11 CONCLUSIONS

- 11.1 The principle of development accords with adopted policy. This part of Wisbech is in need of regeneration/redevelopment. The supporting documents may have some merit however no details are being submitted for determination and therefore it is only the principle being determined. Highway concerns can be considered at the time of the reserved matters. However due to the sensitive nature of the archaeology, this needs to be addressed pre-determination. Therefore, whilst recommending the application be Granted this is subject to the archaeology be satisfactorily addressed within 4 months of this committee. After that the committee delegate responsibility to the Head of Planning to refuse the application as detailed below.

## 12 RECOMMENDATION

**It is recommended to grant planning permission with delegation to the Head of Planning to finalise conditions, unless the County Council Archaeologist has failed to confirm removal of their objection within 4 months of the date of this committee in which case the application be refused for the following reason:**

Insufficient information relating to the potential impact that the development may have on buried non-designated heritage assets of archaeological interest has been provided. The application is therefore contrary to NPPF para 194, which requires an applicant to describe the potential impact of any proposal on the significance of heritage assets, and policy LP18 of the Fenland Local Plan (2014).

An initially suggested list of proposed conditions is 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 means of access thereto;</li> <li>v. 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 3 years from the date of this permission.</p>  |

|   |  |
|---|--|
|   | Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990  |
| 3 | <p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>  |
| 4 | <p>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 LP 14 of the Fenland Local Plan 2014.</p>  |
| 5 | <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, and in accordance with Policy LP 14 of the Fenland Local Plan 2014.</p> <p>Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development.</p> |
| 6 | <p>The submission of a details as required by condition No 1, shall include an Emergency Evacuation Plan to address the following requirements:</p> <p>Adequacy of rescue or evacuation arrangements<br/> Details and adequacy of an emergency plan<br/> Provision of and adequacy of a temporary refuge<br/> Details and adequacy of flood proofing and other building level resistance and resilience measures</p> <p>Reason: In the interests of safety of future residents and accordance with Policy LP14 of the Fenland Local Plan adopted 2014.</p>   |
| 7 | Prior to occupation of the development, the developer shall be responsible for the provision of Welcome Travel Packs to be delivered to each new   |



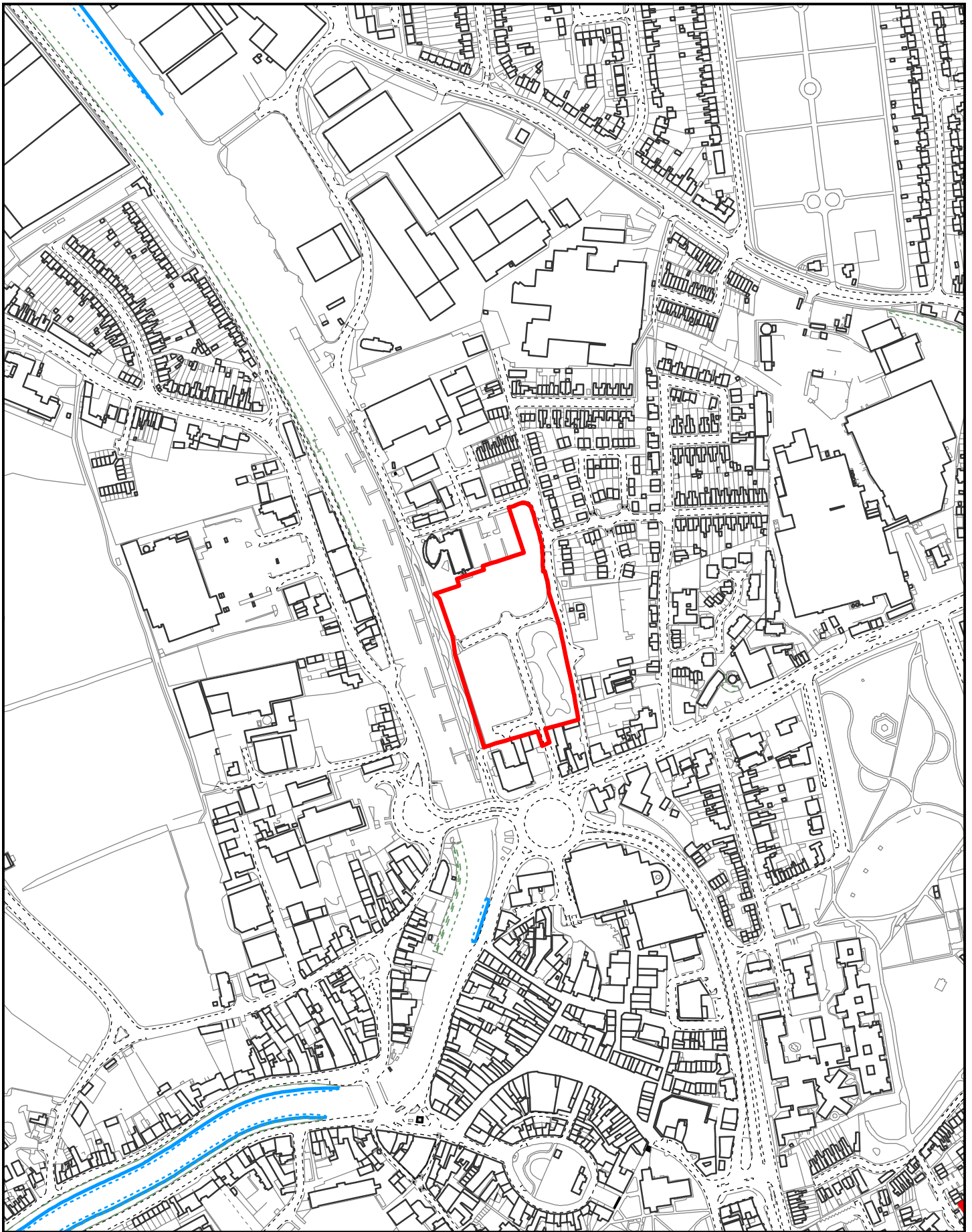
|    |  |
|----|--|
|    | <p>household prior to first arrival. Welcome Travel Packs should comprise a bus voucher (4-weeks travel on local routes free of charge) and a cycle voucher (money off the price of a bike at a local shops). Details to be agreed with the Local Planning Authority.</p> <p>Reason: In the interest of sustainable forms of travel and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>   |
| 8  | <p>Prior to occupation of the development, the developer shall deliver pedestrian drop kerb with tactile paving crossing provision between the new footway to be delivered on the west side of Chase Street and the existing footway on the east side of Chase Street. Details of the works to be submitted to and agreed with the Local Planning Authority.</p> <p>Reason: In the interest of improved pedestrian facilities and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>   |
| 9  | <p>A noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with details set out within the Tetra Tech Noise Assessment Report (Revision 3 / 24.06.2022) 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> <ul style="list-style-type: none"> <li>a) the acoustic insulation performance specification of the external building envelope of the residential properties having regard to the building fabric, glazing and ventilation.</li> <li>b) mitigation measures to reduce the level of noise experienced internally, as well as confirmed external mitigation details such close boarded fencing and its confirmed height as a minimum of 1.8m</li> </ul> <p>The scheme shall be carried out as approved before the residential properties are occupied and shall be retained as such.</p> <p>Reason in the interests of residential amenity and in accordance with Policy LP16 of the Fenland Local Plan 2014</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>Prior to the commencement of development, including any site clearance, groundworks or construction, a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The CEMP shall include:</p> <ul style="list-style-type: none"> <li>a) Identification of best practice measures to be used to control fugitive dust from demolition, earthworks and construction activities.</li> <li>b) Identification of best practice measures to be used to control noise from demolition, earthworks and construction activities.</li> </ul>  |

|    |   |
|----|---|
|    | <p>c) Identification of best practice measures to be undertaken if any material suspected to be contaminated is found at the site.</p> <p>d) 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</p> <p>e) A complaints procedure - detailing how complaints will be received, addressed and recorded. including contact details (including a telephone number which will be staffed and charged during site operational hours) for a point of contact for the site - and confirmation of how these details will be made available to local residents.</p> <p>The details approved shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.</p> <p>Reason: In the interest of the amenity of nearby occupiers and in accordance with Policy LP16 of the Fenland Local Plan (2014)</p>   |
| 12 | <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.</p> <p>Reason - To control pollution of land and controlled waters in the interests of the environment and public safety and in accordance with Policy LP16 of the Fenland Local Plan.</p>   |
| 13 | <p>The details required in condition No 1 shall include a scheme of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development. The development shall be carried out and thereafter retained in accordance with the approved details.</p> <p>Reason To ensure that the precise height of the development can be considered in relation to adjoining dwellings/buildings and for the visual appearance of the finished development in accordance with policy LP16 of the fenland Local Plan (2014).</p>  |
| 14 | <p>The details required in condition No 1 shall include a Lighting Impact Assessment regarding lighting generated by the development and its impact upon the amenity of adjacent occupiers and biodiversity. This should be undertaken by a suitably qualified professional, and the accompanying report would be required to demonstrate to what levels the residential properties will be potential affected and any protected species likely to be harmed by the proposed scheme and what mitigation measures are considered necessary. The report must include an Iso contour plan and demonstrate that any proposed lighting will be within parameters set in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, having regard to the relevant Environmental Zone, being (E3) Suburban areas.</p> <p>The assessment shall also;</p> <p>a) identify those areas/features on site that are particularly sensitive for protected species and the features that are likely to cause disturbance in or around their breeding sites and resting places or along important routes</p> |

|    |   |
|----|---|
|    | <p>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>The development shall be implemented in accordance with the approved Lighting Assessment.</p> <p>Reason: In the interest of the amenity of neighbouring occupiers and occupiers of the development and in accordance with policy LP16, and in the interest of biodiversity and policy LP19 of the Fenland Local Plan 2014.</p>   |
| 15 | <p>No development shall take place until an ecological design strategy (EDS) addressing the creation of mitigation and compensation habitat both on and off site has been submitted to and approved by the Local Planning Authority. The EDS shall include the following:</p> <ul style="list-style-type: none"> <li>a) Purpose and conservation objectives for the proposed works.</li> <li>b) Review of site potential and constraints, including a biodiversity metric assessment using the Biodiversity Metric 3.1.</li> <li>c) Detailed design(s) and/or working method(s) to achieve stated objectives.</li> <li>d) Extent and location/area of proposed works on appropriate scale maps and plans.</li> <li>e) Type and source of materials to be used where appropriate, e.g., native species of local provenance.</li> <li>f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.</li> <li>g) Persons responsible for implementing the works.</li> <li>h) Details of initial aftercare and long-term maintenance.</li> <li>i) Details for monitoring and remedial measures.</li> <li>j) Details for disposal of any wastes arising from works.</li> </ul> <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy LP19 of the Fenland Local Plan 2014.</p> |
| 16 | <p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> <li>a) Summary of potentially damaging activities.</li> <li>b) 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 (Such as the Rosa Rugosa identified within the PEA).</li> <li>c) The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>d) The times during construction when specialist ecologists need to be present on site to oversee works.</li> <li>e) Responsible persons and lines of communication.</li> <li>f) The role and responsibilities on site of an ecological clerk of works</li> </ul>  |

|    |  |
|----|--|
|    | <p>(ECoW) or similarly competent person.</p> <p>g) Use of protective fences, exclusion barriers and warning signs.</p> <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 interests of biodiversity and in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>  |
| 17 | <p>The development shall not exceed 70 extra care home apartments, 900sq metres commercial (Class E) floorspace or 60 C3 dwellings. No evidence is given to acceptable capacity beyond the details proposed.</p> <p>Reason: In the interest of the amenity of future occupiers and in order to accord with the application and for the avoidance of doubt.</p>   |
| 18 | <p>The submission of a detailed layout as required by condition No 1, shall include the following:</p> <p>A detailed design of the surface water drainage of the site. The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by Tetra Tech Limited (ref: 784-B020853 Rev 04) dated 8 February 2023 and shall also include:</p> <ul style="list-style-type: none"> <li>a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;</li> <li>b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;</li> <li>c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);</li> <li>d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);</li> <li>e) Site Investigation and test results to confirm infiltration rates;</li> <li>f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.</li> <li>g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non statutory technical standards for sustainable drainage systems;</li> <li>h) Full details of the maintenance/adoption of the surface water drainage system;</li> <li>i) Permissions to connect to a receiving watercourse or sewer;</li> </ul> <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts, and in accordance with Policy LP 14 of the Fenland Local Plan 2014.</p> |

|    |   |
|----|---|
| 19 | <p>Prior to the occupation of the first dwelling hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets (if any are not already adopted) within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.</p> <p>Reason: In the interest of achieving a satisfactory development and in accordance with Policy LP15 of the Fenland Local Plan (2014).</p> |
| 20 | <p>Prior to the first occupation of the development any new roads, and footways shall be constructed to at least binder course surfacing level from the development to the adjoining County Road in accordance with the details approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan (2014).</p>   |
| 21 | <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 relevant residential developments of this type). 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>  |
| 22 | <p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>  |



Created on: 16/08/2022

© Crown Copyright and database  
rights 2022 Ordnance Survey 10023778

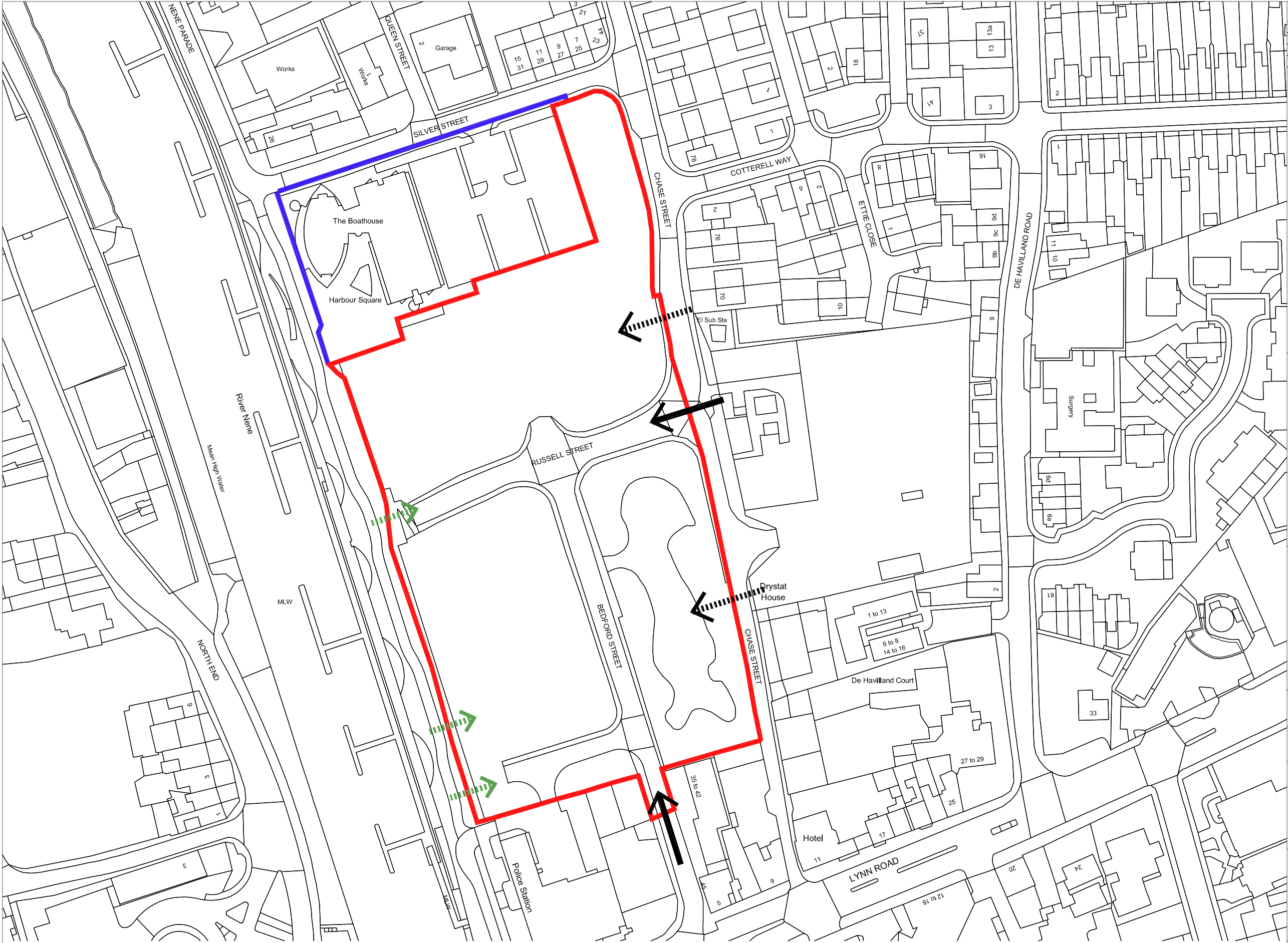
**F/YR22/0914/FDL**

Scale = 1:5,000



 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council





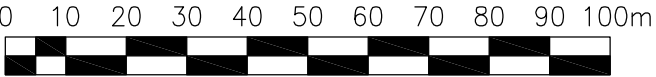
Note: Red line boundary is the planning boundary based upon title information provided by the client body regards their own ownership

KEY:

Existing road access retained

Potential new vehicle access

Potential new pedestrian access



| DATE       | REVISION                   | REV | DRW | CHK |
|------------|----------------------------|-----|-----|-----|
| 20.05.2022 | DRAFT OUTLINE PLANNING APP | P01 | LM  | SB  |
| 13.06.2022 | RED LINE AMENDS            | P02 | LM  | SB  |
| 20.06.2022 | UPDATED FOR SUBMISSION     | P03 | LM  | SB  |
| 02.08.2022 | BOUNDARY NOTE AMENDED      | P04 | LM  | SB  |

This drawing has been prepared solely for the use of FENLAND FUTURE LTD and there are no representations of any kind made by NORR Consultants Limited to any party with whom NORR Consultants Limited has not entered into a contract

This drawing must not be used, reproduced or revised without written permission.

This drawing shall not be used for construction purposes until the "CONSTRUCTION" status appears under the Sheet Status.

Constructors must only work to figured dimensions which are to be checked on site. Do not scale from hard copy drawings

**NORR**  
NORR Consultants Limited.  
An Ingenium International Company

Percy House, 8th Floor Percy Street  
Newcastle NE1 4PW  
England, UK  
norr.com

|         |    |      |            |
|---------|----|------|------------|
| Drawn   | LM | Date | 20.05.2022 |
| Checked | SB | Date | 20.05.2022 |

Project Name

NENE WATERFRONT DEVELOPMENT

Drawing Title

SITE LOCATION PLAN

Scale

1:1250 @ A3

Sheet Status

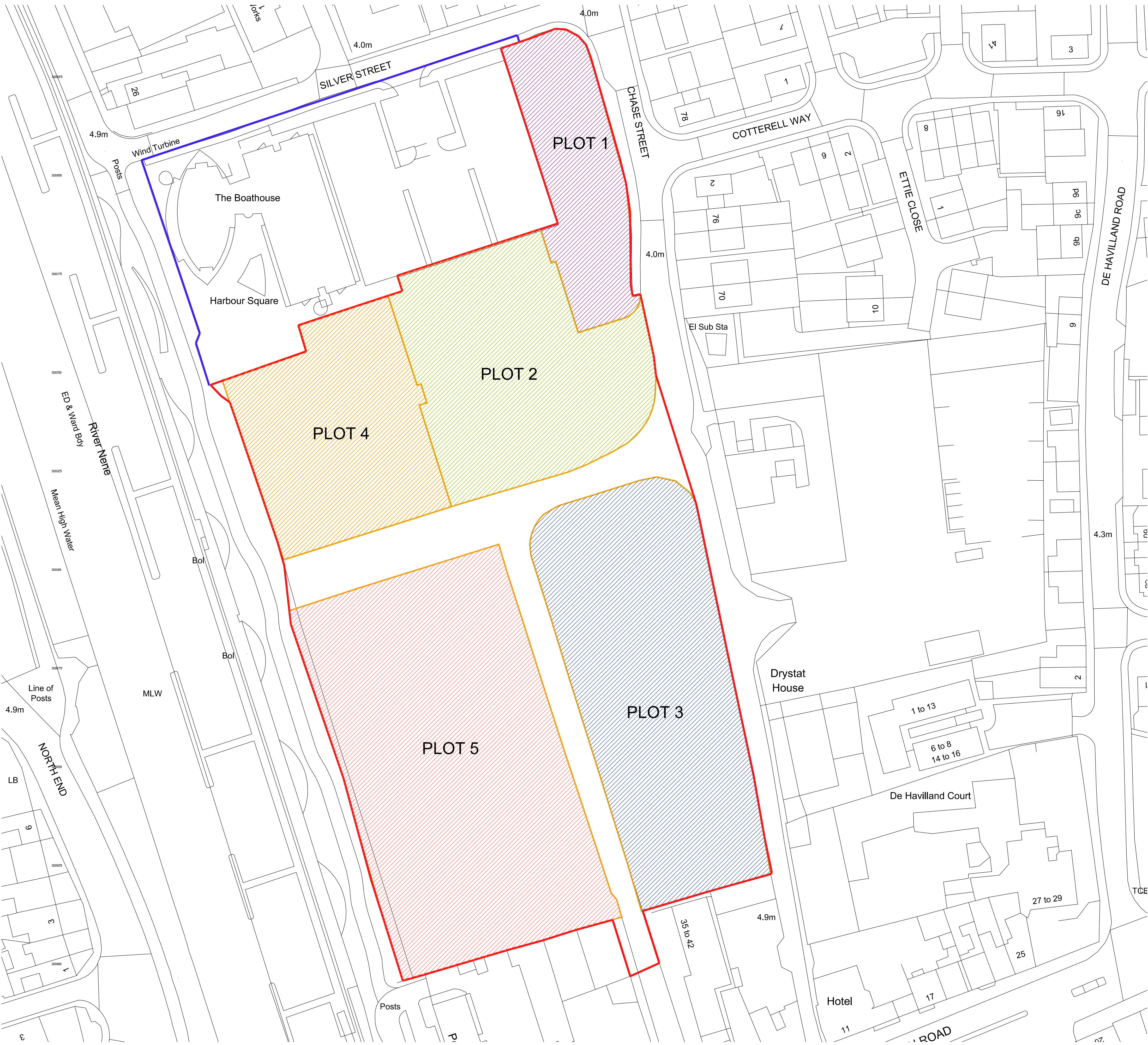
PLANNING

Project No.

IANC20-0113

|             |               |      |     |
|-------------|---------------|------|-----|
| Drawing No. | XX-DR-A-90001 | Rev. | P04 |
|-------------|---------------|------|-----|





- KEY:
- Land under FDC ownership
  - Red line boundary
  - Plot outline
  - PLOT 1 - Commercial / Offices & Apartments
  - PLOT 2 - Residential Housing
  - PLOT 3 - Residential Housing
  - PLOT 4 - Residential Apartments
  - PLOT 5 - Residential Extra Care & Commercial

| DATE       | REVISION                           | REV | DRW | CHK |
|------------|------------------------------------|-----|-----|-----|
| 20.05.2022 | DRAFT OUTLINE PLANNING APPLICATION | P01 | LM  | SB  |
| 20.06.2022 | UPDATED FOR PLANNING SUBMISSION    | P02 | LM  | SB  |
| 02.08.2022 | PLANNING BOUNDARY NOTE AMENDED     | P03 | LM  | SB  |

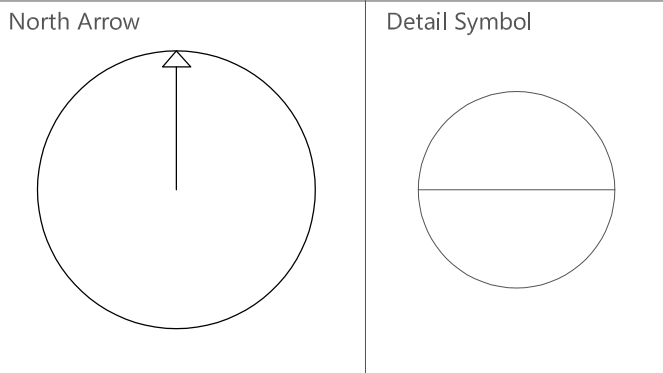
This drawing has been prepared solely for the use of:  
**FENLAND FUTURE LTD**  
and there are no representations of any kind made by  
NORR Consultants Limited to any party with whom NORR  
Consultants Limited has not entered into a contract.

This drawing must not be used, reproduced or revised  
without written permission.

This drawing shall not be used for construction purposes  
until the "CONSTRUCTION" status appears under the  
Sheet Status.

Constructors must only work to figured dimensions which  
are to be checked on site. Do not scale from hard copy  
drawings.

Keyplan



Consultants

**NORR**  
NORR Consultants Limited.  
An Ingenium International Company

Percy House, 8th Floor Percy Street  
Newcastle NE1 4PW  
England, UK  
norr.com

|         |            |      |            |
|---------|------------|------|------------|
| Drawn   | LM         | Date | 20.05.2022 |
| Checked | SB         | Date | 20.05.2022 |
| Scale   | 1:500 @ A1 |      |            |

Client  
**FENLAND FUTURE LTD**

Project  
**NENE WATERFRONT DEVELOPMENT**

Drawing Title  
**PARAMETER PLAN**  
**ILLUSTRATIVE DEVELOPMENT PLOTS**

Sheet Status  
**PLANNING**

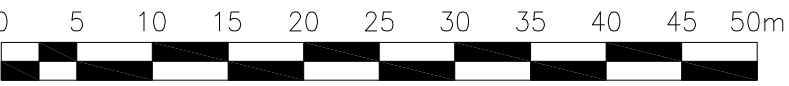
Project No.  
**IANC20-0113**

Drawing No.  
**NWF-NOR-XX-XX-DR-A-90011**

Rev.  
**P03**

Note: Red line boundary is the planning boundary based upon title information provided by the client body regards their own ownership

ALL LAYOUTS ARE ILLUSTRATIVE ONLY TO DEMONSTRATE CAPACITY OF THE SITE AND WILL BE SUBJECT TO FURTHER DESIGN DEVELOPMENT AT RESERVED MATTERS STAGE





**F/YR23/0033/F**

**Applicant: Mr M Vinn  
Boss Fabrication Ltd**

**Agent : Mr G Boreham  
Morton & Hall Consulting Ltd**

**Farm Park, Short Nightlayers Drove, Chatteris, Cambridgeshire**

**Erect an extension to existing building and change of use of land for light industrial use**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 This application seeks permission to incorporate agricultural land into the site curtilage and erect a new industrial building on a site which is in open countryside.
- 1.2 The planning history indicates that permission was originally granted to convert a modestly sized agricultural shed to industrial use. The building and use has grown over time to represent a significant incursion into the countryside.
- 1.3 The proposal is contrary to national and local policy as it represents development in a remote and unsustainable location in the open countryside outside areas allocated for employment use and is harmful to the open character of the landscape of the surrounding land.
- 1.4 The submitted FRA has not demonstrated that there is an absence of reasonably available sites in the locality and the district with a lower probability of flooding.
- 1.5 Sufficient information has not been provided to enable an assessment to be made on the impact of the proposal on the natural, ecological and biodiversity interests and neither has a justification been provided for the loss high grade agricultural land. In the absence of this information, it has not been possible to assess if the proposal accords with relevant policy requirements.
- 1.6 Any job creation benefits associated with the proposed development would not override the harm caused by contravening national and local policy and would set an unwelcome precedent for inappropriate development.

## **2 SITE DESCRIPTION**

- 2.1 The site is located on the northern side of Short Nightlayers Drove, some 250m east of its junction with the A142.
- 2.2 The site contains two employment units (it is understood that the site is solely occupied by the applicant) sited on the road frontage with an area of

hardstanding to its west. The site is located in the open countryside with the Anglian Water Sewage Plant to the west. The site frontage is marked by mature hedging as are the boundaries to the surrounding agricultural fields.

- 2.3 The site is located with Flood Zone 3. Short Nightlayers Drove is a single-track road without footpaths and cycleways. The A 142 to which it connects is similarly without footways or cycleways. The site in particular, and area in general, is not served by public transport.

### **3 PROPOSAL**

- 3.1 This application seeks full planning permission for:

- A change of use of agricultural land to industrial by incorporating some 50m of agricultural land into the northern boundary of the site curtilage as indicated on the redlined location plan submitted with the application.
- A new workshop attached to the northern elevation of the existing workshop. Although the proposal is described as an extension the floorplans indicate a separate unit with no connection to the building. Both the existing and proposed units are similarly sized at 15m in width and 21m in depth respectively.

- 3.2 The site plan shows a fenced area drawn tightly around the extended building however beyond and to the north of the fence further parking and storage containers are indicated. This expansion corresponds with the extension of the curtilage into open countryside mentioned above.

- 3.3 Full plans and associated documents for this application can be found at:  
[F/YR23/0033/F | Erect an extension to existing building and change of use of land for light industrial use | Farm Park Short Nightlayers Drove Chatteris Cambridgeshire \(fenland.gov.uk\)](#)

## 4 SITE PLANNING HISTORY

| Reference        | Description  | Decision | Date       |
|------------------|--|----------|------------|
| F/YR13/0145/F    | Change of use from storage to retailing of motorcycles and associated accessories (retrospective) Unit2, Farm Park, Short Nightlayers Drove, | Grant    | 18.12.13   |
| F/YR08/3040/COND | Details reserved by Condition 02 of planning permission F/YR08/0263/F (Erection of an extension to existing dwelling)                        | Approve  | 24.07.2008 |
| F/YR08/0263/F    | Erection of an extension to existing building  | Grant    | 25.04.2008 |
| F/YR07/1021/F    | Erection of an industrial building   | Refuse   | 20.11.2007 |
| F/YR04/3851/F    | Change of use from agricultural shed to B2 and B8 uses Land North of Short Nightlayers Drove, Chatteris                                      | Grant    | 12.11.2004 |

## 5. CONSULTATIONS

### 5.1 Anglian Water

As the development has no connection to Anglian Water sewers it has no comments.

### 5.2 Chatteris Town Council

Supports the proposal **(01.02.2023)**

### 5.3 Environment Agency

No objections providing the flood risk implications of the proposal have been taken into account by the local planning authority. It considers that the main source of flood risk at the site is associated with watercourses under the control of the Internal Drainage Board (IDB). **(31.01.2023)**

### 5.4 Internal Drainage Board

No comments have been received from the Middle Level Commissioners.

### 5.5 FDC Economic Development

The proposed development will lead to significant job creation for local residents and generate additional business rates for the council. **(17.01.2023)**

### 5.6 Highway Authority

Following further discussions, the Highway Authority remains concerned at the impact of the proposed development on the junction of the access road and the A141. The Highway Authority has confirmed that the proposed intensification can

only be meaningfully assessed following the submission of a Transport Note quantifying the trip generation associated with the existing permitted use and the proposed extension based on impartial data such as TRICS database.

## **5.7 CCC Minerals and Waste**

Given an approximate distance of some 190m to a Water Recycling Area with open fields in between CCC has no objections providing Anglian Water similarly has no objections to the proposal. **(10.02.2023)**

## **5.8 Representations**

Representations have been received from the occupiers of 10 properties in Chatteris, the grounds of support are summarised as follows:

- The site is well suited to an additional unit.
- Allows the expansion of a local business.
- Will not affect traffic in town.
- Result in local employment.
- Not affect the landscape.
- Near a current industrial area.
- Within an industrial area.
- Away from residential area.
- Not an eyesore
- Site is currently unused and benefits from being developed.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

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

### **National Design Guide 2019**

- C1 – Understand and relate well to the site, its local and wider context
- B2 – Appropriate building types and forms
- U1 – A mix of uses
- H1 – Healthy, comfortable and safe internal and external environment
- H3 – Attention to detail: storage, waste, servicing and utilities
- L1 – Well-managed and maintained

### **Fenland Local Plan 2014**

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP6 – Employment, Tourism, Community Facilities and Retail  
LP10 – Chatteris  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP17 – Community Safety  
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  
LP3 – Spatial Strategy for Employment Development  
LP15 – Employment  
LP18 – Development in the Countryside  
LP20 – Accessibility and Transport  
LP24 – Natural Environment  
LP25 – Biodiversity Net Gain  
LP28 - Landscape  
LP32 – Flood and Water Management  
LP47 – Employment Allocations in Chatteris

## **8 KEY ISSUES**

- Principle of Development and Economic Growth
- Sustainability
- Visual Impact
- Flood Risk
- Use Class
- Employment Benefits
- Highway Safety

## **9 BACKGROUND**

- 9.1 An understanding of the planning history is of critical importance in the consideration of this application. The origins of employment use on the site began in 2004 when planning permission was granted to change the use of a modestly sized agricultural shed to B2 and B8 uses (F/YR04/3851/F). The shed had a floor area of approximately 170 m<sup>2</sup> and was located at the site frontage with surrounding land in agricultural use.
- 9.2 In 2007 the erection of an industrial building adjacent and to the north of the original agricultural shed with an expanded curtilage northwards was refused

under F/YR07/1021/F. The proposal was considered to be outside the Development Area Boundary and in the open countryside and have a detrimental impact on the landscape. This application also failed to demonstrate how the existing road network would cater for the use.

- 9.3 Subsequently, in 2008 permission for a light industrial store was granted (F/YR08/0263/F) for a standalone building measuring 350 m<sup>2</sup> adjacent to the original shed. Under this permission, a building double the size of an original agricultural shed was permitted and where the area of the site curtilage increased from the original 740 m<sup>2</sup> to 1,836m<sup>2</sup>, and depth of the incursion into the countryside doubled from 17m to 35m. The justification for this decision is not apparent from the file. The size of the original building, extension, siting/curtilage, and encroachment into the countryside is clearly identifiable and evidenced by the Council's aerial imagery of 2003 and 2011.
- 9.4 This application seeks another building of the size (322m<sup>2</sup>) previously approved under F/YR08/0263/F and the redlined application boundary on the location plan is now shown extending 85m into the open countryside.
- 9.5 The application would represent a cumulative encroachment of some 70m into the open countryside since the change of use of the original agricultural shed and would constitute a significant incursion into the countryside. The remote location and poor road network serving the site remains unchanged.

## **10 ASSESSMENT**

### **Principle of Development**

#### Fenland Local Plan 2014

- 10.1 Chatteris is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 as the focus for employment growth, accordingly there is a presumption in favour of development within this location.
- 10.2 Through Policy LP6 the Council is committed to delivering 85ha of new employment land to provide for business, industrial and distribution uses. Policy LP6 states that this objective will be achieved through the delivery of sites with permission, appropriate intensification, and extensions to established areas of employment and through a master planning approach within the urban extensions to the four market towns.
- 10.3 Policy LP10 (Chatteris) identifies the new urban extensions to Chatteris where the South Chatteris (Strategic Allocation) and North Chatteris (Broad Location for Growth) are areas allocated for business uses. The local plan through its policies LP6 and LP10 provides sufficient land to cater for local and district needs during the plan period and the onus remains on the applicant to demonstrate why development cannot take place in these areas.
- 10.4 A primary objective of the Local Plan is to protect the open countryside by directing growth towards the settlement hierarchy and the growth and limited growth villages. Policy LP12 deals with development in rural areas, and while referring explicitly to villages it is considered that implicitly it would also be relevant to a case such as this. Part A of the LP12 requires development to relate well to the core shape and form of a settlement. The only exceptions allowed by

national and local policy in open countryside relate to proposals for agricultural uses, buildings of historic or architectural merit or employment uses of buildings previously used for agricultural purposes. It should be noted that the proposal does not fall within any of these exceptions. The supporting statement to the policy states new proposals will be assessed using a criteria-based approach instead of fixed 'development area boundaries' around each of the settlements. This policy supports new development providing the wide-open character of the countryside is not harmed. The following criteria of LP12 are considered as being applicable:

- a) The site must be in or adjacent to the existing development footprint of the village (and specifically excludes individual buildings detached from the continuous built-up areas of the settlement)
- c) The proposed development should not have an adverse impact on the character and appearance of the surrounding countryside and farmland.
- f) The site retains and respects natural boundaries such as trees, hedgerows, embankments and drainage ditches.
- g) The site retains and respects ecological, heritage and biodiversity features.
- i) It would not result in the loss of high-grade agricultural land, or if so, comprehensive evidence is provided to justify the loss. This should include an assessment of all alternative reasonable opportunities in the locality to develop lower grades of agricultural land.
- k) It can be served by sustainable infrastructure provision, such as surface water drainage and highways.

10.5 The proposal conflicts with the criteria of Policy LP12 set out above in that:

- a) The site is in open countryside and not in or adjacent the existing footprint of the settlement.
- b) The proposal adversely impacts the character and appearance of the surrounding countryside as discussed below.
- f & g) The application is not accompanied by any supporting evidence which suggests that the proposal will not have an adverse impact on the ecological and biodiversity interests.
- i) A search of alternative sites has not been presented to justify a case for development on the site and consequential loss of valuable agricultural land.
- k) Impact on surface water and highways are discussed in detail below but a Sequential Test has not been passed, and the Highways Authority has expressed reservations.

In short, the proposal is not compliant with Policy LP12.

10.6 Policy LP14 requires a sequential approach to flood risk with the successful completion of a sequential test having regard to actual and residual flood risks. The submitted FRA simply states that the sequential test has been passed without demonstrating why the development could not take place on alternative

sites which are available and better placed in terms of flood risk. The submitted sequential test fails to provide evidence that there are no reasonably available alternative sites, and therefore the proposal fails to comply with Policy LP14.

- 10.7 Policy LP16(d) requires all new development to make a positive contribution to the local distinctiveness and character of the area and not adversely affect it. The incremental encroachment into open countryside proposed by the application thus does not accord with the objective of this policy.

#### Emerging Local Plan

- 10.8 The emerging local plan retains the settlement hierarchy of the current plan but allocates significantly more employment land under Policies LP1 and LP3. Policy LP3 estimates that the broad locations of employment growth to the north and south of Chatteris should deliver another 100 ha of additional employment land.
- 10.9 Policy LP15 directs that proposals for new employment development should be located at sites: allocated for employment uses; established employment areas; or within settlement boundaries, unless the exemptions for proposals which support the rural economy apply. Policies LP45 and LP47 respectively identify Broad Locations for Employment Growth and sites allocated for employment development in Chatteris. As this proposal is not related to the rural economy it would not accord with policies LP1, LP3 and LP15 given the location of the site in open countryside and outside employment areas.
- 10.10 Policy LP18 (Part F) in relation to development in the countryside supports the expansion of an existing employment use providing all its other criteria of that part are met. In this instance the proposal would have to: be consistent in scale with its rural location; not harm the open nature of the countryside; easily accessible by public transport; and supported by a robust business plan. As argued in this report the incremental expansion at this site has long past being in scale with the original agricultural shed converted to business use and has now reached a size which is harmful to the open countryside. The site's remote location, considerably away from the nearest settlements, is not served by public transport. The application is not accompanied by a robust business plan. For these reasons the proposal fails to comply with Policy LP18.
- 10.11 Policy LP20 relates to accessibility and transport and requires safe access and promotes the use of cycle and pedestrian connections, in short ensuring that the site is accessible to existing or proposed services and facilities. As already described, the site is remote and not served by public transport or services.
- 10.12 Policy LP24 seeks to protect the natural environment and requires development to avoid adverse impacts on biodiversity and impacts to be mitigated. In tandem, Policy LP25 requires proposals to consider how they can contribute towards biodiversity net gain. Supporting paragraph 20.26 cites the example of the development of a single agricultural field with a hedgerow around it where more land should be set aside for wildlife to thrive than there was before the development took place.
- 10.13 Policy LP28 requires the protection and enhancement of space between settlements, and their wider landscape setting. The proposal relates to a sizable incursion into open countryside and agricultural land marked by mature hedging and field drains where some impact on the natural environment and biodiversity interest could be expected. The application fails to demonstrate through



supporting evidence that impact on the natural environment and biodiversity interests is acceptable or can be mitigated. The proposal therefore fails to comply with policies LP20, LP24, LP25 and LP28.

- 10.14 Flood risk is dealt with by Policy LP32 which reiterates the requirement of the NPPF and the FLP 2014 to take a sequential approach to flood risk management. As described below, the sequential test is not passed due to a failure to adequately consider reasonably available alternative sites.
- 10.15 Essentially, the policies of the emerging plan mirror those of the adopted plan and both plans reflect the NPPF where the central objective is to protect the open countryside and reduce flood risk by directing employment development to sustainable and allocated areas and sites.
- 10.16 The principle of development is therefore not supported by adopted or emerging plans as it constitutes unsustainable development in the open countryside where the proposed development adversely affects the character and appearance of the surrounding countryside and farmland.

### **Sustainability**

- 10.17 The site is located in open countryside and accessed off a single-track road. As such, the site is not considered to be within a sustainable location in relation to settlements or the local highway network. The proposal would therefore not be compliant with the requirements of paragraphs 84 and 85 of the NPPF which requires sustainable growth of all types of business in rural areas, and development which is sensitive to its surroundings and in a sustainable location.
- 10.18 At the local plan level Policy LP2 seeks to create employment opportunities albeit in accessible locations, whereas Policy LP6 seeks to direct growth towards broad locations for growth where development would be compatible with adjacent urban land uses.
- 10.19 The proposal may create very limited opportunities for employment but within an unsuitable and inaccessible location in open countryside which is not considered to be sustainable.

### **Visual Impact**

- 10.20 The NPPF at paragraph 174(b) stresses the need to recognise the intrinsic character and beauty of the countryside including the benefits of the best and most versatile agricultural land and of trees and woodland.
- 10.21 Paragraph 175 requires plans to allocate land with the least environmental or amenity value - and where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be preferred to that of a higher quality.
- 10.22 The aims of the NPPF are reflected in Policy LP16 of the FLP which seeks to protect high quality environments throughout the district. LP16(d) is of particular relevance in that it requires development to make a positive contribution to the local distinctiveness and character of the area and not adversely affect the landscape character of the surrounding area. In line with paragraph 175 of the NPPF Local Plan Policy LP10 has allocated land for business uses to the north and south of Chatteris.

- 10.23 This application relates to an isolated site in open countryside immediately to the north of Short Nightlayer Drove. The Chatteris Water Recycling Plant some 220m to the northwest is the nearest built development. The nearest part of Chatteris lies some 330m to the southwest across the Isle of Ely Way (A142). Open countryside of the best quality agricultural land lies in all other directions. The landscape is typically Fenland of flat open rectangular fields marked with hedging set amid a road/track network laid to a grid. Set against the context of this landscape any isolated industrial development will be prominently and unacceptably visible.
- 10.24 Incremental development in the open countryside taking up the best grade of agricultural land would therefore not accord with national or local policy. In circumstances where there is sufficient allocated land for business use within the district no justification has been provided to allow inappropriate development in the open countryside.

### **Flood Risk**

- 10.25 The site is within Flood Zone 3 representing the highest risk of flooding and meaning that the application is required to be supported by a Flood Risk Assessment. The flood risk implications of the proposal are left to be assessed by the local planning authority (see Environment Agency comments above).
- 10.26 At its paragraph 159 the NPPF sets out the principle that inappropriate development should be avoided by directing development away from areas of highest risk. Using the sequential risk-based approach plans new development should be steered to areas with the lowest risk. Compliance with an exception test is not required in this instance as the proposed development does not fall within uses classified as more vulnerable (such as buildings used for offices; general industry; storage and distribution).
- 10.27 The planning application is supported by a Flood Risk Assessment (FRA) which acknowledges the location of the site within Flood Zone 3 and the need to apply a sequential test (ST). The purpose of a ST is to compare the application site with other available sites with the aim of steering development to areas with the lowest risk of flooding.
- 10.28 The submitted FRA argues that as large areas around Chatteris lie in Flood Zone 3 there are limited opportunities to undertake the development on an alternative site with a lower flood risk; that, as the development is proposed to an existing business within an existing industrial site it is not practical to undertake the development elsewhere; furthermore, in preparing its Flood Maps the Environment Agency did not consider that the site is protected by the Middle Level Barrier which ensures that the site has a low probability of flooding. For these reasons the FRA considers the development to be appropriate and pass the sequential test.
- 10.29 The NPPF places onus onto the applicant to demonstrate that there is an absence of reasonably available sites, no evidence has been put forward which presents this case. The correct approach would be to start looking at sites allocated in the local plan which would be informed and supported by a Strategic Flood Risk Assessment (SFRA) and a Water Cycle Study (WCS).
- 10.30 Due to its location in Flood Zone 3 the proposed development would not only be

exposed to flood risk, it could also increase the risk through surface water runoff. As noted above, the proposed development would be classified as a use of low vulnerability. The impact of surface water run off could be mitigated by a surface water disposal system which could limit flows from leaving the site. Provision can also be made for the controlled disposal of flood water.

- 10.31 The proposed development could therefore be made safe and need not increase flood risk. This however does not negate the fact that it could potentially be located on a site where the probability of flooding would be lower in the first place.
- 10.32 The purpose of the ST is to reinforce the most effective risk management measure of all – that of avoidance. Whether flood risk could be controlled or mitigated at a development should not override the need to prevent that risk in the first place. Such an argument would be contrary to the whole approach of the NPPF and could again be repeated too often.
- 10.33 Whilst it is agreed that the proposed development would deliver some modest employment benefits, it is also true that the jobs could be created elsewhere within the district. The decision whether the site has correctly been included within Flood Zone 3 is a matter for the Environment Agency.
- 10.34 For these reasons it is considered that the proposal remains unacceptable in flood risk terms.

### **Use Class**

- 10.35 It must also be noted that new Use Class I of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended now only permits a change of use from Class B2 to B8 (previously it also permitted a change from B1 )providing it does not relate to more than 500 sq m of floorspace in the building. A potential change to a B8 and associated size and height of vehicles use will have considerable and unrestricted adverse impact on the surrounding highway network given the constricted size of the access road to the site and the junction with the A142

### **Employment Benefits**

- 10.36 Central to the justification of the proposal is the creation of additional local employment. The planning application form states that currently 9 people are employed, and the proposal will generate employment for 2 more people. The Design and Access Statement at paragraph 7.0 states that 10 persons are employed and does not state how many additional jobs will be created. The company accounts submitted in late 2022 indicate that 5 people were employed during that financial timeframe.
- 10.37 Setting aside any discrepancies in numbers of people currently and proposed to be employed the issue at consideration is whether job retention and creation on this site would override the harm caused by the proposal. Where clearly sufficient employment land has been allocated and is available within the district and locality and it has not been demonstrated why reasonably available alternative sites cannot be taken up there is no justification to contravene policy. An argument that a proposal which does not accord with planning policy should be allowed purely on the basis of minor job creation would be contrary to the whole approach of the NPPF and could again be repeated too often.

## Highway Safety

- 10.38 The Highway Authority has expressed concern at the impact of the proposal on the junction between the access road to the site and the A141. To allow an assessment of the impact the Highway Authority requires impartial data on trip generation. The planning application is not accompanied by any information on trip generation. The Design and Access Statement supporting the application simply states that there will be no change to the access onto the A141 bypass, and that there are deliveries to the site (10 per week, only 2 by HGVs).
- 10.39 In the absence of data relating to trip generation it is not possible to confirm if the proposal is acceptable in terms of highway safety and compliance with national and local policy.

## 11 CONCLUSIONS

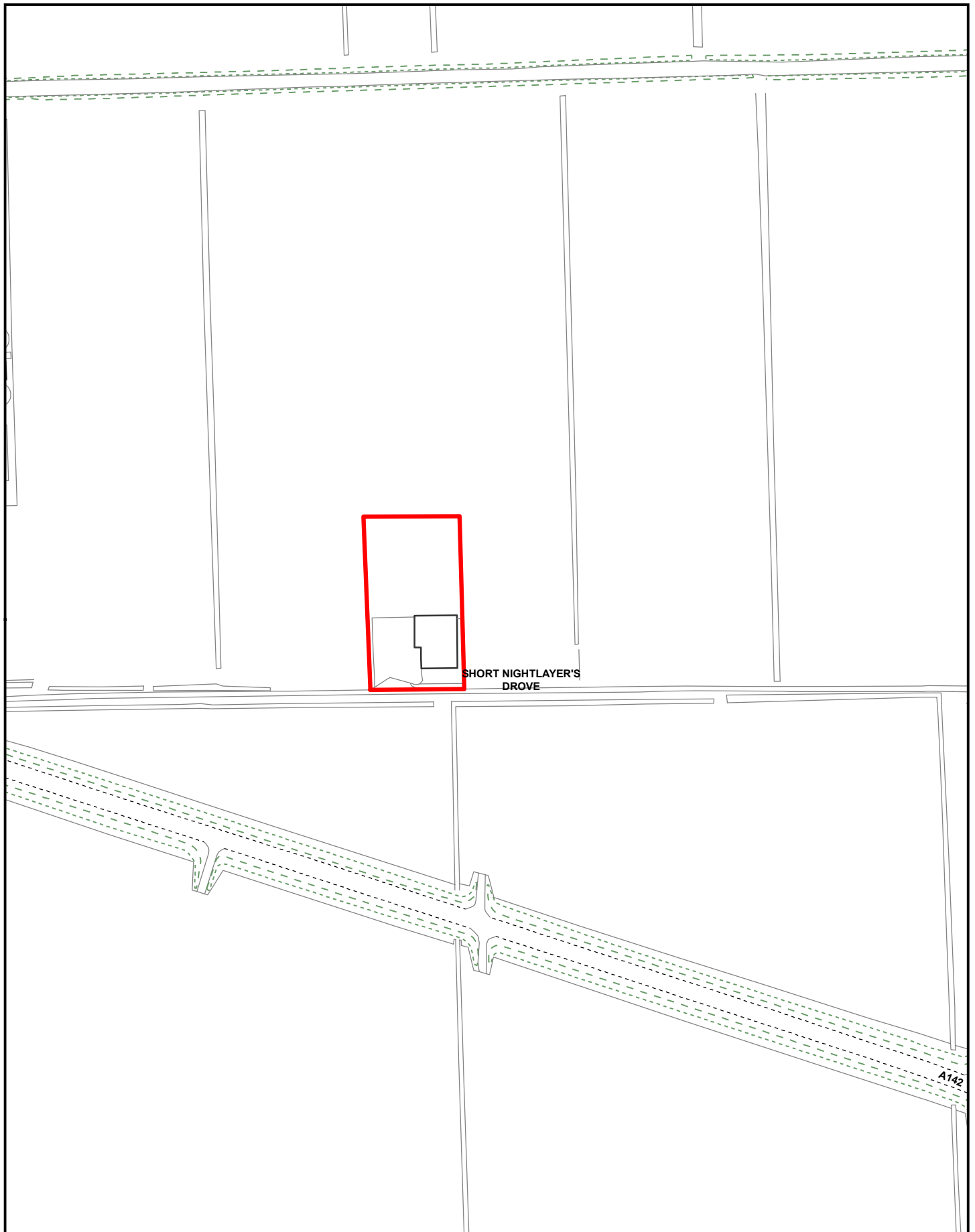
- 11.1 A modestly sized agricultural shed was permitted to change to employment use in 2004, a building double in size was then granted permission in 2008. The current application now proposes to erect another building of the size allowed in 2008. The cumulative increase in size of the building and incursion into the countryside is considered to be harmful to the surrounding area and contrary to national and local policy.
- 11.3 The site is within Flood Zone 3; no evidence has been provided to demonstrate that there is an absence of readily available sites with a lower level of flood risk. Furthermore, sufficient data on trip generation has not been submitted to address highway safety concerns. The suitability of the site in terms of flood risk and highway safety cannot be assessed on the basis of the information submitted.

## 12 RECOMMENDATION

**Refuse;** for the following reasons:

|   |   |
|---|---|
| 1 | Cumulative extensions of the building and curtilage on an isolated site remote from the built environment represents inappropriate and unsustainable development outside the settlement hierarchy and an encroachment into open country and which would be harmful to the open character of the surrounding landscape. Any job creation benefits would not override the harm caused by contravening national and local policy and would set an unwelcome precedent for inappropriate development. The proposal is therefore not in accordance with the NPPF and policies LP2, LP3, LP6, LP10, LP12, LP16 of the Fenland Local Plan (2014) |
| 2 | The onus on demonstrating within the Flood Risk Assessment that there are no reasonably available alternative sites out with Flood Zone 3 where the development could take place rests with the applicant. In the absence of this information the sequential test cannot be assessed and therefore is not passed. Consequently, the proposal is in conflict with the flood risk requirements of the NPPF and policy LP14 of the Fenland Local Plan (2014).  |
| 3 | Impartial trip generation data associated with the existing and proposed development has not been provided. In the absence of this data the application has not demonstrated acceptable impact on highway safety and  |

|  |  |
|--|--|
|  | compliance with the NPPF, Policy LP15 (Facilitating the Creation of a More Sustainable Transport Network in Fenland) of the Fenland Local Plan (2014). |
|--|--|



Created on: 17/01/2023

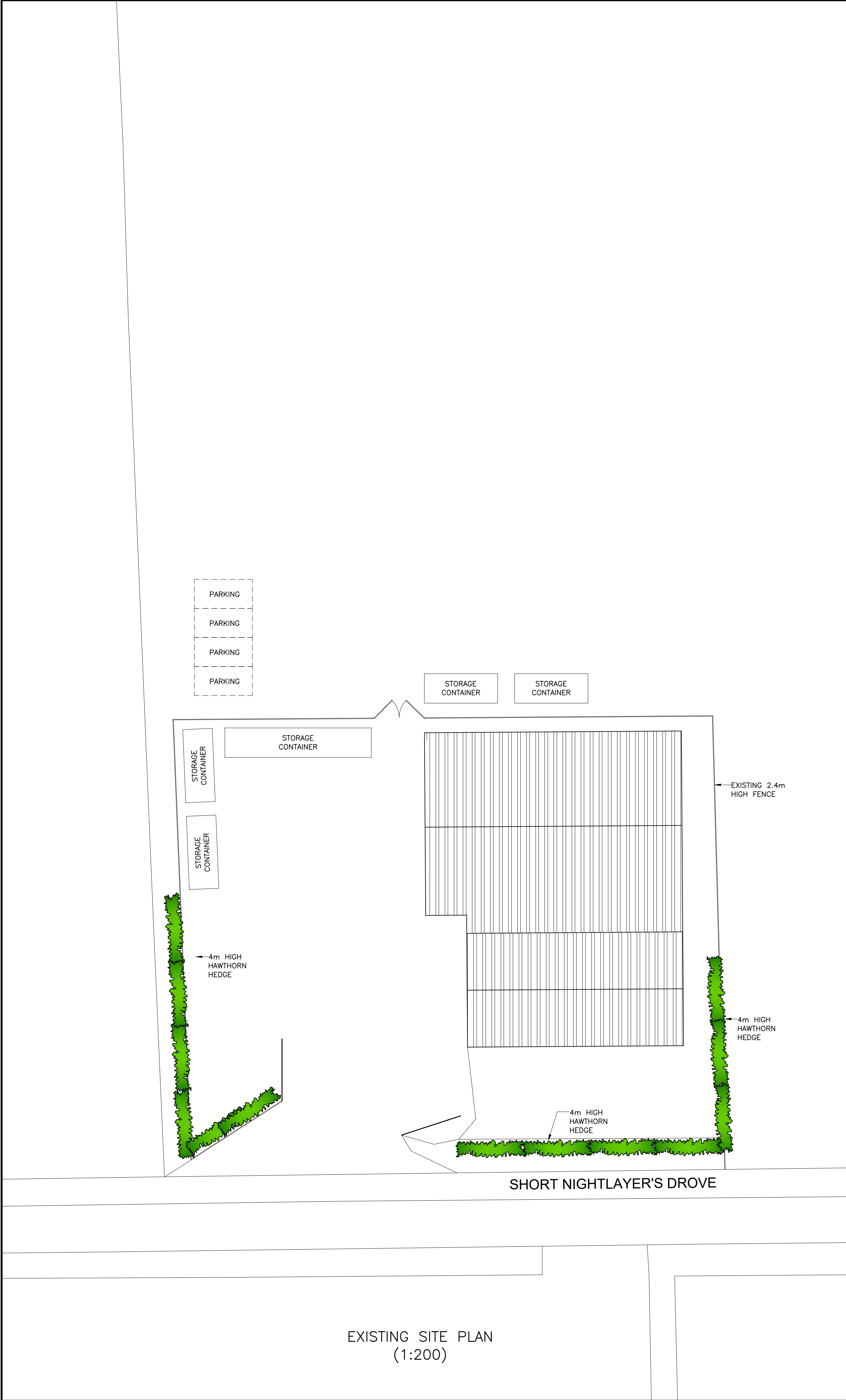
© Crown Copyright and database  
rights 2023 Ordnance Survey 10023778

**F/YR23/0033/F**

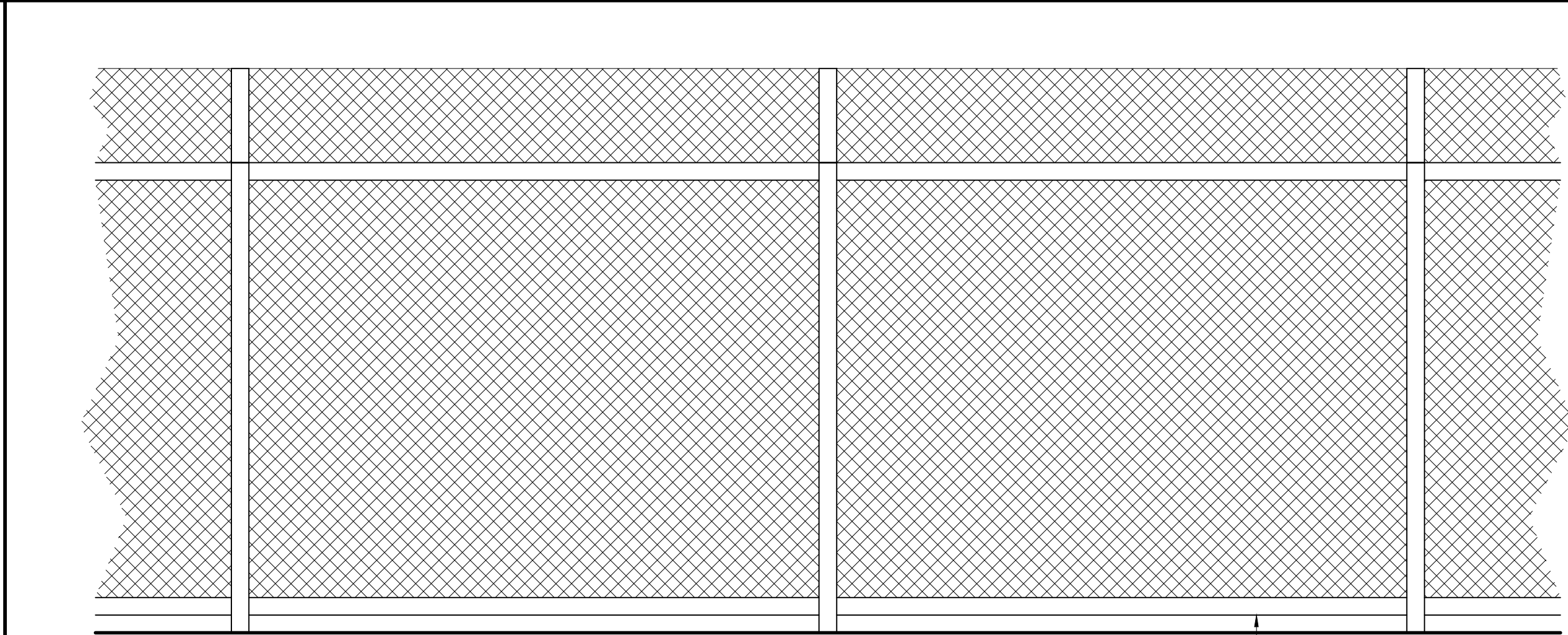
Scale = 1:2,500



 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council



EXISTING SITE PLAN  
(1:200)

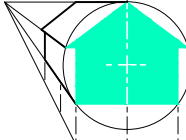


PROPOSED 2.4m HIGH FENCE  
(1:20)



PROPOSED SITE PLAN  
(1:200)

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

|  |  |   |  |
|--|--|---|--|
|  |  |   |  |
| REVISIONS  |  | DATE  |  |
| <div><div><div>MORTON &amp; HALL</div><div>CONSULTING LIMITED</div><div>CONSULTING STRUCTURAL ENGINEERS</div></div><div><div>1 Gordon Avenue,<br/>March,<br/>Cambridgeshire,<br/>PE15 8AJ</div><div>Tel: 01354 655454<br/>Fax: 01354 660467<br/>E-mail: info@mortonandhall.co.uk<br/>Website: www.mortonconsultingengineers.co.uk</div></div><div><div><div>LABC</div><div>LABC</div><div>LABC</div></div><div><div>Fenland District Council</div><div>Building Design Awards</div><div>Building Excellence in Fenland</div></div></div></div> |  |  |  |
| CLIENT   |  |   |  |
| Boss Fabrication Ltd   |  |   |  |
| PROJECT  |  |   |  |
| Farm Park<br>Short Nightlayers Drove<br>Chatteris<br>PE16 6 FH   |  |   |  |
| TITLE  |  |   |  |
| Existing and Proposed<br>Site Plan   |  |   |  |
| DRAWN<br>R.Papworth  |  | DATE OF ISSUE   |  |
| CHECKED  |  |   |  |
| DATE<br>Nov 2022   |  | DRAWING NUMBER  |  |
| SCALE<br>As Shown  |  | H8727/01  |  |

This page is intentionally left blank



---

**F/YR22/1272/F**

**Applicant: Mrs T Pope**

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

**Land South Of Swan Lodge, Hassock Hill Drove, Gorefield, Cambridgeshire**

**Erect a 2-storey 1-bed annexe, change of use of land to domestic and retention of a portacabin to be used as hobby room for existing dwelling, including removal of an existing access (part retrospective)**

**Officer Recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1. The site includes land within the existing domestic curtilage of the dwelling known as Swan Lodge on Hassock Hill Drove along with a grassed field situated to the south of the dwelling. The site is located on the periphery of the village of Gorefield and is within Flood Zone 3.
- 1.2. This application seeks full planning approval for:
  - (a) the erection of a 2-storey 1-bed annexe;
  - (b) the change of use of the grassland field to domestic curtilage;
  - (c) the retention of the portacabin at the site; and
  - (d) the removal of an existing access.
- 1.3. Matters in respect of residential amenity, highway safety, flood risk and ecology have been reconciled.
- 1.4. The main impacts from the development are to character of the area in respect of the intended annexe and portacabin. Circumstances relating to the appearance and position of the portacabin have not changed since an enforcement notice was issued in July 2019. As such, the detrimental impact on character, considered then, remains now. Furthermore, the addition of a separate annexe will constitute overdevelopment of an already significantly developed site in the open countryside.
- 1.5. It is considered that the application is therefore unacceptable in respect of its detrimental impact to the countryside character and street scene contrary to Policies LP12 and LP16 (d) and as such is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1. The site includes land within the existing domestic curtilage of the dwelling known as Swan Lodge, along with a grassed field situated to the south of the dwelling.
- 2.2. The site is located on the periphery of the village of Gorefield and includes two accesses, both off Hassock Hill Drove. The main access is a gated entrance leading to the host dwelling parking area. Immediately to the south of the site, a secondary access track has been formed, angled from the public highway; this track facilitates access through to the same parking area associated with host property.
- 2.3. The southern and eastern boundaries of the site are formed by established conifers. A further line of conifers bisects the site between the dwelling and grassland field. Beyond the host dwelling to the north, the site is bounded by palisade fencing.
- 2.4. A portable unit which comprises two portable buildings with a roof over is positioned to the south of the dwelling, between this and the grassland field. Interspersed throughout the grassland field are a number of garden style ornaments largely depicting wildlife animals and more akin to a garden environment.
- 2.5. The site is within Flood Zone 3.

## **3 PROPOSAL**

- 3.1. This application seeks full planning approval for:
  - (e) the erection of a 2-storey 1-bed annexe;
  - (f) the change of use of the grassland field to domestic curtilage;
  - (g) the retention of the portacabin to be used as a hobby room for the existing dwelling; and
  - (h) the removal of an existing access.
- 3.2. Taking each element in turn:

Proposed annexe
- 3.3. The annexe is proposed to be situated to the southeast corner of the host dwelling. At the time of site inspection, construction was underway on the annexe, with external walls already part erected, hence the part-retrospective approach on this application.
- 3.4. The annexe is to be approximately 7.9m wide by 9.1m deep and will include a gable roofline, reaching 6.3m to the ridge and 2.5m to the eaves.
- 3.5. The annexe will offer a ground floor living/dining room, hallway, kitchen, utility room and shower room. On the first floor a bedroom, and separate bathroom is proposed within the roof space.
- 3.6. The annexe is proposed to be constructed of materials to match the host dwelling.

#### Change of use of land

- 3.7. The existing grassland field to the south of the site is proposed to be incorporated into the domestic area of the host dwelling and annexe, with shared use by occupants of both. An existing informal gate is proposed to be retained to the west of this land.

#### Retention of portacabin

- 3.8. The existing portacabin building at the site is proposed to be retained for use as a hobby room. Internally, this portacabin proposes two hobby areas, two store areas and a WC.

#### Removal of access

- 3.9. As part of the proposals, the existing access track to the south of the main access is proposed to be decommissioned. New landscaping is proposed to 'close-off' the access from the road frontage and to infill the existing gap within the conifer belt to the parking and turning area, retaining the main gated access to this area only.

## **4 SITE PLANNING HISTORY**

|                    |   |                         |
|--------------------|---|-------------------------|
| F/YR19/1069/F      | Siting of a portable building for use as a beauticians and residential touring caravan (retrospective)<br>Land South Of The Bungalow Hassock Hill Drove<br>Gorefield  | Refused<br>31.01.2020   |
| F/YR22/0547/CERTLU | Certificate of lawfulness (Existing): Change of use of agricultural land for domestic purposes<br>Land South Of Swan Lodge Hassock Hill Drove<br>Gorefield  | Withdrawn<br>01.07.2022 |
| F/YR22/0983/F      | Change of use of agricultural land for domestic purposes, retention of porta cabin and secondary access (retrospective)   | Withdrawn<br>27.10.2022 |
| ENF/292/17/UW      | Without planning permission; the change of use from agricultural land to a beauticians and residential use involving the siting of a temporary modular building (shown blue on the attached plan) and touring caravan (shown edged purple on the attached plan), and for the storage/siting of a touring caravan. | Notice<br>Issued        |

## **5 CONSULTATIONS**

### **5.1. Gorefield Parish Council**

*Gorefield Parish Council have no objections to the erection of the annexe and formation of a new access and the change of use of land to residential curtilage but do not support the retention of the portacabin which is not in keeping with the rural setting and street scene.*

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

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

**5.3. North Level Internal Drainage Board**

*Please note that North Level District IDB has no comment to make with regard to the above application.*

**5.4. Cambridgeshire County Council Highways Authority – Original comments received 12.12.2022**

*The application is unacceptable to the Local Highway Authority for the following reasons:*

*The applicant has not demonstrated suitable visibility for the proposed access onto Hassock Hill Drove. While the access is existing, it has been constructed without planning consent or highways consent. I am therefore not considering it as an existing access.*

*The access need inter-vehicular visibility splays to each side in line with the signed speed limit. As the Drove is de-restricted, the necessary splay is 2.4m x 215m, measured to the nearside carriageway edge. However, I will accept a reduction based upon the observed 85th percentile speed, should the applicant be willing to commission a speed survey with a methodology consistent with the Design Manual for Roads and Bridges document CA 185 - Vehicle Speed Measurement.*

*An access needs to have a metalled surface for at least the first 5m length and include measures to prevent private water draining onto the public highway.*

*Alternatively, the applicant can remove the unlawfully constructed access and gain access to the annexe solely from the host dwelling which would be acceptable.*

**5.5. Cambridgeshire County Council Highways Authority – Re-consultation comments received 27.01.2023**

*The revision as shown on drawing 6106/PL20B is acceptable and addresses my previous comments.*

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

**Conditions**

*Closure of Access (amended): Prior to the commencement of the development hereby approved a scheme for the permanent and effective closure of the existing access(es) to Hassock Hill Drove, including reinstatement of the highway verge as appropriate shall be submitted to and approved in writing by the Local Planning Authority.*

**5.6. Environment Agency**

*Thank you for your consultation dated 22 November 2022 for the above application. We have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.*

## *Flood Risk*

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

*Notwithstanding the above we have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) prepared by Peter Humphrey Associates - and the mitigation measures detailed within the FRA.*

*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.*

### **5.7. Local Residents/Interested Parties**

#### *Objectors*

One letter of objection received from a nearby resident. In addition to comments in respect of the current application, the objection also included copies of previous objections they had submitted for earlier applications at the site, including F/YR19/1069/F and F/YR22/0983/F. For clarity, the objections stated in respect of the current application only include:

- the siting of the portacabin, as a matter for Planning Enforcement, stating that this has not yet been resolved;
- the unauthorised creation of a secondary access at the site and queried its necessity;
- the use of agricultural land (presumably in respect of the adjacent grassland field) and infers that it may be habitat for protected species;
- issues of flooding and drainage;
- reference to the proposed 2-storey height of the annexe, claiming that this would be higher than the existing buildings on the site and would therefore not be obscured by the existing tree line bounding the site;

- 5.8. Officer Comment: Relevant matters raised in these objections will be discussed in more detail in the below assessment.

#### *Supporters*

- 5.9. Six letters of support received for the application. Comments related mainly to the change of use of land, with comments summarised as:

- Land is well kept and tended to by the owners;
- Minor change of use on this plot on the outskirts of the village is acceptable;
- In use as 'garden' for some time, always appeared that way;

- Not harming anyone;
- The way the owners keep this land is enjoyable to view and a delight to passers-by;
- Can see no problem with this;
- Behind trees and of no consequence to others.

Officer Comment: There were no comments of support received that specifically mentioned the proposed erection of the annexe, the retention of the portacabin, or the removal of the existing access.

## **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 to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 11 – a presumption in favour of sustainable development

Para 130 – achieving well-designed places

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

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

Context

Identity

Built Form

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

LP1 - A presumption in favour of sustainable development

LP2 - Facilitating health and wellbeing of Fenland residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural 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  
LP32 – Flood and Water Management

## **8 KEY ISSUES**

- **Principle of Development**
- **Ancillary use and impacts to residential amenity**
- **Visual amenity and character**
- **Highway safety and parking**
- **Flood Risk**
- **Ecology**

## **9 BACKGROUND**

- 9.1. The portacabin has been situated at the site since approximately 2011, and has previously been utilised for business purposes (although this use was unauthorised). A subsequent enforcement notice was served, dated 09 July 2019, which required:
- i) Permanent cessation to the use of the land as a beauticians, for residential use and for the storage/siting of touring caravan(s); and
  - ii) Permanent removal of the portacabin and touring caravan from the land.
- 9.2. The owners did not remove the portacabin, nor did they appeal the enforcement notice. Instead the applicant opted to submit an application to regularise the siting of the portacabin and its use as a beauticians (F/YR19/1069/F); however this application was refused on 31<sup>st</sup> Jan 2020.
- 9.3. A subsequent application, F/YR22/0983/F, was submitted for the change of use of agricultural land for domestic purposes, retention of portacabin and secondary access (retrospective). However, this application was withdrawn as during site inspection by the previous case officer, it was observed that the annexe was under construction that also required planning permission. As such, the applicant was advised to withdraw and resubmit a combined application for all the relevant works requiring approval.
- 9.4. At the time of site inspection in respect of the current application, in November 2022, the portacabin was still in-situ, but the touring caravan had been removed. In addition, works on the annexe building had ceased, with partial construction of external walls completed only.
- 9.5. Therefore, the current application, considered herein, seeks to regularise the retention of the portacabin (as a hobby room), the residential or domestic use of the land, and the erection of the annexe, in addition to seeking permission for the removal of the secondary access at the site. As such, if granted, the application will address the outstanding Planning Enforcement issues.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1. The site is located in the open countryside outside of the settlement of Gorefield. Accordingly, the principle of development will be supported in regard to the Rural Areas Development Policy LP12, where it can be established that the development will not harm the wide-open character of the countryside.
- 10.2. Furthermore, the principle of development would be supported where it meets the necessary criteria of the Local Plan with regard to character and amenity (Policy LP16), and in the absence of any site constraints that would render the scheme unacceptable in respect of the necessary policies of the Fenland Local Plan (2014), such as in respect of highway safety (LP15) or flooding (LP14). Furthermore, it is also necessary to consider the ancillary use of the building as an annexe to the host dwelling.
- 10.3. Ultimately, the principle of development may be considered acceptable, subject to compliance with the above policies, considered in more detail below.

### **Ancillary use and impacts to residential amenity**

- 10.4. In investigation into this application, the Case Officer interviewed the applicant with regard to the use of the annexe. The applicant stated that it is intended that the proposed annexe will be utilised by the assigned carer for the applicant (a close family member) and will allow for them to provide necessary 24 hour care but still facilitate the applicant to occupy the main dwelling for the foreseeable future. It should be noted that no specific evidence was submitted to support these claims.
- 10.5. Given the shared parking and amenity space arrangements between the annexe and host dwelling, with no apparent segregation of these spaces attributed to each building, it follows that the spatial relationship supports the intention to use the annexe ancillary to the host dwelling. In addition, a restrictive occupancy condition for the annexe may be imposed to retain planning control over the future use of the annexe should approval be granted, to which the applicant agreed.
- 10.6. Any amenity impacts from the annexe will be limited to the host dwelling only, as, by virtue of its position, the annexe has no close relationship to neighbouring dwellings. The annexe includes a kitchen window positioned approximately 6.5m at its nearest point from an opposing elevation of the host dwelling. This separation is not likely to cause undue overlooking or amenity impacts to the householder or annexe occupant. Notwithstanding, given the ancillary relationship, any amenity impacts arising from the erection and use of the annexe are understood to be accepted by the applicant.
- 10.7. Accordingly, there are no matters arising that would render the scheme unacceptable in respect of the ancillary use of the annexe or any subsequent residential amenity impacts.

### **Visual amenity and character**

- 10.8. Considering the visual amenity and impact of each of the elements of the proposal to the character of the area in turn:



#### Proposed annexe

- 10.9. The annexe is proposed to be located approximately 29m back from the highway edge of Hassock Hill Drove, set to the southeast corner of the host dwelling with the existing portacabin set forward of the proposed annexe to the west/southwest.
- 10.10. The proposed annexe is intended as approximately 7.9m wide by 9.1m deep and will include a gable roofline, reaching 6.3m to the ridge and 2.5m to the eaves. Whilst proposed as a 2-storey annexe, the building will appear as a single-storey property within the street scene, as the first-floor accommodation is proposed within the roof space.
- 10.11. Comparatively, the host dwelling has a varied roof height, as extensions on the original dwelling have included slightly higher ridge heights than of the original dwelling, raising from approximately 5.5m to 5.9m to the ridge. As such, the annexe will be a maximum of 0.8m higher than the main dwelling. Which, despite its relatively modest footprint comparatively, will result in the ancillary building being essentially dominant over the main dwelling.
- 10.12. However, consideration must be given to the overall quantum of development at the site. The main dwelling has been significantly extended over time and includes an existing adjoining annexe to the northeast corner (that appears to have a separate postal address). Thus, inclusive of these extensions/additions, and including the unauthorised existing portacabin, development at the site occupies a footprint of approximately 569m<sup>2</sup>. The proposed annexe would increase the development footprint at the site to approximately 641m<sup>2</sup>.
- 10.13. Whilst it is noted that the overall site area is large (with the red line boundary encompassing some 0.4ha with additional owned land behind), the existing dwelling along with the existing extensions and the separate portacabin to the front constitutes expansive piecemeal development of the site. Additional development by way of the annexe would compound this and, cumulatively, would appear as significant overdevelopment, given the position and proximity of the annexe to the already sprawling host dwelling and extensions.
- 10.14. Given this, it is considered that the proposed annexe will detrimentally impact the countryside character of the area by intensifying development at the site beyond appropriate limits, contrary to Policies LP12 and LP16 (d).

#### Change of use of land

- 10.15. It is apparent that the grassland field to the south of the site has been used as domestic garden land for a number of years and contains many items of associated domestic paraphernalia. There are no proposed changes to the layout or visual character of this land in respect of the change of use and its use as domestic land will not detrimentally impact the visual amenity or character of the area.

#### Retention of portacabin

- 10.16. The portacabin is located forward of the dwelling, in a prominent position on the site, approximately 5.5m from the highway edge of Hassock Hill Drove. It is formed of two modular portable buildings (one beige and one green),

totalling approximately 6m wide by 9.9m deep. The building has a slightly sloping, but effectively flat roof, reaching a maximum height of 2.8m.

10.17. Whilst it is acknowledged that the building is of limited height, its position within the site is such that the building is visible and prominent in the streetscene with an appearance uncharacteristic of nearby development.

10.18. It should be noted that matters in respect of the visual amenity and character were not explicitly included as reasons for refusal of earlier applications in respect of the portacabin. Notwithstanding, the earlier enforcement notice served in July 2019, stated the following as a reason for issuing the notice (Paragraph 4 (iii)):

*Policy LP16 is applicable to all development in the district. It requires proposals to meet all the criteria set out in (a) to (o). The unauthorised development does not by virtue of its appearance make a positive contribution to the local distinctiveness and character of the area...*

10.19. The circumstances in respect of the portacabin's appearance and position within the site have not changed since the issue of the enforcement notice. Although it should be noted that at that time the portacabin was being used as a beauticians business and is now intended as a hobby room ancillary to the main dwelling.

10.20. Notwithstanding, it is maintained that the building, regardless of its intended use, does not make a positive contribution to the local distinctiveness and character of the area and as such remains contrary to Policy LP16 (d).

#### Removal of access

10.21. The secondary access, running at an angle off Hassock Hill Drove to the south of the primary access to the site is an informal and unauthorised gravel track that is likely to have been created in respect of the use of the portacabin as a beauticians.

10.22. The current application seeks a change to how the portacabin is used, and therefore the secondary access to the portacabin building would no longer be required. As such, it is proposed to infill the access track with landscaping and remove it from use.

10.23. The prospect of removing the access from use, in itself will make a neutral impact on the visual amenity of the area. However the inclusion of new landscaping and trees to the site to enable the closure of the access will assist in softening the overall site appearance.

10.24. Thus, it is considered that this element is acceptable with respect to visual amenity and character.

#### Visual amenity and character conclusion

10.25. The main impacts to character of the area are the elements of the annexe and portacabin.

10.26. Circumstances relating to the appearance and position of the portacabin have not changed since the issue of an enforcement notice to the same. As such, the detrimental impact on character, considered then, remains now. Furthermore, the addition of a separate annexe will constitute overdevelopment of an already significantly developed site in the open countryside.

10.27. As such, it is considered that the proposals are considered unacceptable in respect of their detrimental impact to the countryside character and street scene contrary to Policies LP12 and LP16 (d).

#### **Highway safety and parking**

10.28. The proposals in respect of the closure of the secondary access of Hassock Hill Drove were considered by the Highways Authority to be acceptable, subject to the imposition of a condition in respect of details of the closure to be agreed prior to alterations.

10.29. There is ample space for parking/turning at the site which is not affected by the inclusion of the additional accommodation provided within the annexe.

10.30. In addition, the cessation of the use of the portacabin as a beauticians is likely to result in significant reduction in trip generations at the site, limited to occupants of the site or visitors only. The proposed use will therefore result in an improvement in terms of parking requirements and highway safety. As such, it is considered that the proposal is acceptable in respect of highway safety and parking in accordance with Policy LP15.

#### **Flood Risk**

10.31. The application site is located within flood zone 3, the highest flood risk zone, however as the relevant elements of the proposal are retrospective, and given the intentions for the site, there is no scope for the relocation of the buildings to an area of lower flood risk and therefore the sequential test is not appropriate in this instance. It is therefore essential that the scheme is demonstrated as being able to be made safe from flooding.

10.32. The application is accompanied by a site specific flood risk assessment, which recommends that the finished floor levels within the annexe will be set at least to the level of the existing dwelling at the site, and that sleeping accommodation within the annexe will be at first floor level. Consultations with the Environment Agency returned no objection to the scheme, subject to these mitigation measures being implemented.

10.33. Furthermore, given that the host dwelling at the site is single-storey and in light of the established residential use on site it is reasonable to conclude there are no grounds to oppose the development on the basis of flood risk in respect of Policy LP14.

#### **Ecology**

10.34. Concerns were raised in respect of the proposals potentially impacting protected species at the site. The current application seeks to regularise the use of an area of grassland as domestic curtilage. This land, and the site in general, is also bounded by significant numbers of mature trees.

10.35. There is evidence that the grassland has been used as informal domestic land for some time. In addition, there are no proposed works to this land or the nearby trees within the current application that would suggest that the scheme would be detrimental to biodiversity and therefore the issue of ecology/biodiversity does not warrant statutory consultation in this respect.

10.36. Notwithstanding, the LPA sought the informal advice of the PCC Wildlife Officer in light of the concerns raised, and the Officer suggests that there is unlikely to be any significant wildlife concerns as a result of the proposals, and recommended that the applicant follow best practice in terms of the relevant wildlife legislation. As such, it is considered that the proposed development is unlikely to result in disturbance or harm to protected species and is therefore acceptable in this respect. Notwithstanding this an informative can be appended to the decision notice outlining the applicant's ongoing obligations in this regard.

## **11 CONCLUSIONS**

11.1. This application seeks full planning approval for:

- (a) the erection of a 2-storey 1-bed annexe;
- (b) the change of use of the grassland field to domestic curtilage;
- (c) the retention of the portacabin to be used as a hobby room for the existing dwelling; and
- (d) the removal of an existing access.

11.2. Matters in respect of residential amenity, highway safety, flood risk and ecology have been reconciled.

11.3. Notwithstanding, the proposal has been assessed against the necessary policies of the Fenland Local Plan in respect of visual amenity and character, and it is concluded that the scheme will detrimentally impact the character of the countryside and visual amenity of the area by virtue of the intensification of development of the site as a result of the proposed annexe; and owing to the impact of the portacabin on the streetscene due to its appearance and position, contrary to Policies LP12 and LP16 (d).

11.4. Therefore, given the above, the application must be recommended for refusal.

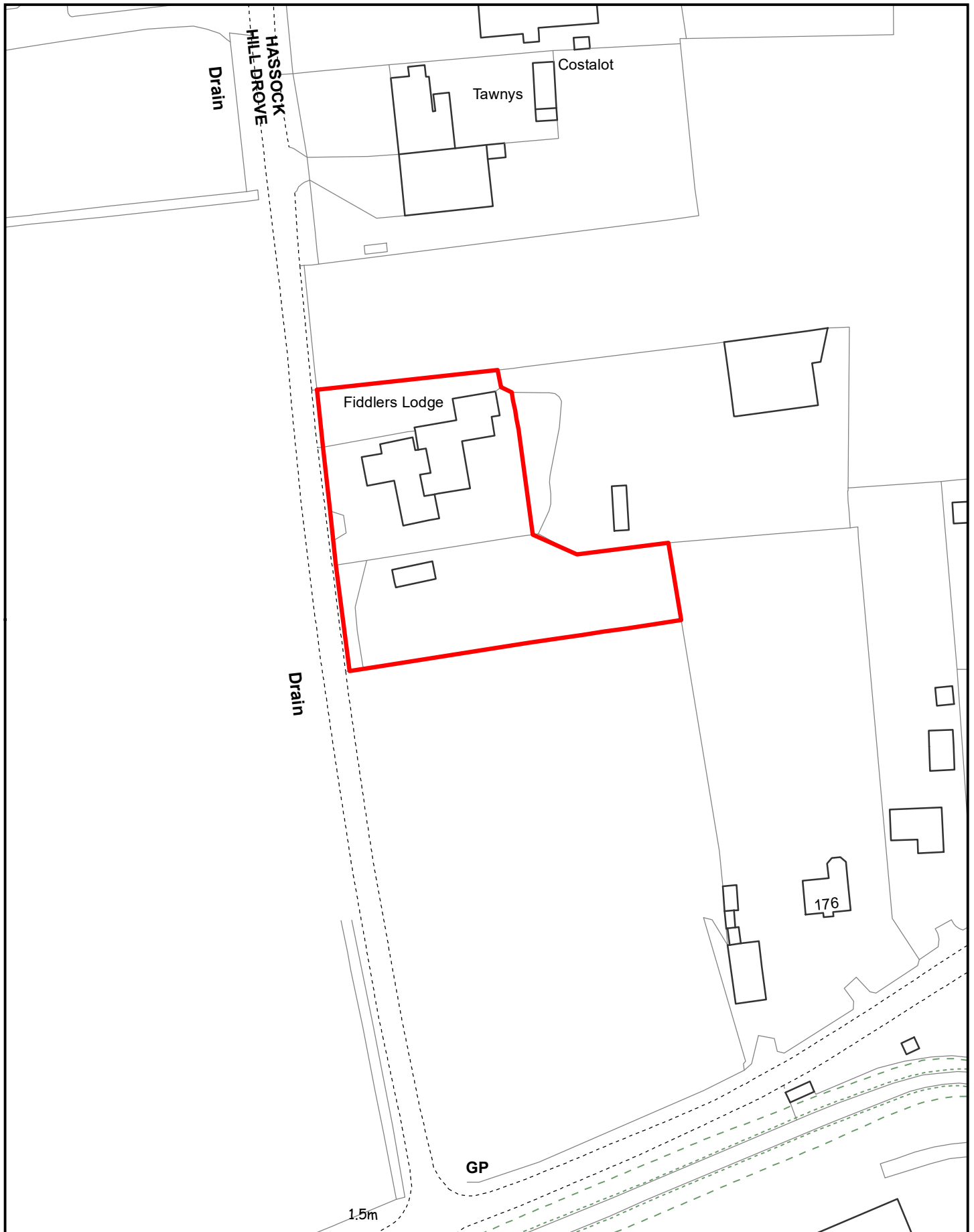
## **12 RECOMMENDATION**

**Refuse**, for the following reason;

### **Reason**

|   |   |
|---|---|
| 1 | Policy LP12 supports development where it can be established that the development will not harm the wide-open character of the countryside. Policy LP16 part (d) of the Fenland Local Plan 2014, DM3 of Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014, and Paragraph 130 of the National Planning Policy Framework 2021 requires development |
|---|---|

|  |   |
|--|---|
|  | <p>to make a positive contribution to the local distinctiveness and character of the area that does not adversely impact, either in design or scale terms, on the street scene or landscape character of the surrounding area.</p> <p>The proposed annexe is considered to result in an unacceptable intensification of development that would detrimentally impact the character of the area. In addition, the overall height of the annexe comparative to the main dwelling would result in an 'ancillary' building exerting dominance over its host.</p> <p>Furthermore, the existing portacabin, regardless of its intended use, does not by virtue of its appearance and position within the site make a positive contribution to the street scene.</p> <p>The development is therefore contrary to Policies LP12 and LP16 (d) of the Fenland Local Plan (2014) and the National Planning Policy Framework (2021).</p> |
|--|---|



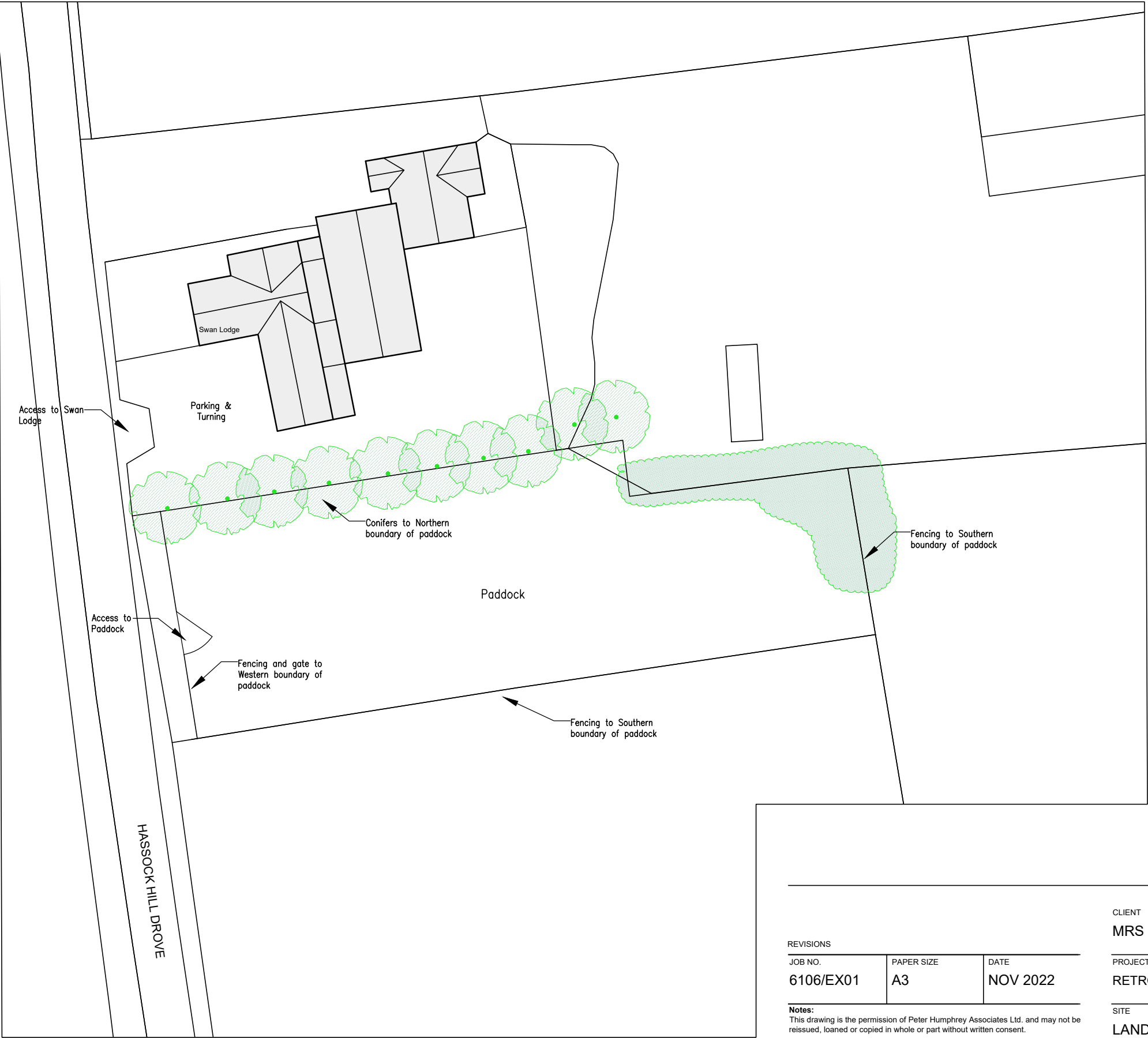
Created on: 22/11/2022

© Crown Copyright and database  
rights 2022 Ordnance Survey 10023778

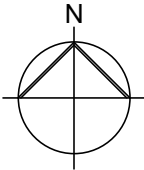
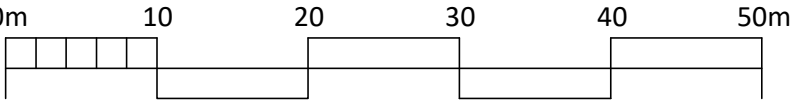
**F/YR22/1272/F**

Scale = 1:1,250





SITE PLAN 1:500



REVISIONS

| JOB NO.   | PAPER SIZE | DATE     |
|-----------|------------|----------|
| 6106/EX01 | A3         | NOV 2022 |

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

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

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

CLIENT  
MRS T POPE

PROJECT  
RETROSPECTIVE CHANGE OF USE & ANNEXE

SITE  
LAND SOUTH OF SWAN LODGE  
HASSOCK HILL DROVE  
GOREFIELD  
CAMBS  
PE13 4QF

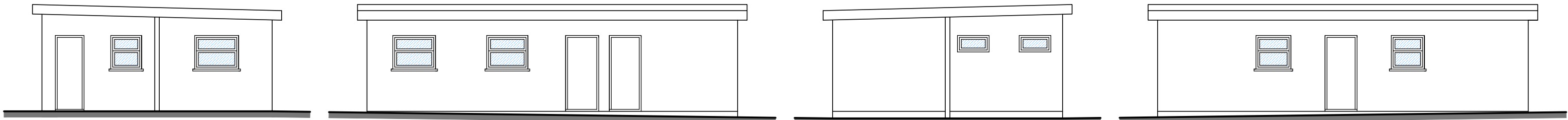
DRAWING  
EXISTING DRAWING



PETER HUMPHREY  
ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

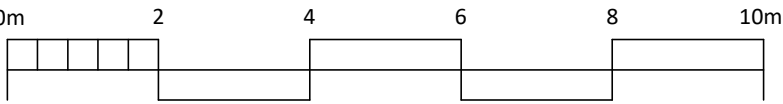
TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk



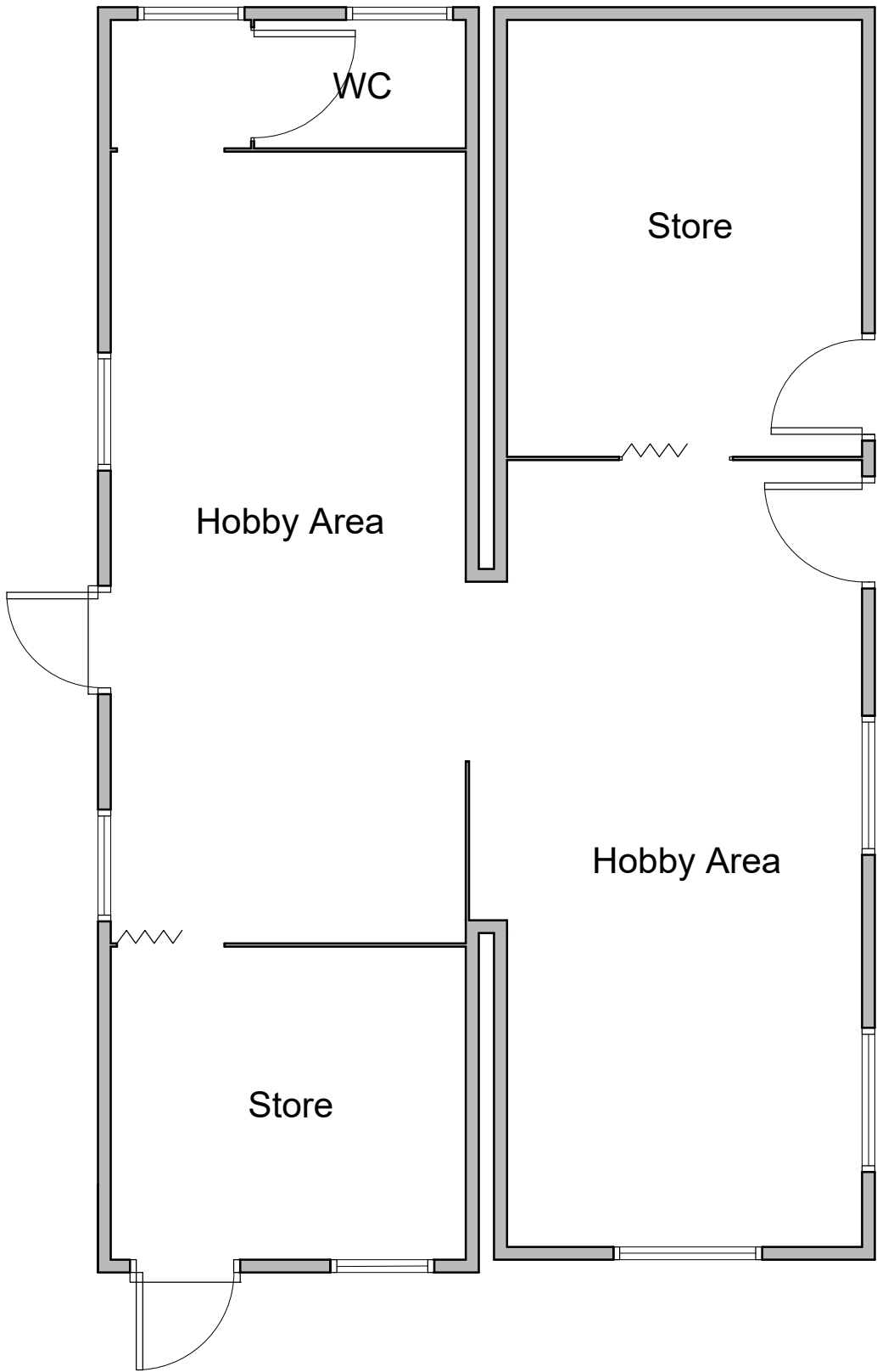
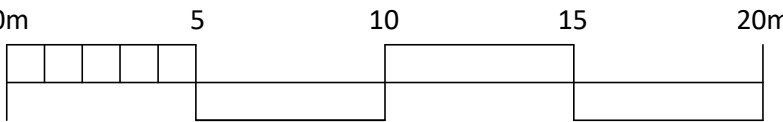
WEST ELEVATION 1:100 SOUTH ELEVATION

EAST ELEVATION

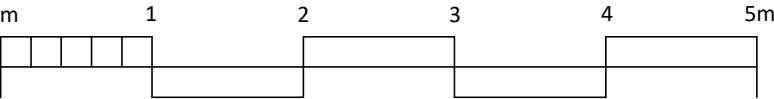
NORTH ELEVATION



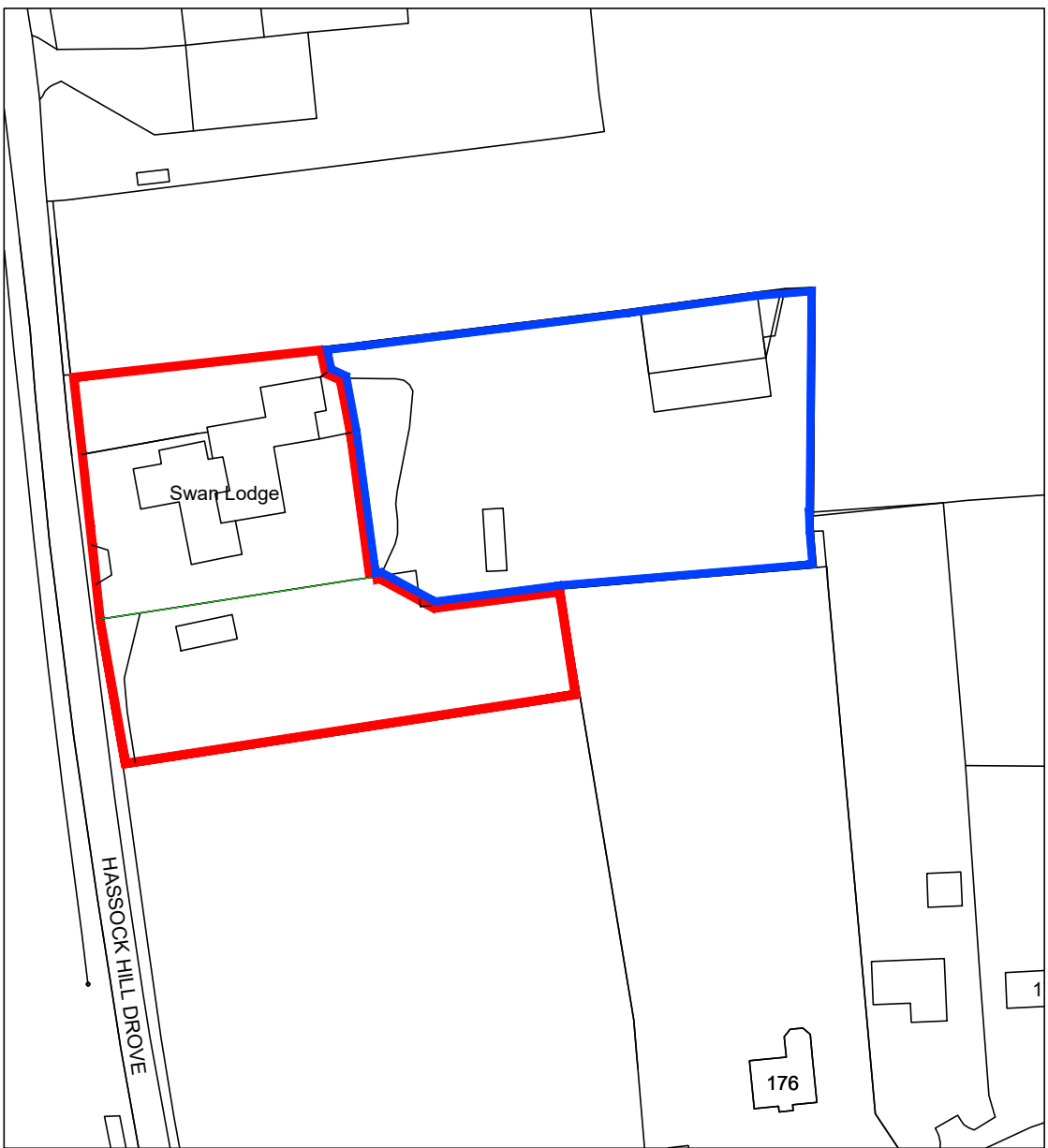
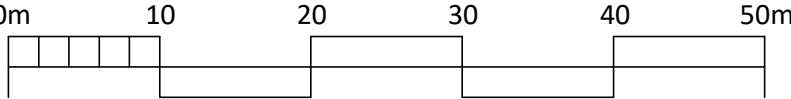
STREET SCENE 1:200



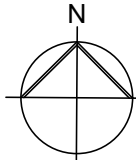
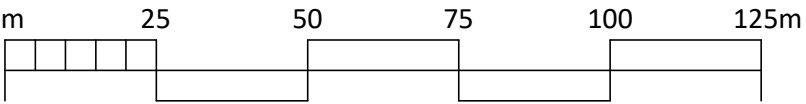
FLOOR PLAN 1:50



SITE PLAN 1:500



LOCATION PLAN 1:1250



LEVEL NOTE

Site Levels to remain unaltered.  
Finished Floor Levels to match existing dwelling.

SITE PLAN KEY

- Existing Domestic Curtilage
- Change of Use to Domestic Garden

B - 13.12.22 - Secondary access closed off as per highway comments.  
A - 10.11.22 - Street scene added.

REVISIONS

| JOB NO.    | PAPER SIZE | DATE     |
|------------|------------|----------|
| 6106/PL20B | A2         | OCT 2022 |

Notes:

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

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

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

CLIENT

MRS T POPE

PROJECT

RETROSPECTIVE CHANGE OF USE & ANNEXE

SITE

LAND SOUTH OF SWAN LODGE  
HASOCK HILL DROVE  
GOREFIELD  
CAMBS  
PE13 4QF

DRAWING

PLANNING DRAWING 1

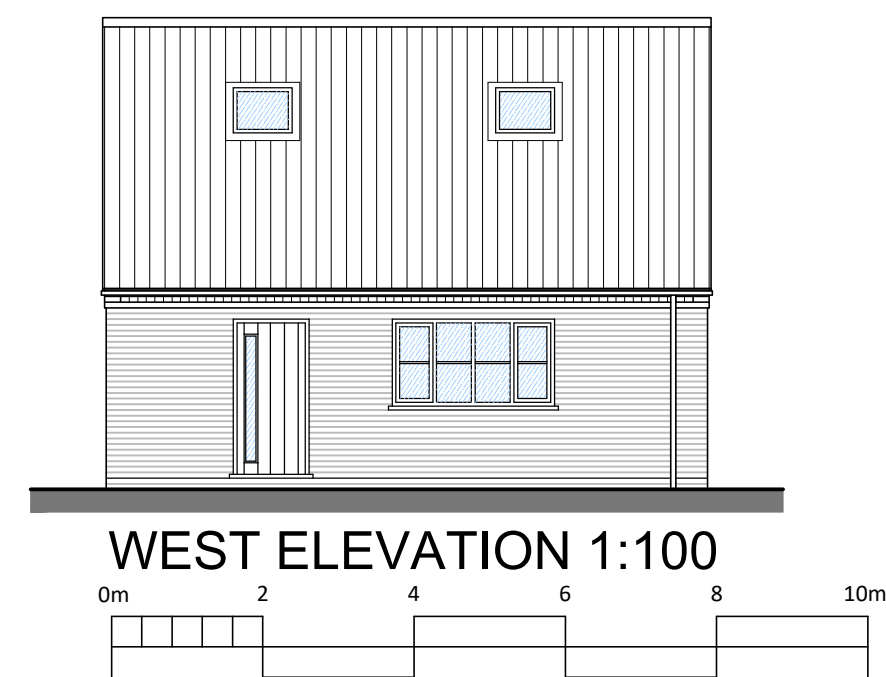


PETER HUMPHREY  
ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk





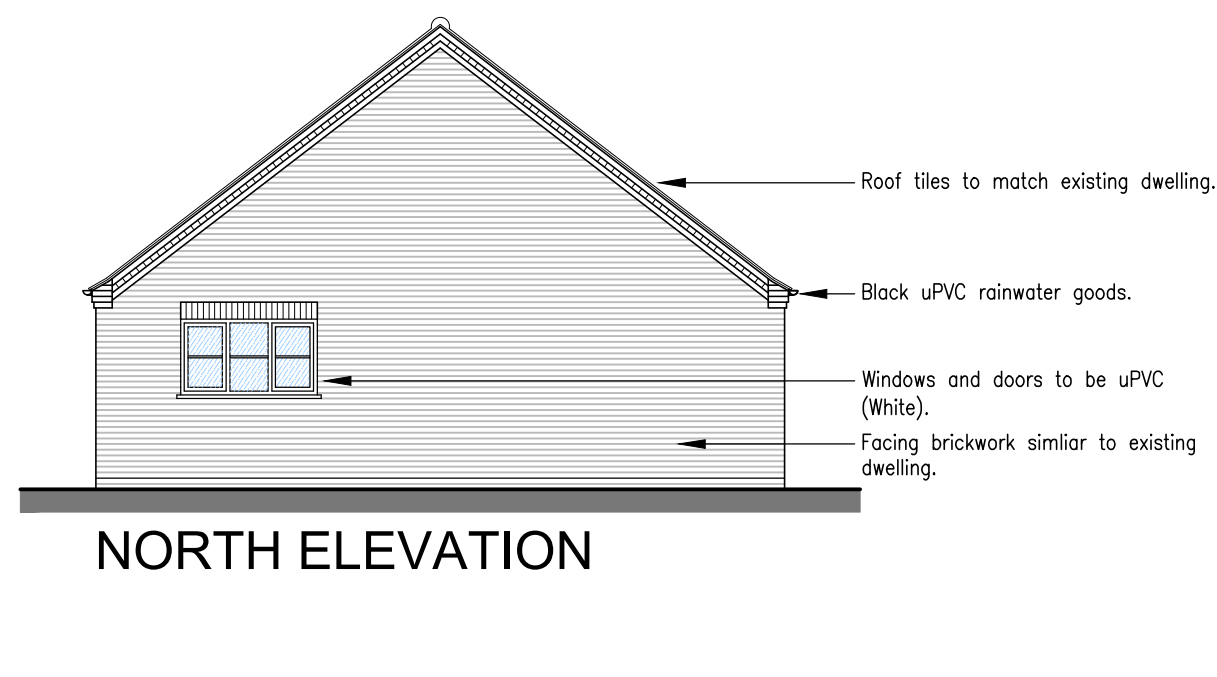
WEST ELEVATION 1:100



SOUTH ELEVATION

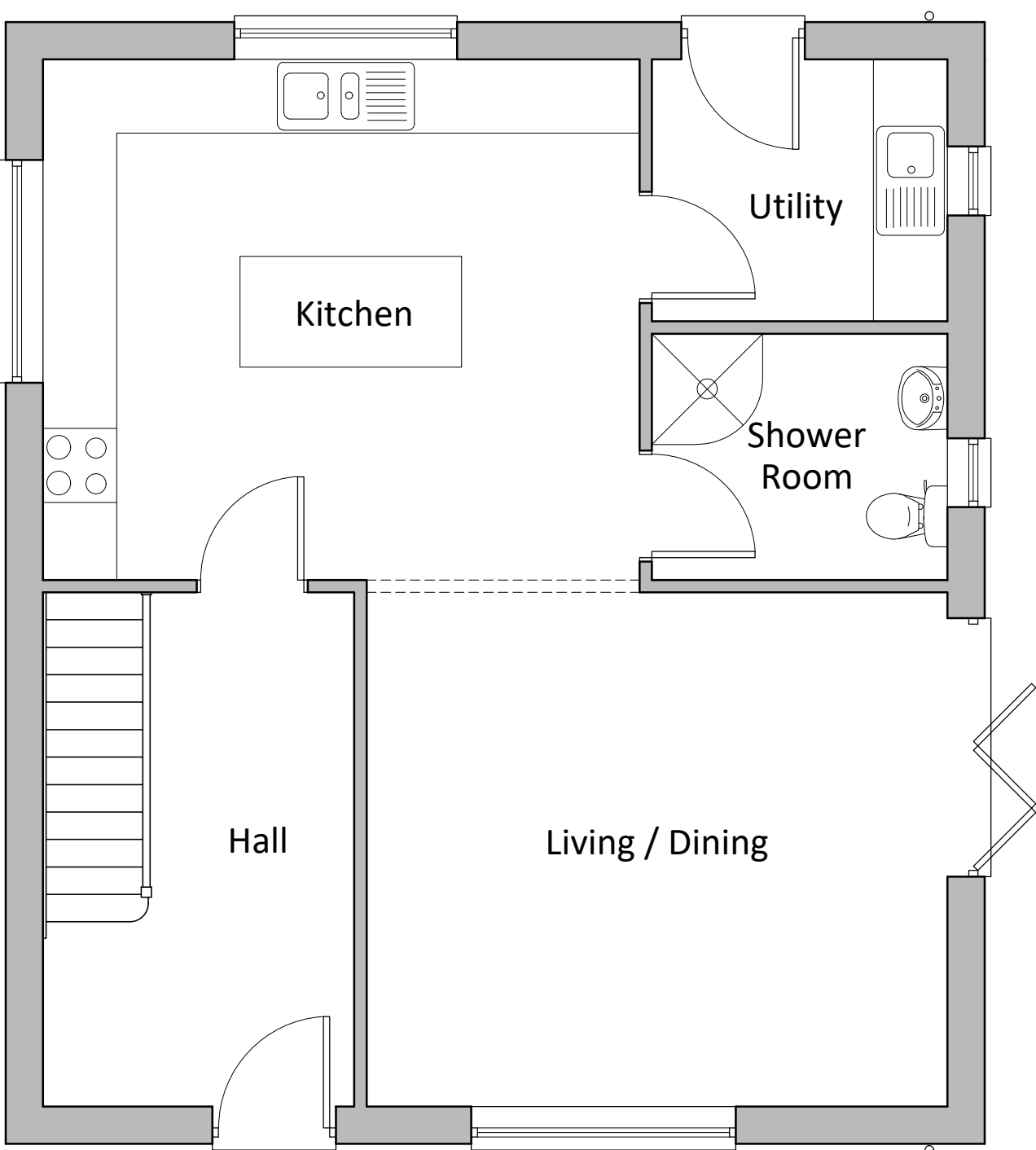


EAST ELEVATION

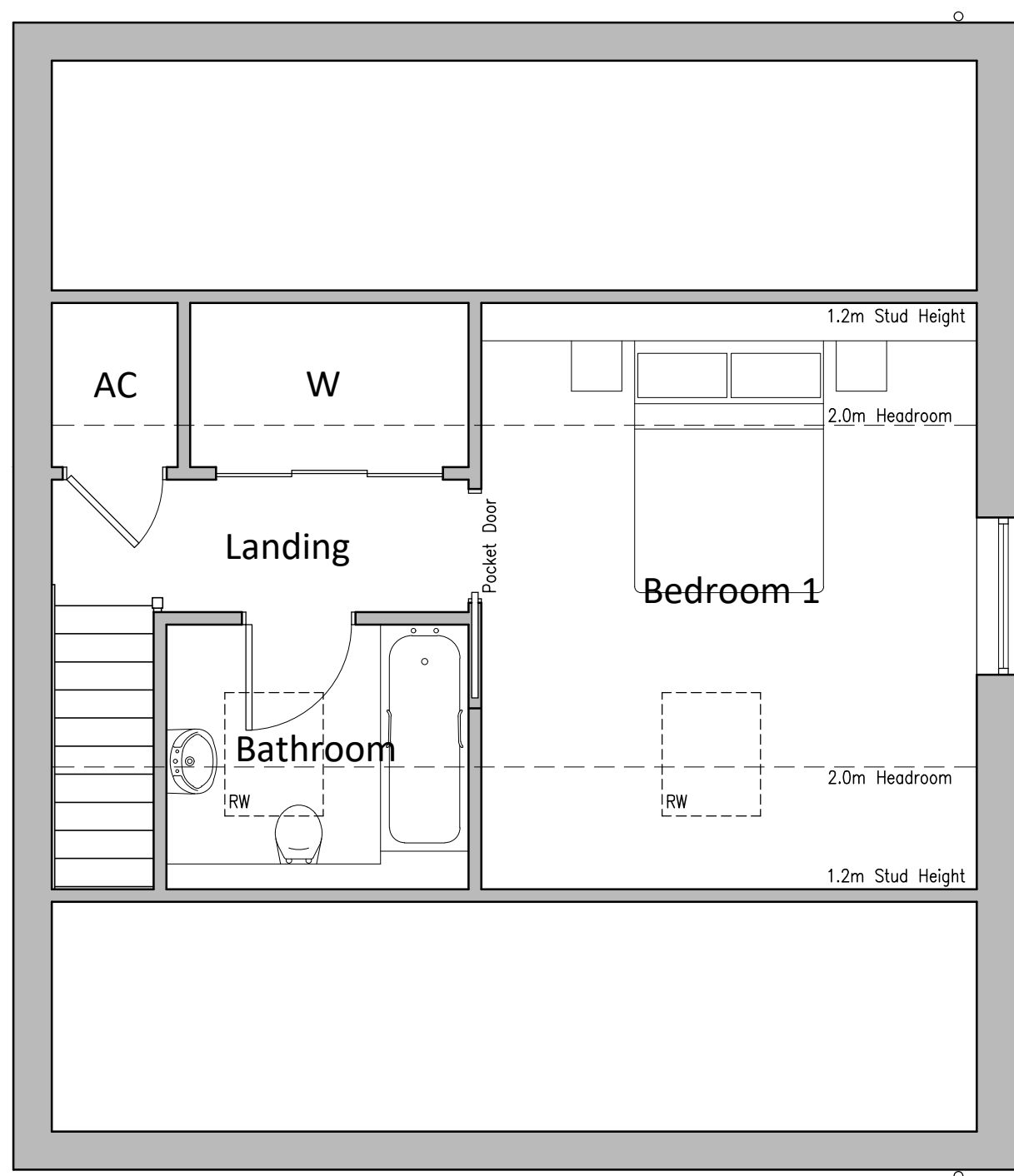


NORTH ELEVATION

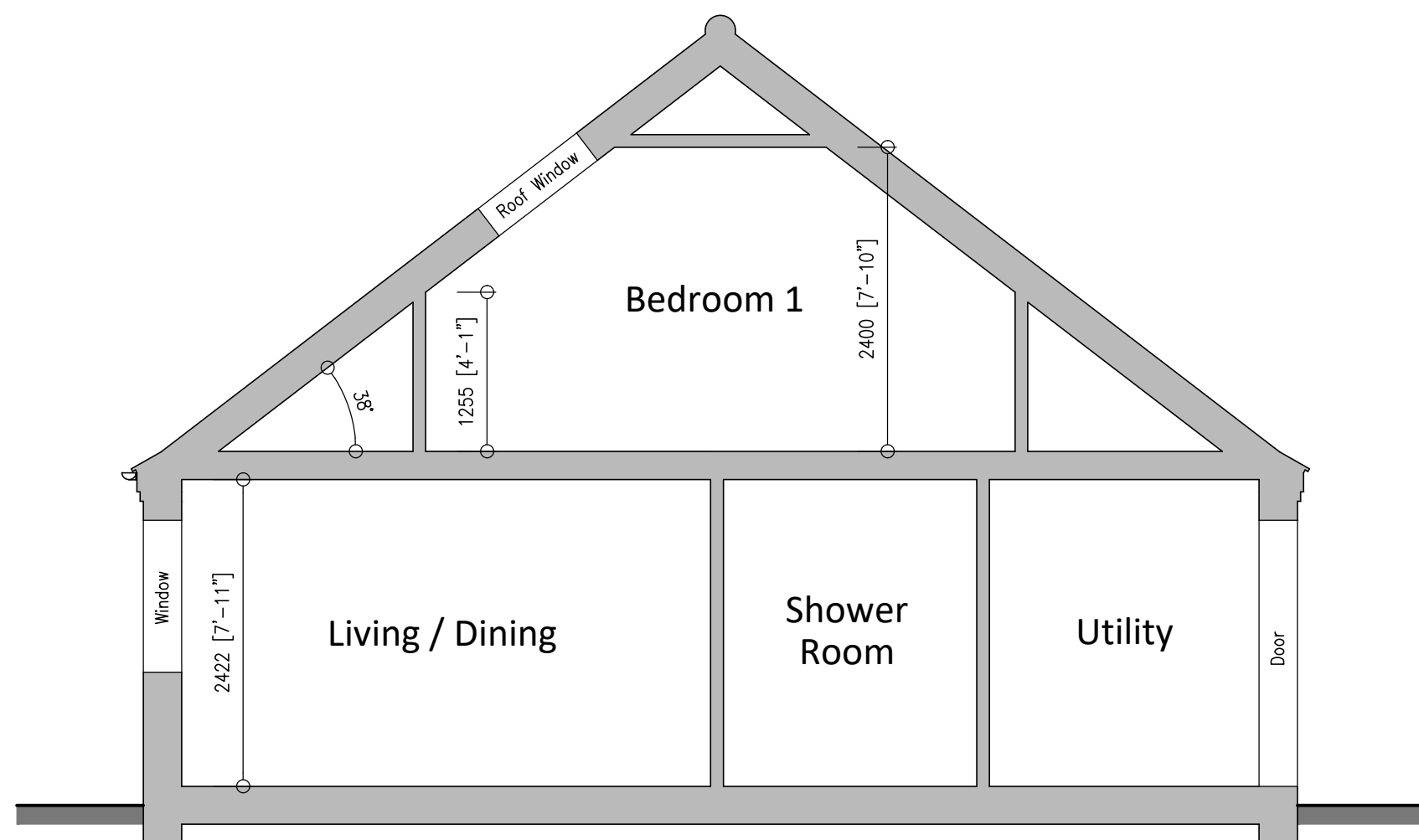
Roof tiles to match existing dwelling.  
Black uPVC rainwater goods.  
Windows and doors to be uPVC (White).  
Facing brickwork similar to existing dwelling.



GROUND FLOOR PLAN 1:50



FIRST FLOOR PLAN 1:50



SECTION 1:50

LEVEL NOTE  
Finished Floor Levels to match existing dwelling.

REVISIONS

| JOB NO.   | PAPER SIZE | DATE     |
|-----------|------------|----------|
| 6106/PL21 | A2         | OCT 2022 |

Notes:

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

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

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

CLIENT

MRS T POPE

PROJECT

RETROSPECTIVE CHANGE OF USE & ANNEXE

SITE

LAND SOUTH OF SWAN LODGE  
HASSOCK HILL DROVE  
GOREFIELD  
CAMBS  
PE13 4QF

DRAWING

PLANNING DRAWING 2



PETER HUMPHREY  
ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk

This page is intentionally left blank

**F/YR22/1170/F**

**Applicant: Mrs C Wing**

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

**Scout And Guide Hut, Wales Bank, Elm, Wisbech Cambridgeshire PE14 0AY**

**Erect a dwelling (2-storey 3-bed), detached garage and polytunnel involving the demolition of existing scout hut and relocation of existing access**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1. The application site lies outside the built framework of Elm accessed off a single-track road, Wales Bank. No 1 and 2 Redmoor Cottages are adjacent to the site.
- 1.2. The proposal seeks to demolish the existing Scout Hut building and erect a 2-storey, 3-bed dwelling on the site of the Scout hut, with a detached double garage to the northeast corner of the site and a polytunnel to the southwest, involving relocation of the existing access.
- 1.3. The development site falls within an 'elsewhere' location. As identified under Policy LP3 development in such areas should be restricted to that which is essential for specified rural purposes. Furthermore, owing to the elsewhere location, it is necessary to apply the criteria outlined in Policy LP12. The application includes no justification regarding functional need for the dwelling being essential to the purposes outlined in LP3. Thus the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014. In addition, the lack of nearby services and facilities would render the location 'functionally' isolated as such the provisions of Paragraph 79 of the NPPF would not be relevant and would not outweigh Policy LP12 in this instance.
- 1.4. This application seeks permission for the erection of a new dwelling, outside of a specified settlement, within Flood Zone 2. The application is accompanied by a Flood Risk Assessment and a separate Sequential and Exception test document, however the submitted Sequential Test is deficient as it concentrates the area of search to developments within Elm only. As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF in respect of flood risk.
- 1.5. The proposed relocated access is considered sub-standard, however the impact of the development is considered to be less than severe, owing to a reduction in trip generation compared to the previous use as a Scout Hut. As such, it was considered there was insufficient justification to substantiate an objection to the scheme in respect of highway safety.
- 1.6. Notwithstanding, the below assessment establishes that the proposal fails to accord with the relevant policies of the Fenland Local Plan 2014 and the corresponding paragraphs of the NPPF in respect of the principle of development and flood risk. As such, the recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1. This 0.2ha site lies outside the built framework of Elm accessed off a single-track road, on a blind bend. There are number of dilapidated buildings on the site including: a former meeting room for the Scouts; a Nissan hut (dated around WWII); and a storage container. There is a grassed area to the rear of the site which is maintained and in the ownership of the applicant. Also on site is a greenhouse, some garden paraphernalia and a static caravan.
- 2.2. The site is not isolated, No 1 and 2 Redmoor Cottages are adjacent to the site. The site is within Flood Zone 2.

### 3 PROPOSAL

- 3.1. The proposal seeks to demolish the existing Scout Hut building and erect a 2-storey, 3-bed dwelling on the site of the Scout hut, with a detached double garage to the northeast corner of the site to the front of the proposed dwelling and a polytunnel to the southwest of the site involving relocation of the existing access. The existing Nissen hut adjacent to the northern boundary of the site is to be retained.
- 3.2. The proposed dwelling will encompass a footprint of approximately 20m wide by 6.5m deep, with a pitched roof reaching 8m to the ridge and 4m to the eaves, with a central porch with a flat roof reaching approximately 2.9m.
- 3.3. The garage will encompass a footprint of approximately 6.4m wide by 6.7m deep, with a pitched roof reaching 6.1m to the ridge and 2.8m to the eaves.
- 3.4. The dwelling and garage will be constructed of black corrugated metal sheeting with a standing seam roof in black including PV solar panels.
- 3.5. Full plans and associated documents for this application can be found at: [F/YR22/1170/F](https://fenland.gov.uk/F/YR22/1170/F) | [Erect a dwelling \(2-storey 3-bed\), detached garage and polytunnel involving the demolition of existing scout hut and relocation of existing access](https://fenland.gov.uk/F/YR22/1170/F) | [Scout And Guide Hut Wales Bank Elm Wisbech Cambridgeshire PE14 0AY \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/1170/F)

### 4 SITE PLANNING HISTORY

|               |   |                       |
|---------------|---|-----------------------|
| F/YR19/0505/F | Erection of a 2-storey, 3-bed dwelling involving demolition of former scout hut and replacement of existing Quonset hut with new Quonset hut to form a 1-bed self contained annexe and garage and erection of 1.8m high gates to access | Refused<br>05.08.2019 |
|---------------|---|-----------------------|

### 5 CONSULTATIONS

#### 5.1. Environment & Health Services (FDC)

*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.*

*Due to the removal of existing structures, I would however 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.*

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

*The Environmental Health Team note and accept the latest submitted information, and have 'No Objection' to the details specific to this re-consultation.*

*Previous comments and recommended conditions provided by this service on 31.10.2022 are therefore still considered relevant at this stage.*

**5.3. Elm Parish Council**

*Elm Parish objects to proposals submitted under planning application ref. F/YR22/1170/F due to concerns relating to highway safety.*

*Wales Bank is used as a 'cut through' for motorists travelling in and out of Elm village; many vehicles are travelling at speeds which are totally inappropriate and this has been reported to the local police team.*

*The road surface is in a very poor condition (including a large dip); not helped by the fact that heavy goods vehicles use the route.*

*Taking this into account, Members believe that the proposed site access does not provide the visibility required to pull out safely onto Wales Bank and would result in creating hazard for motorists, cyclists and pedestrians using the route.*

**5.4. Cambridgeshire County Council Highways Authority**

*I do not object to the proposed development.*

*The proposed access does not achieve the visibility required for a de-restricted road (215m) nor has any speed survey information been presented to justify a reduction.*

*However, a single dwelling with some ancillary structures will represent a reduction in trip generation compared to the scout hut. On this basis, I am unable to substantiate an objection.*

*Please append the following Conditions and Informatives to any permission granted:*

*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 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.*

**5.5. Wildlife Officer**

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

**Recommended condition(s)**

**Pre-Commencement Conditions(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 various protected species, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.*

**Compliance Condition(s) -**

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

*- 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.*

**5.6. Local Residents/Interested Parties**

The LPA received 13 letters of support from 12 address points; 7 of the received representations were in a pro-forma format, others were specific letters or via public access, one letter received stated no specific reasons for support, but that the author had “*no problem with the planning.*” Other representations received stated the following as reasons for support:

- Development will enhance the road and have no impact on the local community; (via pro-forma)
- It will enhance the locality;
- Would not be detrimental to any neighbouring residents or businesses due to its location;
- Would bring a derelict site back into positive use which would benefit the area and improve the visual appearance of the area as the buildings are in significant disrepair;
- Would be in keeping with the area;
- It would be a nicer outlook from a neighbouring perspective;

An additional comment was received about internal paintings within the existing Nissen hut. As this is due to remain as part of this application, these comments were not considered relevant to this application.

One objection was received stating that the Scout Hut is part of the history of Elm which is being rapidly eroded.

**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

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

Para 80: Avoidance of isolated homes in the countryside

Para 110-112: Promoting sustainable transport

Section 14: Meeting the challenge of climate change, flooding and coastal change

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

Determining a planning application

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

Context

Identity

Built Form

Homes and Buildings

Resources

Lifespan

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

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

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 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

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

LP32 – Flood and Water Management

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

## **8 KEY ISSUES**

- **Principle of Development**
- **Flood Risk**
- **Highways & Access**
- **Residential amenity**

## **9 BACKGROUND**

- 9.1. The initial application sought the demolition of an existing Nissen hut on the site, however it was noted on site inspection that there were potentially historic wall paintings inside the hut that may require additional archaeological investigation and recording before demolition could be agreed. On notification of this, the applicant decided to retain the Nissen hut on the site and this was removed from the description and plans relating to this application.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1. Policy LP3 identifies the site as being in an elsewhere location where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP12 Part D sets out the detailed approach to development away from the settlements identified in Policy LP3, on the understanding that such dwellings are being sought for the purposes identified in Policy LP3.
- 10.2. Justification in the form of personal statements by the applicant were submitted in respect of the scheme, however these do not amount to appropriate evidence to justify the development as being demonstrably essential to the aforementioned purposes appropriate to this location. Accordingly, the proposal for new residential development in this location would fail to accord with Policy LP3 and Policy LP12 Part D of the development plan.
- 10.3. However, regard is had to the NPPF whereby Paragraph 79 seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities through supporting services and businesses, whilst avoiding new isolated homes in the countryside.
- 10.4. In this regard it is noted that whilst the site is detached from the main settlement of Elm, it is amongst a small cluster of dwellings. The existence of these dwellings would result in the site not being 'physically' isolated, however the lack of nearby services and facilities would render the location 'functionally' isolated as such the provisions of Paragraph 79 of the NPPF would not be relevant and would not outweigh Policy LP12 in this instance.
- 10.5. Paragraph 80 of the NPPF has also been considered. Although the proposed development would be in a functionally isolated location, part c) of the paragraph discusses the re-use of redundant or disused buildings in the countryside. In this regard, this paragraph might be relevant. However, as the proposal is to demolish the existing Scout Hut, which is not in a condition worthy of retention, the paragraph does not apply.
- 10.6. Therefore, given the above it is considered that the proposal is contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014 and does not find support within the NPPF. Thus, the principle of development cannot be supported.



### **Flood Risk**

- 10.7. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. This application seeks permission for the erection of a new dwelling, outside of a specified settlement, within Flood Zone 2.
- 10.8. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, and Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.
- 10.9. In accordance with Section 14 of the NPPF, Policy LP14 and the requirements of the Cambridgeshire Flood and Water Supplementary Planning Document, it is for the applicant to demonstrate through an assessment that the Sequential Test has been met. In February 2018, the Council amended the approach to agreeing the scope of the Sequential Test to a settlement-by-settlement basis, instead of the entire district as set out in the Cambridgeshire Flood and Water SPD (2016). However, as the development is located outside of a settlement, and there is not considered to be any justification for a dwelling in connection with an existing use, the area of search in this case is district wide.
- 10.10. The application is accompanied by a Flood Risk Assessment and a separate Sequential and Exception test document, however the submitted Sequential Test is deficient as it concentrates the area of search to developments within Elm only.
- 10.11. Noting the adopted and indeed consistent stance of Officers when applying the Sequential Test on sites which do not comply with the settlement hierarchy it is asserted that the scheme has no potential to satisfy the Sequential Test, as this would require the application of the Sequential Test on a district wide scale. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made safe for its lifetime the Sequential Test still needs to be satisfied, i.e. the proposed flood risk safety measures do not overcome locational issues.
- 10.12. As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

### **Highways & Access**

- 10.13. The LPA has no record of any authorised change of use on the site with regard to the scouting activities. According to evidence submitted in respect of earlier applications for the site, the scouting use apparently ceased in 2012, prior to the adoption of the Local Plan in 2014.
- 10.14. Policy LP15 of the Fenland Local Plan 2014 and paragraphs 110 and 112 of the NPPF 2021 seek to achieve an adequate, safe and suitable access.
- 10.15. When the Officer visited the site, it was discovered that there is no visibility to the east when exiting the site. However, the application seeks to remedy this by relocating the existing access approximately 3.7m to the west to improve visibility to the east. The Highway Authority's comments state that the proposed relocated access does not achieve the visibility required for a 60mph road (215m). As such, the proposed access is considered sub-standard.

10.16. Notwithstanding, paragraph 111 of the NPPF 2021 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.17. It is considered that development of a single dwelling on the site could essentially represent a reduction in trip generation compared to the previous use as a Scout Hut. As such, it is considered there is insufficient justification to substantiate an objection to the scheme in respect of highway safety in accordance with paragraph 111 of the NPPF.

### **Residential amenity**

10.18. Policy LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and provides appropriate amenity for future occupiers. The proposed dwelling would be sufficient distance from Nos 1 and 2 Redmoor Cottages not to impact on their amenity.

10.19. The proposed garage will be positioned close the boundary with No.2 Redmoor Cottages, and may offer limited overshadowing impacts. However, it is considered that this will be not significant enough to detrimentally impact neighbouring amenity.

## **11 CONCLUSIONS**

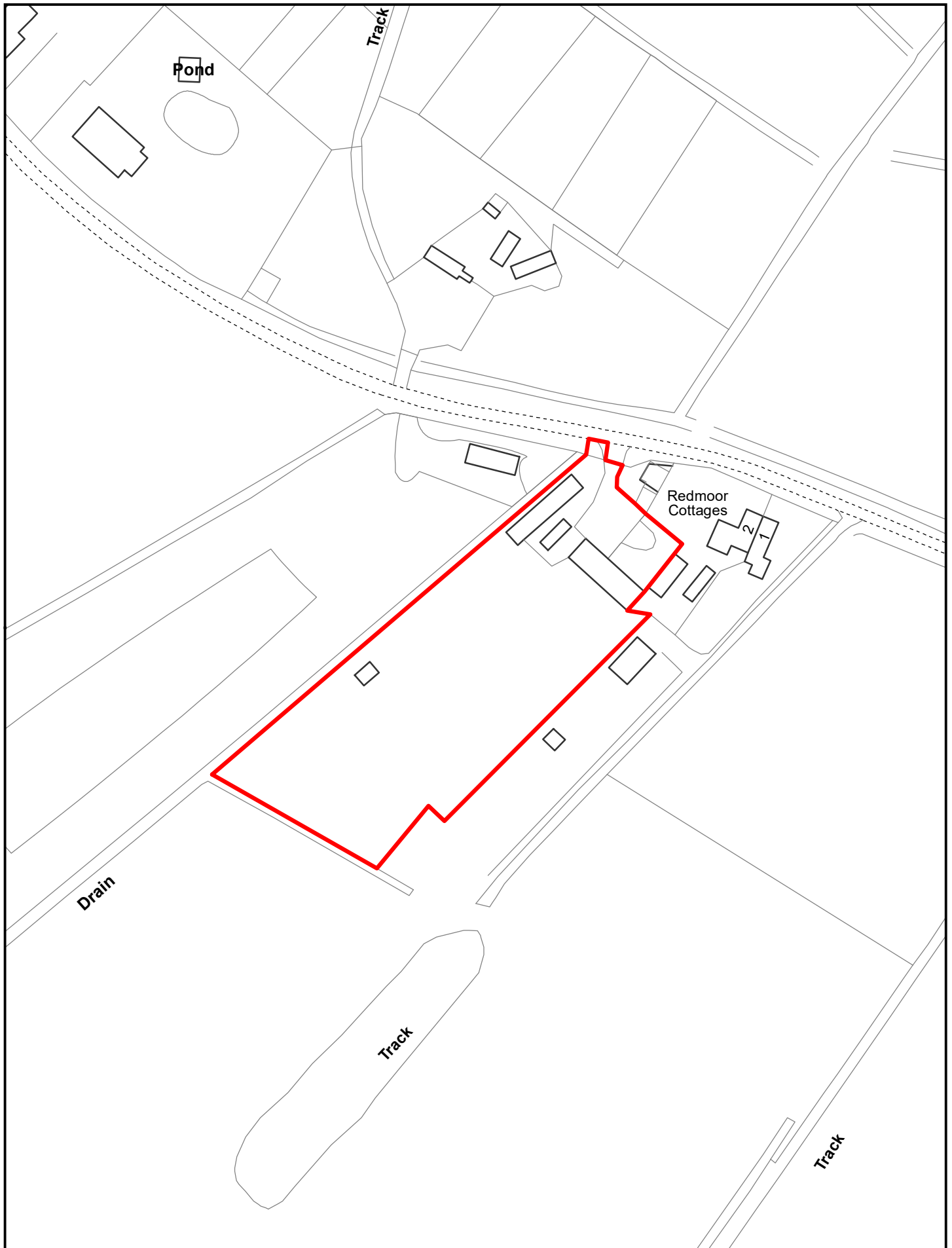
11.1. The above assessment established that the proposal fails to accord with the relevant policies of the Fenland Local Plan 2014, namely, LP3, LP12 Part D, and LP14; Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016); and the corresponding paragraphs of the NPPF. As such, the recommendation is to refuse the application.

## **12 RECOMMENDATION**

**Refuse;** for the following reasons;

|   |   |
|---|---|
| 1 | <p>Policy LP3 of the Fenland Local Plan (2014) requires development in areas away from market towns and villages to be essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP12 Part D of the Fenland Local Plan (2014) states proposals for new dwellings in such locations will be supported where the application addresses the functional need for a dwelling in this location and that there is no availability of other suitable accommodation on site or in the area. Paragraphs 79 and 80 of the NPPF (2021) seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities through supporting services and businesses, whilst avoiding new isolated homes in the countryside.</p> <p>By virtue that the proposal seeks to create a purely residential development in an elsewhere location, with no links to a rural enterprise, there is not a demonstrably essential or functional need for residential accommodation to be provided at the site. The proposal would result in the construction of an additional dwelling in a location with no supporting services and would result in future occupants being</p> |
|---|---|

|   |   |
|---|---|
|   | reliant on the private car to access those facilities elsewhere. Thus, the proposal is considered contrary to the above aforementioned local and national planning policies and cannot be supported.  |
| 2 | Policy LP14 of the Fenland Local Plan 2014 requires development proposals in higher flood risk areas to undergo a Sequential Test to demonstrate through evidence that the proposal cannot be delivered elsewhere in the rural area at a lower risk of flooding. The site lies within Flood Zone 2 . The applicant has submitted an inadequate Sequential Test, which fails to consider the necessary area of search, and therefore has failed to demonstrate that the development could not be delivered in an area of lower flood risk. Thereby, the development does not accord with the requirements of Section 14 of the NPPF; Policy LP14 of the Fenland Local Plan 2014; and the Cambridgeshire Flood and Water SPD and cannot be supported. |



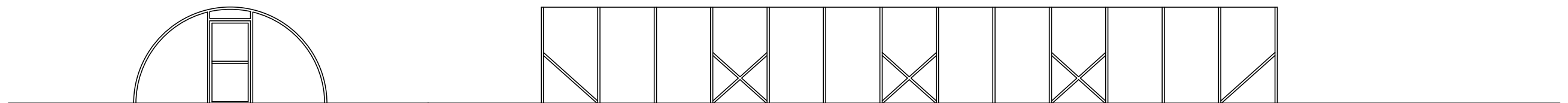
Created on: 28/10/2022

© Crown Copyright and database  
rights 2022 Ordnance Survey 10023778

**F/YR22/1170/F**

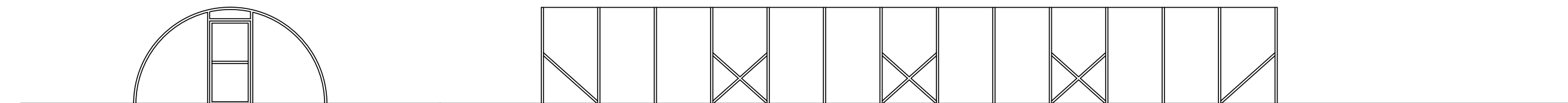
Scale = 1:1,250





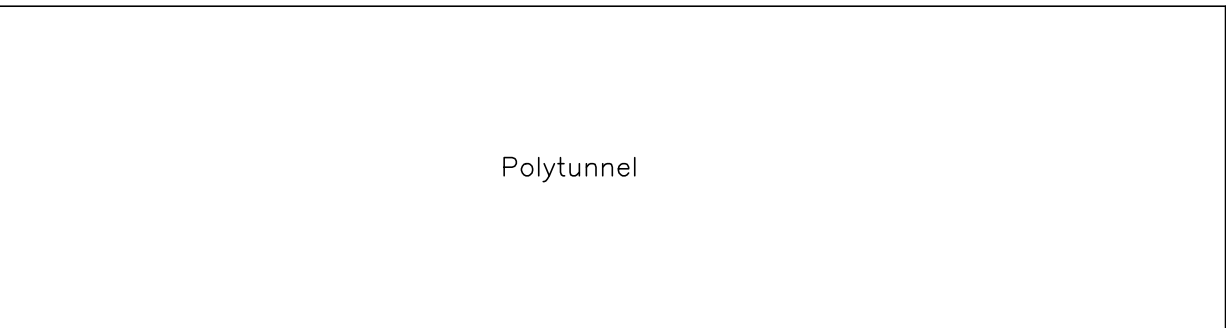
Proposed Front Elevation 1:100

Proposed Side Elevation 1:100

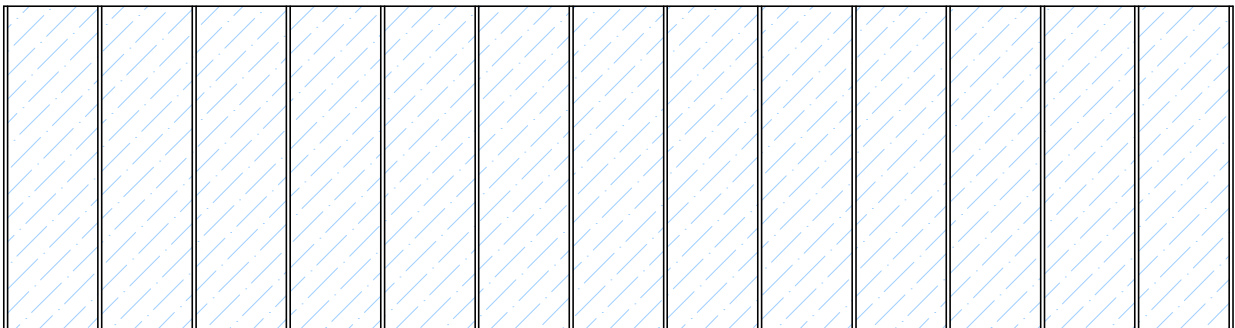


Proposed Rear Elevation 1:100

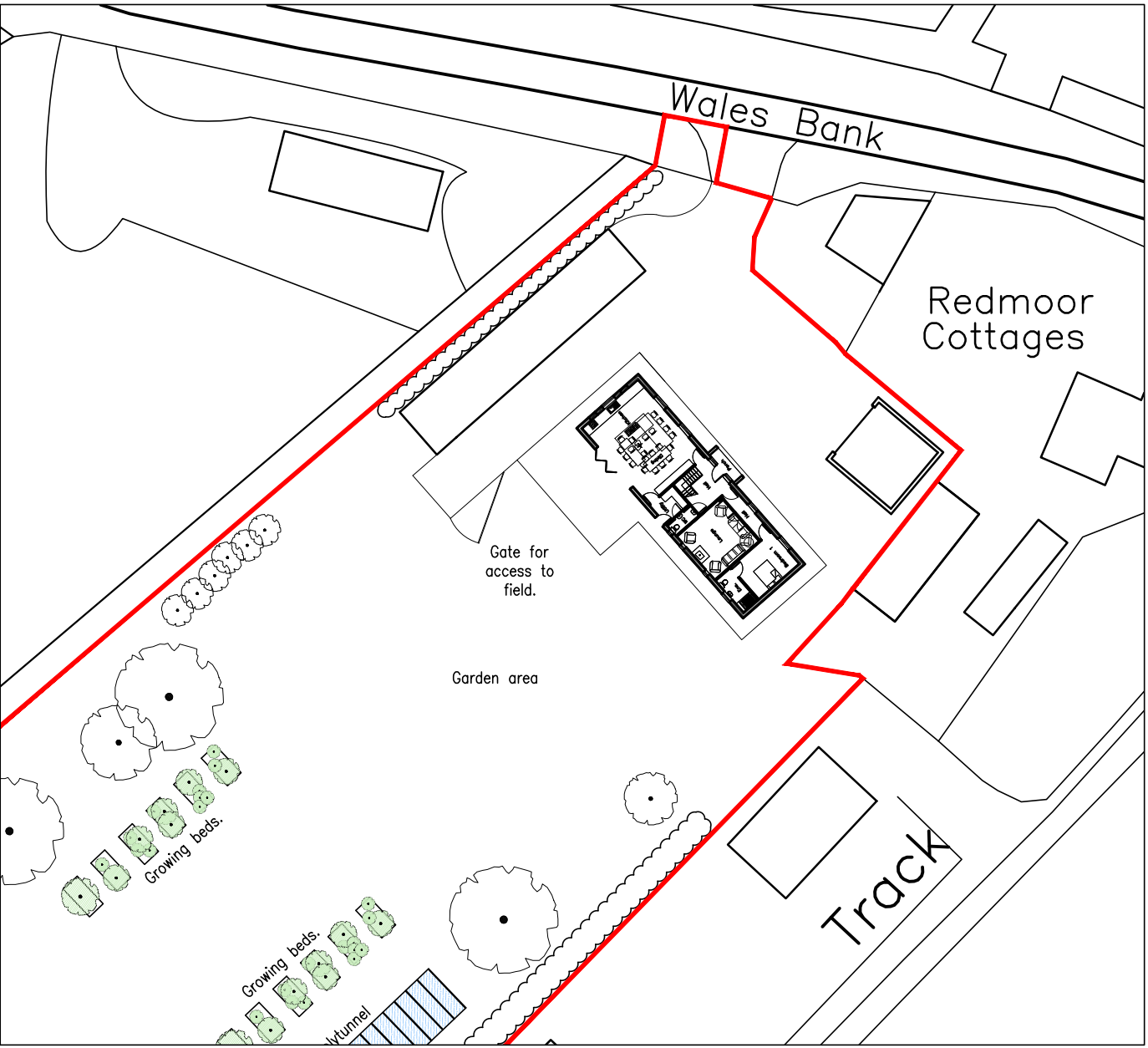
Proposed Side Elevation 1:100



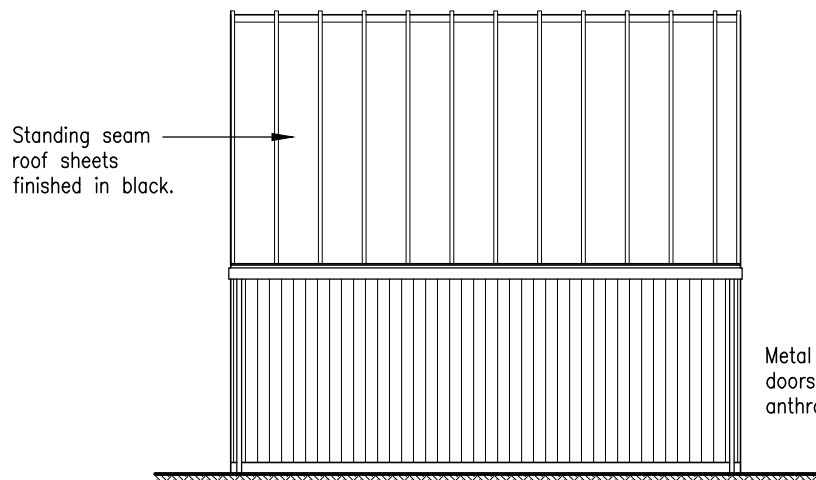
Proposed Floor Plan 1:100



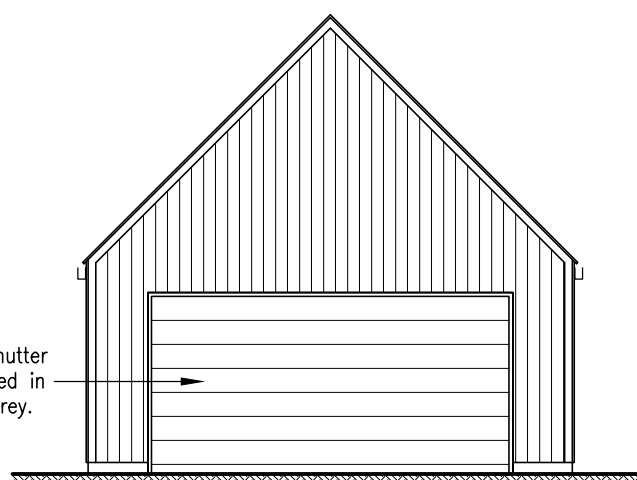
Proposed Roof Plan 1:100



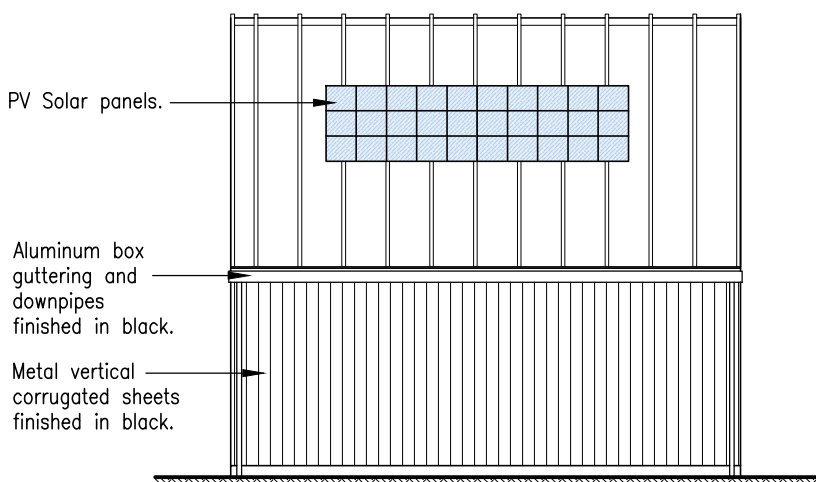
Site Plan 1:500  
(Showing dwelling ground plan in context).



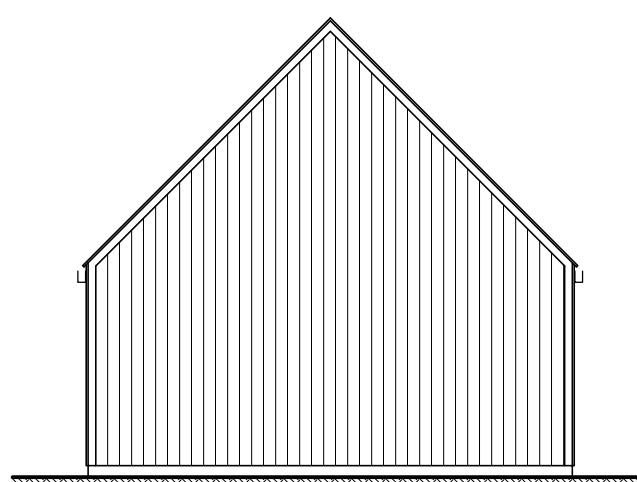
Side (North-East) Elevation 1:100



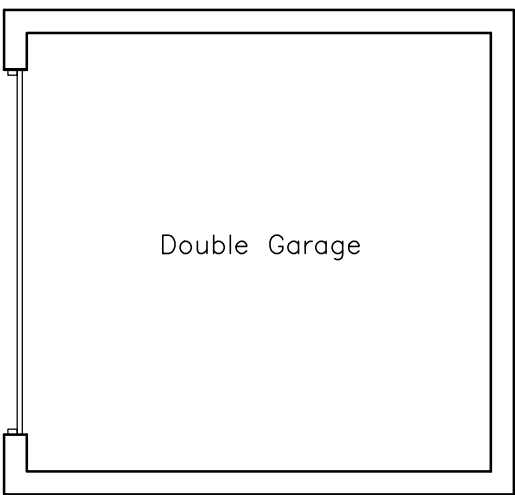
Front (North-West) Elevation 1:100



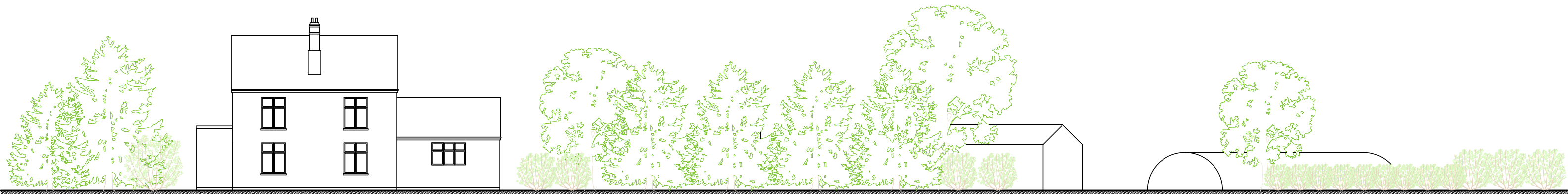
Side (South-West) Elevation 1:100



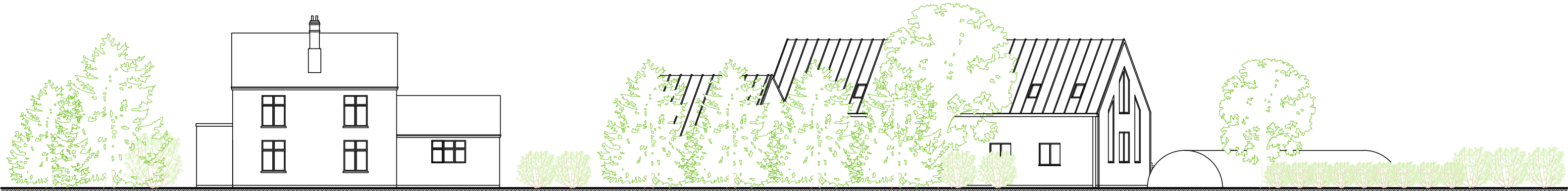
Rear (South-East) Elevation 1:100



Ground Plan 1:100



Existing street scene 1:200



Proposed street scene 1:200

|  |            |          |
|--|------------|----------|
| B - 28.02.2023 - Revised risen hut proposal.<br>A - 15.10.22 - Addition of asset scene.<br>REVISIONS   |            |          |
| JOB NO.  | PAPER SIZE | DATE     |
| 6552/PL03B   | A1         | FEB 2023 |
| <b>Notes:</b><br>This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reproduced, loaned or copied in whole or part without written consent.<br><br>All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.<br><br>The Construction (Design and Management) Regulations 2015.<br>Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already been apparent to a competent contractor. |            |          |

|         |  |
|---------|--|
| CLIENT  | Mrs C Wing   |
| PROJECT | NEW DWELLINGHOUSE  |
| SITE    | SCOUT AND GUIDE HUT<br>WALES BANK<br>ELM<br>CAMBRIDGESHIRE<br>PE14 0AY |
| DRAWING | COMBINATION DRAWING  |

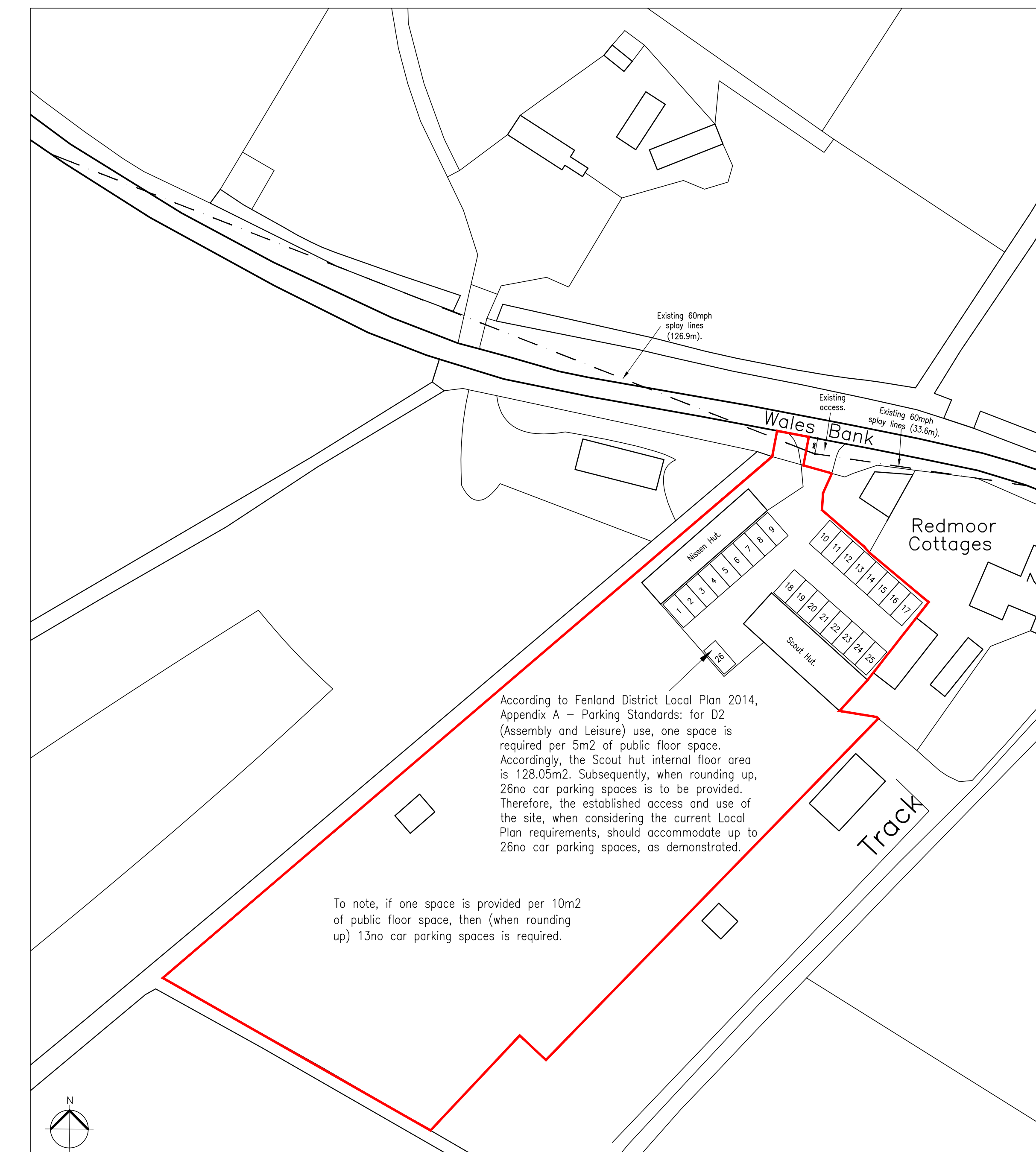
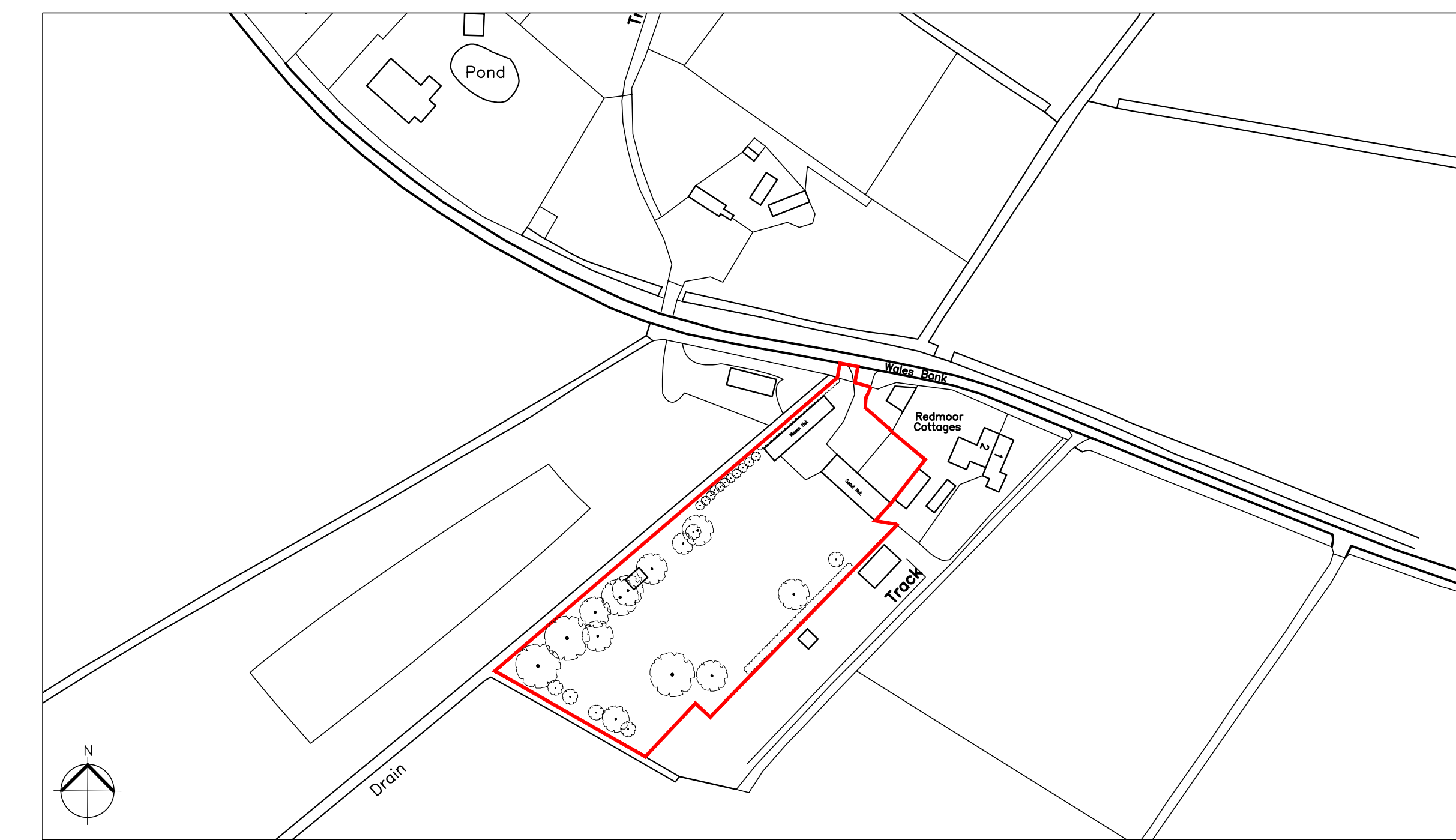
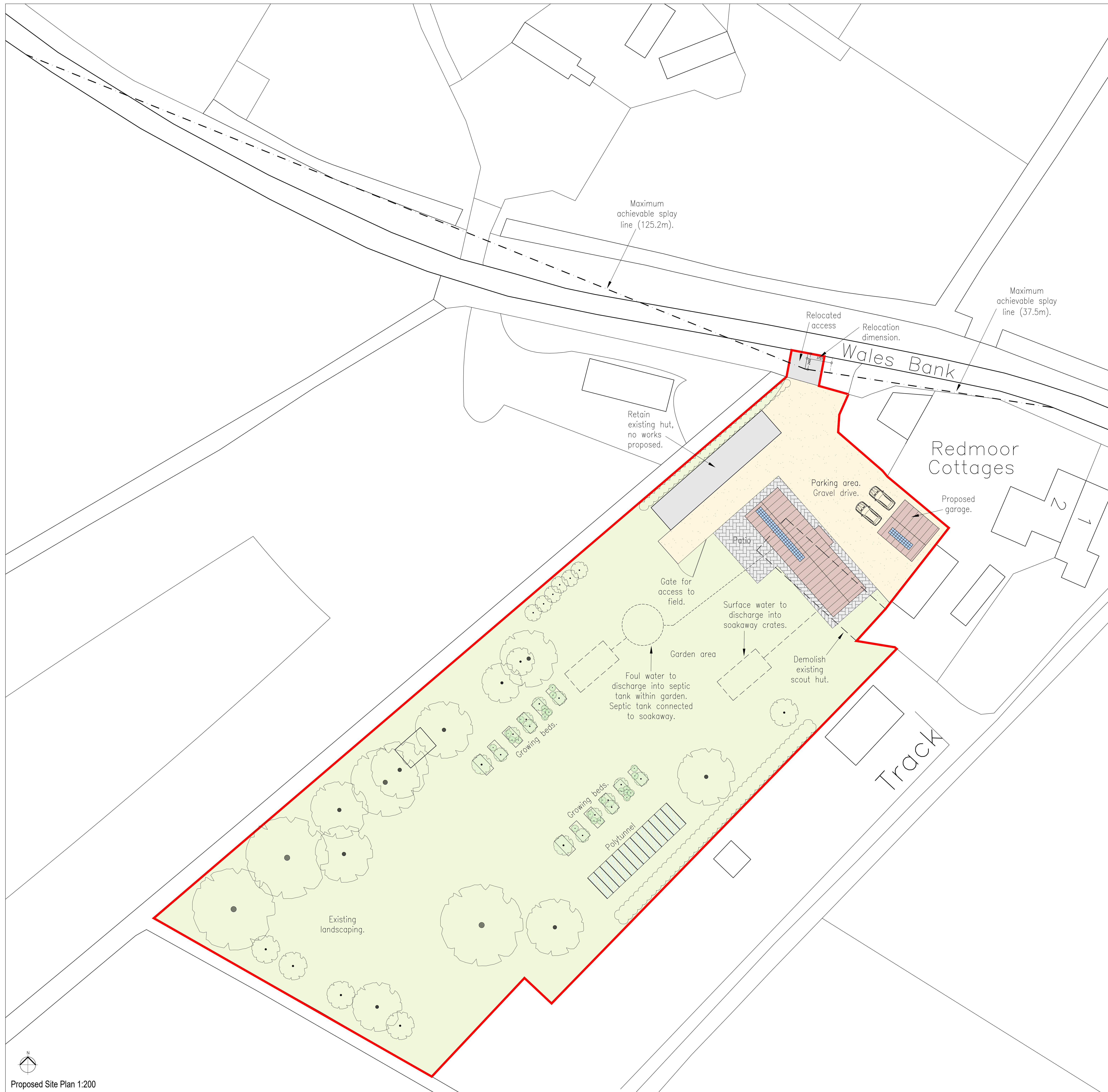
**PHA**

**PETER HUMPHREY ASSOCIATES**

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

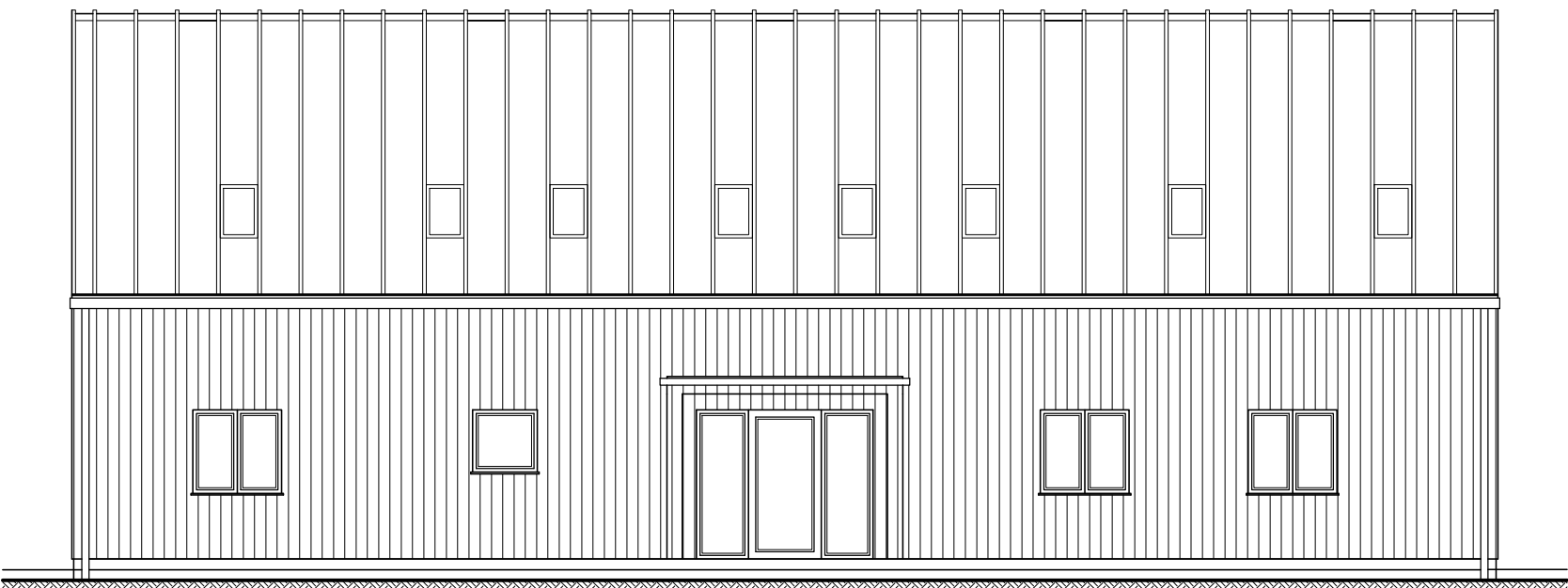
TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk



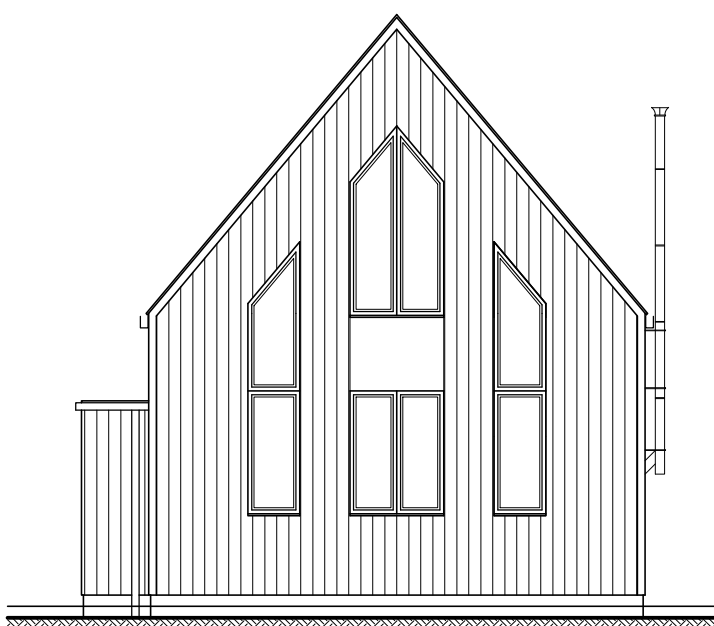


|   |                  |  |                              |
|---|------------------|--|------------------------------|
| N: 15.10.2023 Revised proposal not proposed.<br>A: 15.10.2023 Minor amendment<br>REVISED  |                  | CLIENT<br>Mrs C Wing   |                              |
| JOB NO.<br>6552/PL01B   | PAPER SIZE<br>A0 | DATE<br>FEB 2023   | PROJECT<br>NEW DWELLINGHOUSE |
| Notes:<br>This drawing is the permission of Peier Humphrey Associates Ltd and may not be<br>reused, altered or copied in whole or part without written consent.<br>All dimensions shown on the drawing are in millimetres unless stated otherwise. If<br>drawing is reproduced electronically (PDF) the measurements may vary slightly to ensure it<br>is printed to the correct paper size. All dimensions to be checked on site prior to<br>commencing work and any discrepancies to be highlighted immediately.  |                  | SITE<br>SCOUT AND GUIDE HUT<br>WALS BANK<br>ELM<br>CAMBRIDGE<br>PE14 0AY |                              |
| The Construction (Design) Management Regulations 2015:<br>Peier Humphrey Associates' terms of appointment with the client conforms with the<br>current legislation as 'Designer' or 'Principal Designer', under these regulations.<br>Nevertheless, the design phase has been carried out with the client and the<br>consideration for the health and safety of the project. The client's responsibility for<br>the project remains with the client. The client is responsible for ensuring that the<br>project complies with all relevant legislation and regulations. The client is responsible for<br>the project and any discrepancies to be highlighted immediately. |                  | DRAWING<br>EXISTING & PROPOSED SITE PLAN                                 |                              |

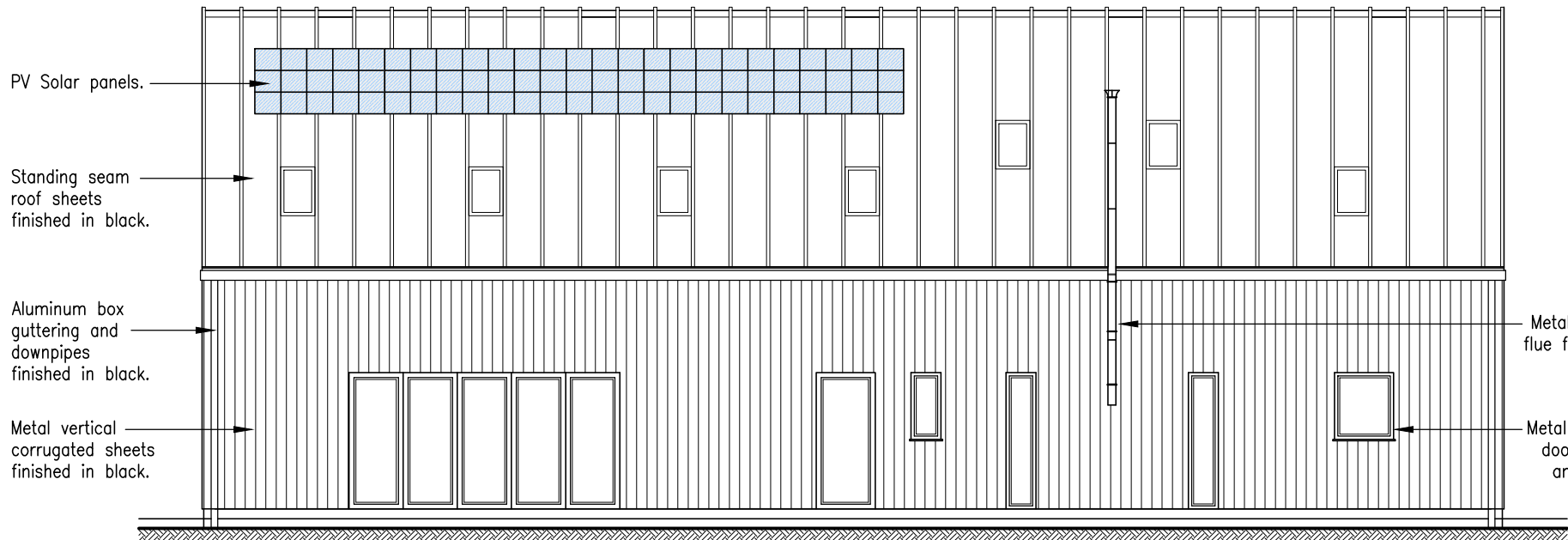




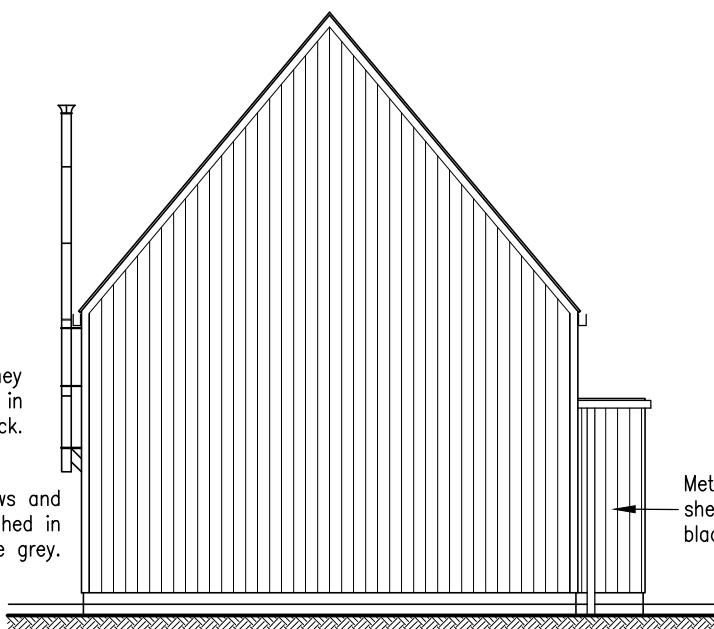
Proposed Front Elevation 1:100



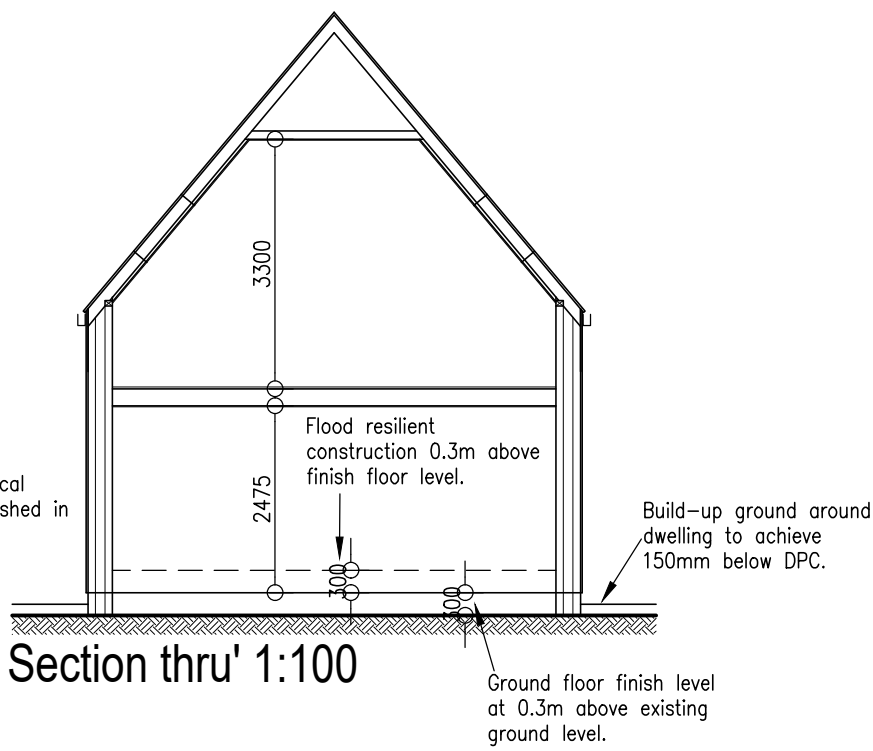
Proposed Side Elevation 1:100



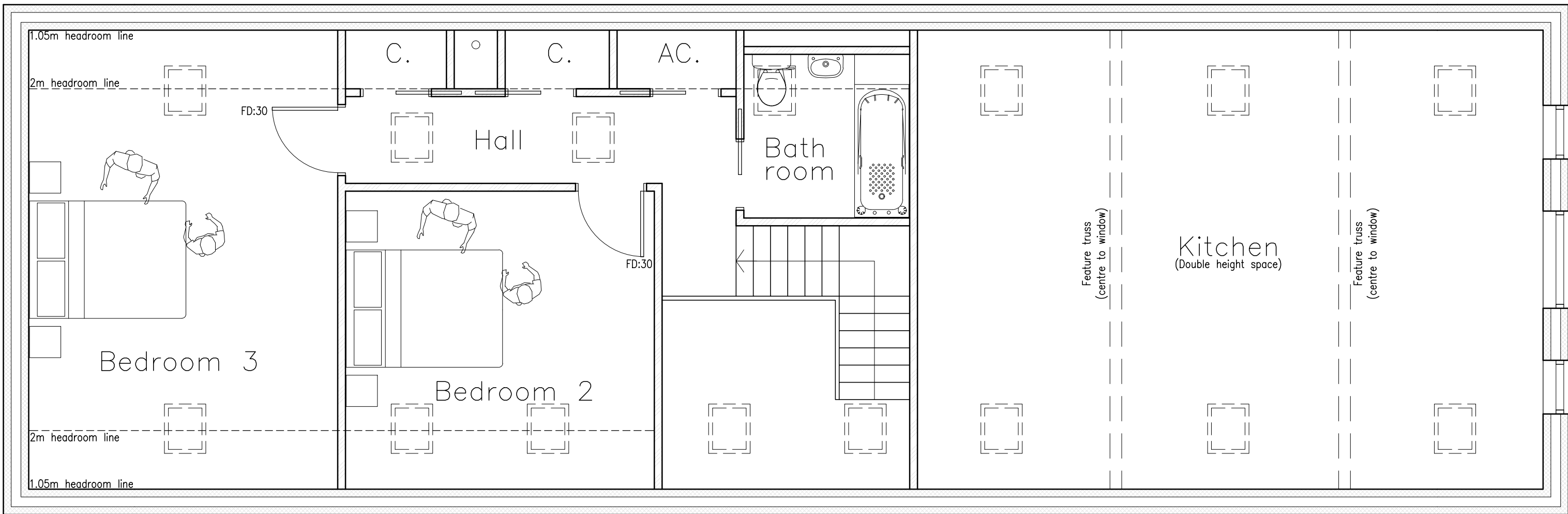
Proposed Rear Elevation 1:100



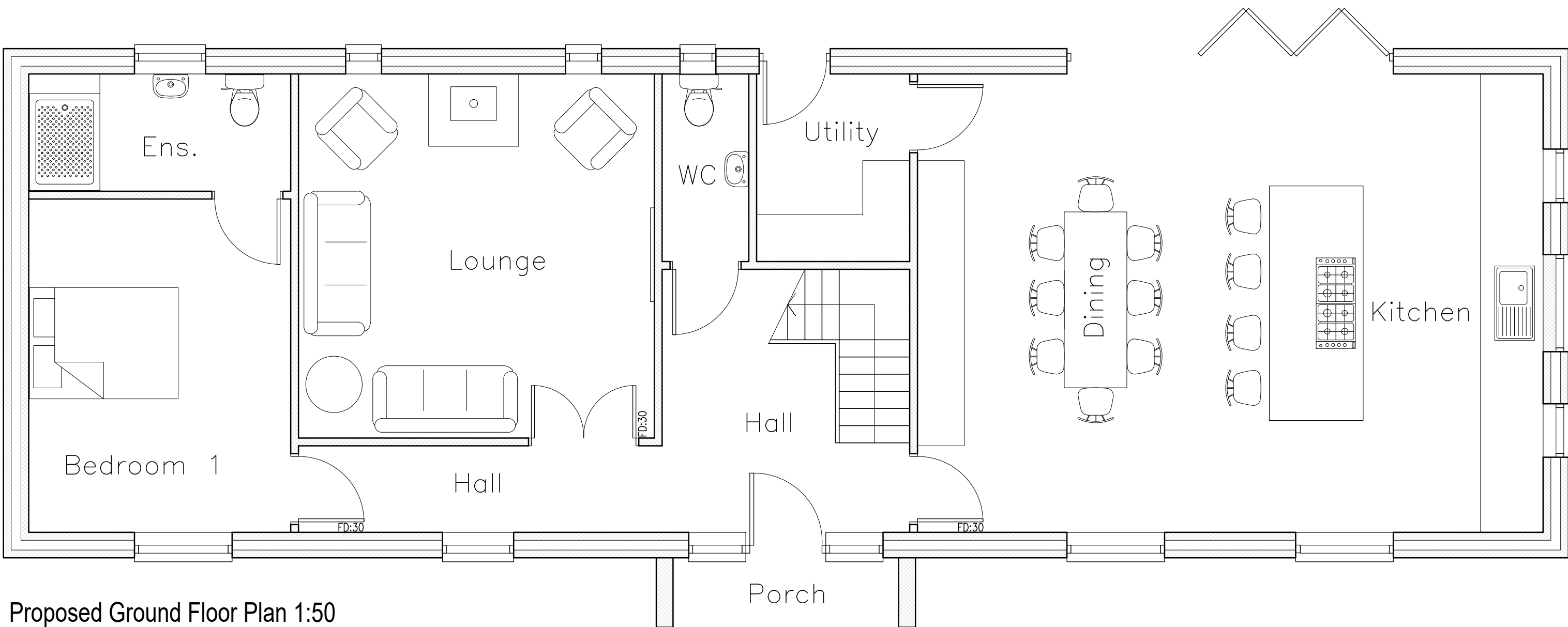
Proposed Side Elevation 1:100



Section thru' 1:100



Proposed First Floor Plan 1:50



Proposed Ground Floor Plan 1:50

B - ADD FLOOD RISK REPORT INFORMATION.  
A - REVISED GROUND FLOOR LAYOUT.  
REVISIONS



**PETER HUMPHREY ASSOCIATES**

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk

CLIENT  
Mrs C Wing

PROJECT  
NEW DWELLINGHOUSE

SITE  
SCOUT AND GUIDE HUT  
WALES BANK  
ELM  
CAMBRIDGESHIRE  
PE14 0AY

DRAWING  
DWELLING COMBINATION DRAWING

| JOB NO.    | PAPER SIZE | DATE     |
|------------|------------|----------|
| 6552/PL02B | A1         | AUG 2022 |

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

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

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

This page is intentionally left blank



**F/YR23/0070/O**

**Applicant: Mr & Mrs John Cutteridge**

**Agent : Mr Ian Gowler  
Gowler Architectural**

**Land East Of The Hollies, Hospital Road, Doddington, Cambridgeshire**

**Erect up to 5 x dwellings including highway works (outline application with all matters reserved) including demolition of stables and haystore**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission for 5 dwellings with all matters reserved, though access is indicated from Hospital Road.
- 1.2 The site is located outside of any defined settlement boundary and therefore is classed as 'Elsewhere Development.' It is considered that the development will result in significant and demonstrable harm to the character and appearance of the area. The limited benefits derived through the erection of a further five dwellings are not considered sufficient enough to outweigh this harm, particularly given the location of the dwellings in relation to local services which will likely result in a primary reliance on private motor vehicles contrary to the transport aims of the Local Plan and the NPPF.
- 1.3 The meaningful benefits derived from five market dwellings to the vitality and viability of the nearest settlement would be very modest. Notwithstanding this, there appears to be no demonstrable need for dwellings in this location.
- 1.4 The proposal is therefore considered to constitute unsustainable development due to an unacceptable harm to the character of the area and the introduction of dwellings in an unsustainably linked area having regard to the development plan when taken as a whole. Likewise, the development is considered to conflict with the design and overall sustainability aims as set out in the NPPF.
- 1.5 Hospital Road in its current form, lacks provision for passing vehicles and is absent of any pedestrian provision. As such, there is increased risk due to the intensification of vehicles needing to reverse excessive distances and there is also increased likelihood of pedestrians walking in the carriageway where they are at risk of conflict with motorised traffic.
- 1.6 Consequently, the recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated on the eastern side of Hospital Road, which is situated outside the settlement boundary to the north-west of Doddington, defined as a growth village. At the time of the site visit, it was evident one of the plots to the frontage of Hospital Road was nearing completion with the second having just been started.
- 2.2 The site is open and flat in nature with evidence of a redundant stable block to its eastern edge with a row of established trees delineating the boundary with the hospital to the south. Designated within Flood Zone 1, the site also displays several electricity poles running alongside the access.
- 2.3 Hospital Road itself is a single track country lane characterised by high hedges and landscaping along both sides of the road. There are no footpaths only grass verges and a distinct lack of lighting along the road.

### 3 PROPOSAL

- 3.1 This application is an outline application proposing the erection of 5no dwellings on the site and following the removal of a stable block and haystore, with all matters reserved.
- 3.2 The indicative plan demonstrates four of the dwellings taking the same layout as two recently approved under outline permission to the west of the site and be perpendicular to the access road with the fifth dwelling set at right angles and fronting the access road.
- 3.3 The plans also demonstrate works to the highway which include a widening of the road and provision of a footpath, however, this is in outline form with all matters reserved with an indicative plan submitted.
- 3.4 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=R5C4HAHE0D800>

### 4 SITE PLANNING HISTORY

**Most recent and relevant. Whilst these are not site specific, the sites lie adjacent to the application site.**

F/YR21/1522/O Erect up to 2no dwellings (outline application with all matters reserved) Approved 7/4/22

F/YR21/0475/RM Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale (for 1 x plot only) pursuant to outline permission F/YR20/0182/O to erect 1 x dwelling (2-storey, 4-bed) Approved 29/07/2021

F/YR20/0182/O Erect up to 2 x dwellings (outline application with matters committed in respect of access) Granted 15/06/2020

## 5 CONSULTATIONS

**5.1 Doddington Parish Council** - *The Parish Council objects to this application which it sees as a further erosion of open countryside and sets a serious precedent for the development of fields with access onto Hospital Road. This road is not suitable for the amount of traffic that already uses it. There are no footpaths or street lights and is unmade with very few passing places. The roadway is a popular access for pedestrians who currently have to walk in the roadway to make their way onto the public footpaths that originate from this unmade road. An increase in traffic that this development will create will cause further issues for the pedestrians. Two applications, each consisting of two four bedroom units have been approved by the planning committee against the recommendation of their officers and the Parish Council sincerely hopes that the Planning Committee will agree that this application should be rejected.*

**5.2 Environmental Health** - *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality. I note the proximity of this development to nearby existing noise sensitive dwellings and therefore, in the event that planning permission is granted, I recommend a condition is placed on the permission that stipulates work is conducted between the hours of 8am and 6pm, Monday to Friday; 8am – 1pm on Saturdays and no noisy work to be conducted on Sunday and Bank Holidays. I also recommend a condition that requires measures are put in place to ensure dust escape from the site is mitigated so that the construction phase does not impact upon any nearby existing sensitive receptors. As the proposal involves demolition of existing structures, we ask for the following condition to be imposed in the event planning consent is granted;*

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

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

**5.3 Ecology Officer** - *The application scheme is acceptable but only if conditions are imposed.*

*Pre-Commencement Conditions(s) –*

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

*-Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting, with the purpose to result in no net loss of biodiversity;*

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

*-Boundary treatments.*

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

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

**Compliance Condition(s) -**

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

**Assessment/Comment:**

*The proposed application is unlikely to have significant negative impacts on biodiversity or protected species so long as the proposed removed biodiversity is adequately compensated for within a landscaping document. There is an assumption made that the landscaping document and construction will not include any vegetation removal associated with the hedge along the south and eastern borders of the development. This assumption is made based off of question 6 of the biodiversity checklist. Any plans to remove this vegetation or negatively impact it will require ecological assessment.*

**Planning Policies/Legislation:**

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

- the Wildlife and Countryside Act 1981 (as amended)*
- the Hedgerows Regulations 1997*
- the Conservation of Habitats & Species Regulations 2017 (The Habitats Regulations)*
- the Protection of Badgers Act 1992 and*
- Wild Mammals (Protection) Act 1996*

*Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August.*

*Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.*

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

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

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

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

*Paragraph 99 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted”.*

*The advice given above is in accordance with the policies in the adopted Fenland Local Plan. The Local Plan provides the framework of local planning policies with which to make planning decisions. These policies are in conformity with the National Planning Policy Framework.*

*The biodiversity policies relevant to the proposal are:*

*LP19 – The Natural Environment:*

*The Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland. Through the processes of development delivery (including the use of planning obligations), grant aid (where available), management agreements and positive initiatives, the Council will:*

- Protect and enhance sites which have been designated for their international, national or local importance to an extent that is commensurate with their status, in accordance with national policy in the National Planning Policy Framework.*
- Refuse permission for development that would cause demonstrable harm to a*

*protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.*

- Promote the preservation, restoration and re-creation of priority habitats, and the preservation and increase of priority species identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans.*
- Ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the District into the rest of Cambridgeshire and Peterborough, and other adjoining areas*

**5.4 County Highways – Updated comments 16<sup>th</sup> March 2023** *Highways, through previous applications within this neighbouring site, raised concerns of Hospital Road and its accommodation of additional traffic. These concerns were based on the lack of footway, street lighting and passing bays. Furthermore, the impact of incremental developments on inadequate Highway infrastructure along Hospital Road, without suitable mitigation measures, resulted in objections from Highways. This application has included mitigating measures to highway concerns on the infrastructure. These measures are the widening of the carriageway and the addition of the footway.*

*Therefore, 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. Subject to this the future reserved matters application to provide access details (including widths), highways works details and car parking and turning arrangements that meets FDC parking standards*

**21<sup>st</sup> April 2023** *Subsequent to the comments above, a site visit was carried out by County Highways with further comments received. The applicant is proposing to widen the carriageway to 4.8m and instal a footway of varying width (1.4m – 1.8m). These widths have presumably been selected in reflection of the constrained site, but it is worth noting that footways should generally be 2m (as per DfT inclusivity guidance) but a reduction to a minimum of 1.5m can be accessible in some circumstances. Furthermore, while Manual for Streets makes provision for 4.8m carriageways, CCC generally require 5m to avoid clipping of vehicle wing mirrors – of particular importance due to the de-restricted speed limit.*

*In any case, on balance I consider the applicant's proposed package of mitigation sufficient to offset the impact associated with five new dwellings, albeit it has some short comings. However, a width of 6.2m – 6.6m is required for the carriageway and footway plus an additional variable width for accommodating earth works and the applicant has failed to demonstrate a corridor of this width is available.*

*A detailed investigation is required to verify the exact highway boundary which would include cross referencing our records with on-site features (ditches, hedgerows etc.). There are well defined ditches along the southern length of Hospital Road which become increasingly shallow as you progress north. Presuming the existing ditches are in riparian ownership (highway boundary extending to the nearside top of slope), I conclude that the highway boundary likely is no more than 5m – 6m for most of the length. This is insufficient to facilitate the highway mitigation package so in absence of more detailed investigation, I must conclude the construction is unfeasible.*

*I welcome an opportunity from the applicant to consider alternative proposals, but based on the current submission I must recommend a refusal to the application on highway safety grounds. Hospital Road in its current form, lacks provision for passing vehicles and is absent of any pedestrian provision. As such, there is increased risk due to the intensification of vehicles needing to reverse excessive distances and there is also increased likelihood of pedestrians walking in the carriageway where they are at risk of conflict with motorised traffic, particularly in hours of darkness.*

**5.5 County Planning, Minerals and Waste** - *The site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, none of which relevant in this case. It then goes on to set out that that development will only be permitted in certain circumstances (criteria (i) – (k)). The application documentation does not appear to make any reference to the safeguarded minerals, or Policy 5. Consequently criteria (i) – (k) have not been demonstrated, leaving criterion (l), which states that: “development will only be permitted where it has been demonstrated that there is an overriding need for the development (where prior extraction is not feasible) \*\*”. It is noted that the proposed development is, as per the description, a relatively small development, consisting of a site area of 0.74 ha, and that Doddington Community Hospital is located adjacent to the south of the development site. The MWPA considers that, although the extent of the resource within the site is unknown, the nature of the development, size of the site and proximity of hospital means that complete prior extraction is, in this case, unlikely to be feasible. Should the Planning Authority be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed, subject to the following informative being included in any permission: “The site lies within a Sand and Gravel Mineral Safeguarding Area, which indicates that there may be an underlying sand and gravel resource. In this instance, the Planning Authority considers that prior extraction is unlikely to be feasible and that there is an overriding need for the development. Prior extraction of the resource has, therefore, not been required in this instance. However, the applicant is encouraged to make best use of any sand and gravel that may be incidentally extracted as part of the development.”*

## **5.6 Local Residents/Interested Parties**

Two letters of objection received in respect of the scheme, both within the Doddington Ward. These may be summarised as:

- Access issues
- Agricultural land
- Density/Overdevelopment
- Not policy compliant
- Drainage issues
- Environmental concerns
- Flooding
- Local services/schools unable to cope
- Loss of view/outlook
- Noise
- Out of character/not in keeping with the area
- Parking arrangements

- Proximity to property
- Traffic and highways
- Trees
- Wildlife concerns
- Precedent

Ten letters of support received in respect of the scheme. Of these, 6 address points were found to be inside the ward with three outside the ward, namely Chatteris, March and Wimblington. They may be summarised as follows:

- New houses are always needed
- Plans won't affect anyone
- No encroachment onto any other neighbouring properties
- New housing will improve the roadway
- Better to do incrementally than 100-200 houses all at once
- Excellent opportunity for self-build
- Support local economy
- Close to village centre

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context – C1  
Identity – I1, I2  
Built Form – B2  
Movement – M3  
Homes and Buildings – H2, H3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP12 – Rural Areas Development Policy  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP19 – The Natural Environment



## 8 KEY ISSUES

- Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Highways/parking
- Ecology
- Flood Risk

## 9 BACKGROUND

9.1 An initial application for the frontage plots (F/YR19/0667/O) was refused for the following reasons:

*'The site is considered to be an 'elsewhere' location in respect of Policy LP3 and the settlement hierarchy, which seeks to direct development to the most sustainable areas; the proposal does not fall within any of the categories which would be considered acceptable under Policies LP3 and LP12 and is considered to be located within an unsustainable location where future occupants would be reliant on private motor vehicles to access services and facilities. As such the development would be contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014 and the aims of the NPPF 2019.'*

*'Policy LP16 (d) of the Fenland Local Plan, DM3 of Delivering and Protecting High Quality Environments in Fenland SPD and para 127 of the NPPF 2019 seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area and do not adversely impact on the landscape character. The development of two dwellings on this site and infilling the space between the hospital site and Norbrown would be at odds with the dispersed nature of the development along Hospital Road and would have an urbanising effect on this rural site, to the significant detriment to the character of the area and contrary to the aforementioned policies.'*

9.2 Subsequent application F/YR20/0182/O, which made no attempt to address the reasons for refusal, was granted by Planning Committee contrary to officer recommendation and plot 1 of this scheme is nearing completion.

9.3 A more recent application, F/YR21/1522/O, was granted by Planning Committee, contrary to officer recommendation for two dwellings located behind the frontage plots.

9.4 A PIP application, F/YR22/1243/PIP for 3 dwellings was refused at committee on 5<sup>th</sup> April. This site lies west of Hospital Road and due south-west of the application site. The application was refused due to a failure to recognise the intrinsic character of the countryside and pattern character of the natural landscape and lead to a significant loss of hedgerow. Further to this, it was considered the development would not make efficient use of the land.

9.5 The development of five dwellings on this site and infilling the space between the hospital site and 'Norbrown' would be at odds with the dispersed nature of the development along Hospital Road and would have an urbanising effect on this rural

site, to the significant detriment to the character of the area and contrary to the aforementioned policies.

## 10 ASSESSMENT

### Principle of Development

10.1 Policy LP3 of the Fenland Local Plan identifies Doddington as a 'Growth Village' where development and new service provision either within the existing urban area or as a small extension will be appropriate. The application site, however, lies beyond the northern boundary of the hospital and the eastern side of Hospital Road and is outside of the settlement boundary and thus classed as 'Elsewhere development.' Within such areas, development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services; and to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents (LDDs).'

10.2 Part A of Policy LP12 of the Local Plan, Rural Areas Development Policy states that for villages, new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Any proposal will need to satisfy the applicable policies of this document (including the settlement hierarchy set out in Policy LP3), as well as all the following criteria:

(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, inter alia, (c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland; (d) The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance; (e) It would not extend existing linear features of the settlement, or result in ribbon development; (j) It would not put people or property in danger from identified risks; and (k) It can be served by sustainable infrastructure provision, such as surface water and waste water drainage and highways.

The policy also states that '...if a proposal within or on the edge of a village would, in combination with other development built since April 2011 and committed to be built (i.e. with planning permission),

(i) increase the number of dwellings in the village by 10% or more (or 15% for Growth villages); or

(ii) for non-dwellings, have a floorspace of 1,000sq m or more or have an operational area (including, for example, parking and storage spaces) of 0.5ha or more, then the proposal should have demonstrable evidence of clear local community support for the scheme (with such support generated via a thorough and proportionate pre-application community consultation exercise or a Neighbourhood Plan exercise).

If, despite a thorough and proportionate pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council.'

10.3 Policy LP12 defines the developed footprint of the 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;
- 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;
- c) Agricultural buildings and associated land on the edge of the settlement.

10.4 NPPF para 78 sets out that ‘in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.’ No specific evidence has been provided as to why there is a need for housing in this particular area. Such evidence may be a functional need e.g. agriculture, or for example a rural exception site to bring forward affordable housing. This application seeks permission for five market dwellings.

10.5 NPPF paragraph 79 sets out that ‘to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.’

10.6 The site is accessed from Hospital Road, a single track road with no footpaths or street lighting, narrow verges and high hedges either side with open undeveloped areas of land surrounding. Given this, it is considered that the site relates more closely to the open countryside than the built form with clear natural boundaries in existence. There are three dispersed dwellings to the north along Hospital Road, however these all obtained planning permission as agricultural dwellings, therefore justified through policy. It is also acknowledged that two further applications for four dwellings to an adjacent site have been supported at committee, however, the site clearly lies outside of the growth village of Doddington and the developed footprint of the built form of the settlement. Further to this, no evidence has been submitted that demonstrates compliance with any of the exemptions allowed through policy LP3.

10.7 It is acknowledged that development should help to enhance or maintain the vitality of rural communities, however given that Doddington is a growth village which has exceeded its growth projection it is difficult to argue that five further dwellings would indeed enhance the vitality of Doddington. Compounding this is the limited opportunities to sustainably access these services with pedestrians and cyclists currently having to use a single-track road with no footpath or lighting. Whilst the application has been supplemented with an indicative plan that shows proposed highway works which would include a footpath and widening of the existing carriageway, it is not clear whether these works would be deliverable in the context of the constraints that currently exist along Hospital Road and therefore would undoubtedly would place a reliance on the use of private motor cars which runs contrary to the aims of the Local Plan and the transport aims of the NPPF.

10.8 It is therefore considered that the introduction of an additional market dwellings in this location will be at odds with the prevailing form of development and is clearly contrary to Policies LP3 and LP12, Part A, of the Fenland Local Plan.

## **Design and Visual Amenity**

10.9 Policy LP16(d) of the Local Plan requires development to make a positive impact to local distinctiveness and the character of the area and, inter alia, should not have an adverse impact on landscape character.

- 10.10 Policy DM3(d) of the 'Making a Positive Contribution to Local Distinctiveness and Character of the Area' SPD sets out that the character of the landscape, local built environment and settlement pattern should inform the layout, density, proportions, scale, orientation, materials and features of the proposed development, which should aim to improve and reinforce positive features of local identity. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused.
- 10.11 Whilst the application for planning permission is in outline form with all matters reserved, the Council must be satisfied that an appropriate design can be brought forward through any subsequent reserved matters application before granting planning permission.
- 10.12 The hospital fronts Benwick Road with the built form contained with a clear defined boundary that separates the hospital site to the north and west by established high hedges with no relationship with Hospital Road. Beyond the application site to the north and east and Hospital Road to the west are open fields with the overriding character open countryside interspersed with the odd dwelling which front Hospital Road. The high hedges along Hospital Road contribute to the distinct rural character as it leads away from the village and the built environment.
- 10.13 Notwithstanding the extant permission F/YR/21/1522/O, the introduction of 5no more dwellings will extend built development further out into the countryside and an area that is predominantly open in nature. The proposal would not fill a gap in what is appearing to be a more developed frontage and would lead to associated cumulative harm and urbanisation of the rural setting.
- 10.14 The topography is relatively flat with visual screening to the south of the site which limits views. However, the remainder of the site and surroundings are open in nature with any additional built form considered to create a substantial degree of prominence in the wider landscape. Cumulatively, the extension beyond the established pattern of development in conjunction with a substantial degree of prominence within the landscape would cause harmful erosion to the character and appearance of the open countryside.
- 10.15 To approve such a scheme would see the countryside, incrementally, being eroded to the detriment of the wider area, and would set a precedent for additional in depth piecemeal development; urbanisation and loss of openness with even more significant cumulative impacts.
- 10.16 The development is therefore contrary to Policy LP16 (d) of the Fenland Local Plan, DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF 2021 and chapters C1 and I1 of the NDG 2021 which seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area and do not adversely impact on the landscape character.

### **Residential Amenity**

- 10.17 Policy LP2 states that development proposals should contribute to the Council's goal of Fenland's residents, inter alia, promoting high levels of residential amenity whilst policy LP16 states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.

10.18 Whilst a 'site plan' has been submitted, this is purely indicative as the application only seeks outline consent with all other matters reserved for subsequent consideration. Other than for the form stating the dwellings will be market housing, no other details have been provided. It is considered that the dwellings could be designed, with the appropriate orientation, window layout and landscaping to limit any adverse overlooking and could also be designed to limit any overbearing and shadowing. The impact on residential amenity in terms of overlooking and loss of privacy would be re-visited at the reserved matters stage once the scale and appearance of the dwellings can be fully assessed and, upon which, neighbours would have further opportunity to comment.

## **Highways/parking**

10.19 The site is located along Hospital Road which is a narrow unclassified road with no street lights or footpaths and ditches either side. In relation to highway safety, the proposal does show the inclusion of a new public footpath along the western side of Hospital Road.

10.20 Whilst the application is in outline form with all matters reserved, the agent has submitted an indicative plan that shows 'proposed highway works.' However, there is no key to clarify the colours and no reference made to the dimensions annotated in both red and blue on the plan, although it is presumed that these refer to the existing and proposed highway widths.

10.21 Whilst the eventual highway details would come forward as part of any reserved matters application, there should be a certainty that a scheme is capable of being achieved that does not impinge on highway/pedestrian safety/sustainability of a scheme.

10.22 Through previous applications to neighbouring sites, Highways raised concerns of Hospital Road and its potential to accommodate additional traffic. These concerns were based on the lack of footway, street lighting and passing bays. Furthermore, the impact of incremental developments on inadequate Highway infrastructure along Hospital Road, without suitable mitigation measures, resulted in objections.

10.23 Original comments from County Highways stated that the mitigating measures to overcome highway concerns were accepted. The works proposed relate to the widening of the carriageway and the addition of the footway. However, it has not been demonstrated that the proposed works are actually deliverable in the context of the constraints along Hospital Road which could see the removal of a portion of hedgerow and impacts upon the ditches either side. These issues, however, would relate to the landscape character/ecological issues along with possible flooding. A further site visit was carried out on 21<sup>st</sup> April 2023.

10.24 A detailed investigation is required to verify the exact highway boundary which would include cross referencing highways records with on-site features (ditches, hedgerows etc.). There are well defined ditches along the southern length of Hospital Road which become increasingly shallow as you progress north. Presuming the existing ditches are in riparian ownership (highway boundary extending to the nearside top of slope), it is concluded that the highway boundary likely is no more than 5m – 6m for most of the length. This is insufficient to facilitate the highway mitigation package so in absence of more detailed investigation, it has been concluded that the construction is unfeasible.

- 10.25 Based on the current submission, County Highways recommend a refusal to the application on highway safety grounds. Hospital Road in its current form, lacks provision for passing vehicles and is absent of any pedestrian provision. As such, there is increased risk due to the intensification of vehicles needing to reverse excessive distances and there is also increased likelihood of pedestrians walking in the carriageway where they are at risk of conflict with motorised traffic, particularly in hours of darkness.
- 10.26 Para 111 of the NPPF (2021) is explicit in that ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’
- 10.27 Policy LP2 of the Local Plan sets out the Council’s aims of promoting high levels of residential amenity, promoting and facilitating healthy lifestyles and providing and maintaining effective and sustainable transport networks. Policies LP15 and LP16 reinforce these aims. The development proposed would be accessed via Hospital Road, a single carriageway road with no separate pedestrian or cycle facilities or streetlighting. It is considered that the increased vehicle movements arising from the development, combined with these physical limitations, would result in an environment which would not be conducive to pedestrian or cycle usage of Hospital Road by residents of the development, and which would, instead, result in a reliance on the motor car for residents to access local services and facilities and which overall would not result in the creation of a high quality residential environment with high levels of amenity for residents. The development would therefore be contrary to the principles of achieving sustainable development as espoused under the aforementioned national and local policies.

## **Ecology**

- 10.28 The site is identified as being in a Green/Amber Zone for Great Crested Newts (GCN); Amber zones contain main population centres for GCN and comprise important connecting habitat that aids natural dispersal. Further to this, the proposal seeks the removal of the existing stable building to facilitate the development. Advice has been obtained from the Wildlife Officer in this regard and confirmed that the proposed application is unlikely to have significant negative impacts on biodiversity or protected species so long as the proposed removed vegetation is adequately compensated for within a landscaping document. The loss of native hedge in particular is a concern however the 3D image suggests that it will be replaced. This hedge should be comprised of at least five native woody species.
- 10.29 Subject to the imposition of conditions, the proposed development would be considered acceptable and compliant with policy LP19 of the Fenland Local Plan (2014).

## **Flood Risk**

- 10.30 The application site is demonstrated to fall within Flood Zone 1 (low risk) and, as such, the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures.
- 10.31 The site has a very low risk of surface water flooding and issues of surface water will be considered under Building Regulations; accordingly there are no issues to address in respect of Policy LP14.

## **Waste and Minerals**

- 10.32 The site is located within a Sand and Gravel Mineral Safeguarding Area (MSA) which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised.
- 10.33 Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, none of which are relevant in this case. Development within MSAs which is not covered by the exemptions is only permitted where it is demonstrated that: (i) the mineral can be extracted where practicable prior to development taking place; or (j) the mineral concerned is demonstrated to not be of current or future value; or (k) the development will not prejudice future extraction of the mineral; or (l) there is an overriding need for the development (where prior extraction is not feasible).
- 10.34 The application documentation does not make any reference to the safeguarded minerals, or Policy 5, consequently criteria (i) – (k) have not been demonstrated as being met.
- 10.35 With regards to (l) the Minerals and Waste Planning Authority (MWPA) considers that, although the extent of the resource within the site is unknown, the nature of the development, size of the site and proximity of dwellings means that complete prior extraction is, in this case, unlikely to be feasible and that should the Council be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed.
- 10.36 As detailed above, the proposal is for up to 5 no market dwellings, however the growth village of Doddington has already exceeded its growth projection, hence there is no overriding need for the development and it is considered contrary to the aforementioned policy.

## **Other issues**

- 10.37 The proposed scheme as it is unlikely to have a detrimental effect on local air quality which has been confirmed by the Council's EHO.
- 10.38 Given the proximity of the development to nearby existing noise sensitive dwellings, should the application be recommended for approval, a condition is to be imposed at the request of the Council's EHO relating to construction hours and, further to this, a condition that requires measures are put in place to ensure dust escape from the site is mitigated so that the construction phase does not impact upon any nearby existing sensitive receptors.
- 10.39 As the proposal involves demolition of existing structures, the EHO has requested a condition to be imposed in the event planning consent is granted that if contamination is found to be present, then work shall cease until a Method Statement has been submitted and approved in writing by the LPA.

## **11 CONCLUSIONS**

- 11.1 It is considered that the development will result in significant and demonstrable harm to the character and appearance of the area. The limited benefits derived through the erection of five dwellings are not considered sufficient enough to

outweigh this harm, particularly given the location of the dwellings in relation to local services which will likely result in a primary reliance on private motor vehicles contrary to the transport aims of the Local Plan and the NPPF.

- 11.2 The meaningful benefits derived from five market dwellings to the vitality and viability of the nearest settlement would be very modest. Notwithstanding this, there appears to be no demonstrable need for dwellings in this location.
- 11.3 The proposal is therefore considered to constitute unsustainable development due to an unacceptable harm to the character of the area and the introduction of dwellings in an unsustainably linked area having regard to the development plan when taken as a whole. Likewise, the development is considered to conflict with the design and overall sustainability aims as set out in the NPPF.
- 11.4 The site is located within a Sand and Gravel Mineral Safeguarding Area, the development does not fall within any of the exemptions listed in Policy 5, there has been no demonstration that criteria (i) – (k) have been complied with and whilst the MWPA consider extraction is unlikely to be feasible there is no overriding need for the development and as such the proposal is contrary to the aforementioned policy.

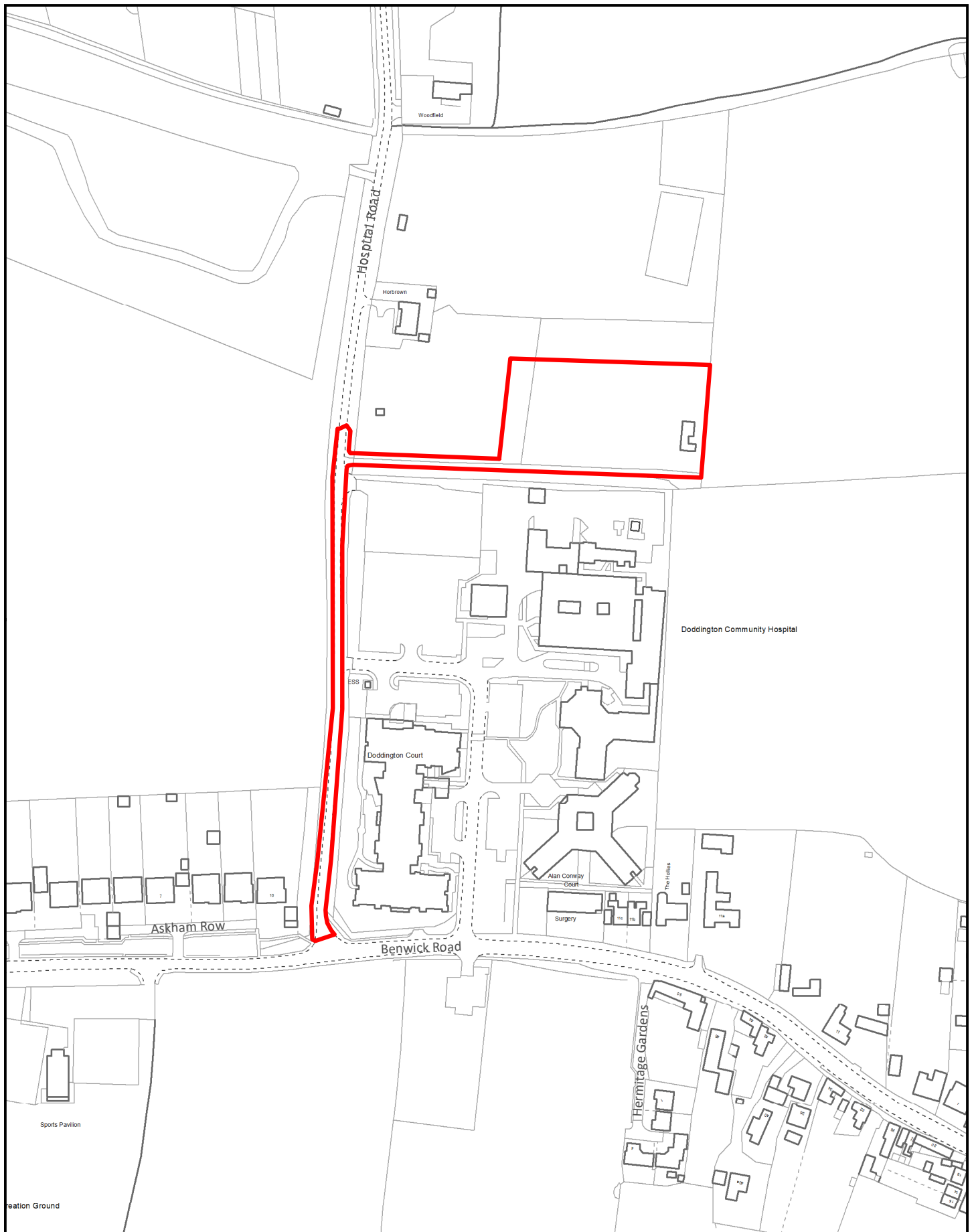
## 12 RECOMMENDATION

**REFUSE;** for the following reasons:

|   |  |
|---|--|
| 1 | The site is considered to be an 'elsewhere' location in respect of Policy LP3 and the settlement hierarchy, which seeks to direct development to the most sustainable areas; the proposal does not fall within any of the categories which would be considered acceptable under Policies LP3 and LP12. Whilst there proposes some highways improvements, including the provision of a footpath and the widening of the carriageway, these are purely indicative with no details submitted to prove these works would be deliverable based on site constraints along Hospital Road. The site is therefore considered to be located within an unsustainable location where future occupants would be reliant on private motor vehicles to access services and facilities, as such it would not provide a suitable location for housing. Consequently, it also conflicts with Policy LP15 of the FLP, which requires development to be located so that it can maximise accessibility, help to increase the use of non-car modes and provide safe access for all, giving priority to the needs of pedestrians. The development is therefore contrary to Policies LP3, LP12 and LP15 of the Fenland Local Plan 2014 and the aims of the NPPF 2021 and NDG 2021. |
| 2 | The development of five dwellings on this site behind the frontage plots and creating in depth development would be at odds with the dispersed, frontage nature of the development along Hospital Road and would restrict views of the open countryside beyond, having an urbanising effect on this rural site, to the significant detriment to the character of the area. Furthermore, if approved, the development would set a precedent for additional in depth piecemeal development, with further incremental encroachment into the countryside. The development is therefore contrary to Policy LP16 (d) of the Fenland Local Plan, DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF 2021 and chapters C1 and I1 of the NDG 2021 which seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and   |



|   |  |
|---|--|
|   | character of the area and do not adversely impact on the landscape character.  |
| 3 | The development proposed would be accessed via Hospital Road, a single carriageway road with no separate pedestrian or cycle facilities or streetlighting. It is considered that the increased vehicle movements arising from the development, combined with these physical limitations would see an increased risk due to the intensification of vehicles needing to reverse excessive distances which would prejudice highway safety. The development would therefore be contrary to paragraph 111 of the NPPF with an unacceptable upon highway safety and policies LP2 and LP15 which aims to provide safe transport networks. |
| 4 | Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. The site is located within a Sand and Gravel Mineral Safeguarding Area, the development is does not fall within any of the exemptions listed, there has been no demonstration that criteria (i) – (k) have been complied with and whilst the MWPA consider extraction is unlikely to be feasible, there is no overriding need for the development and as such the proposal is contrary to the aforementioned policy.                        |



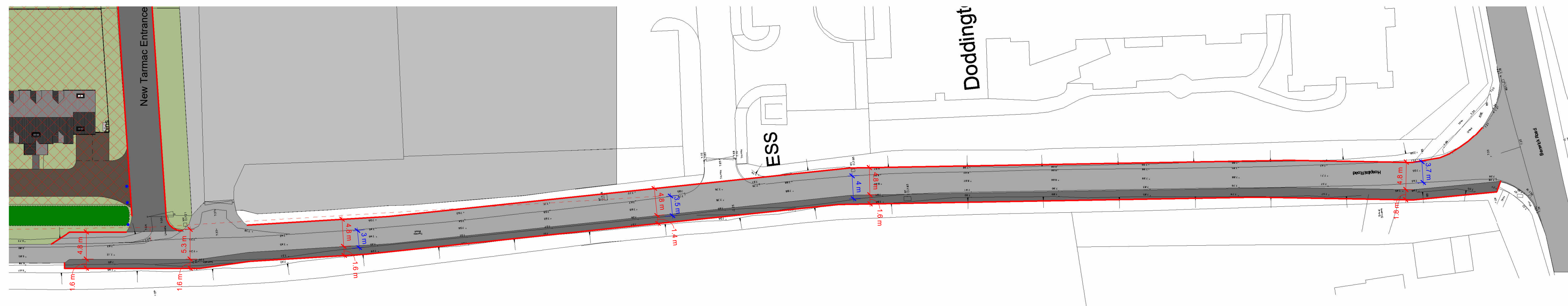
Created on: 30/01/2023

© Crown Copyright and database  
rights 2023 Ordnance Survey 10023778

**F/YR23/0070/O**

Scale = 1:2,500

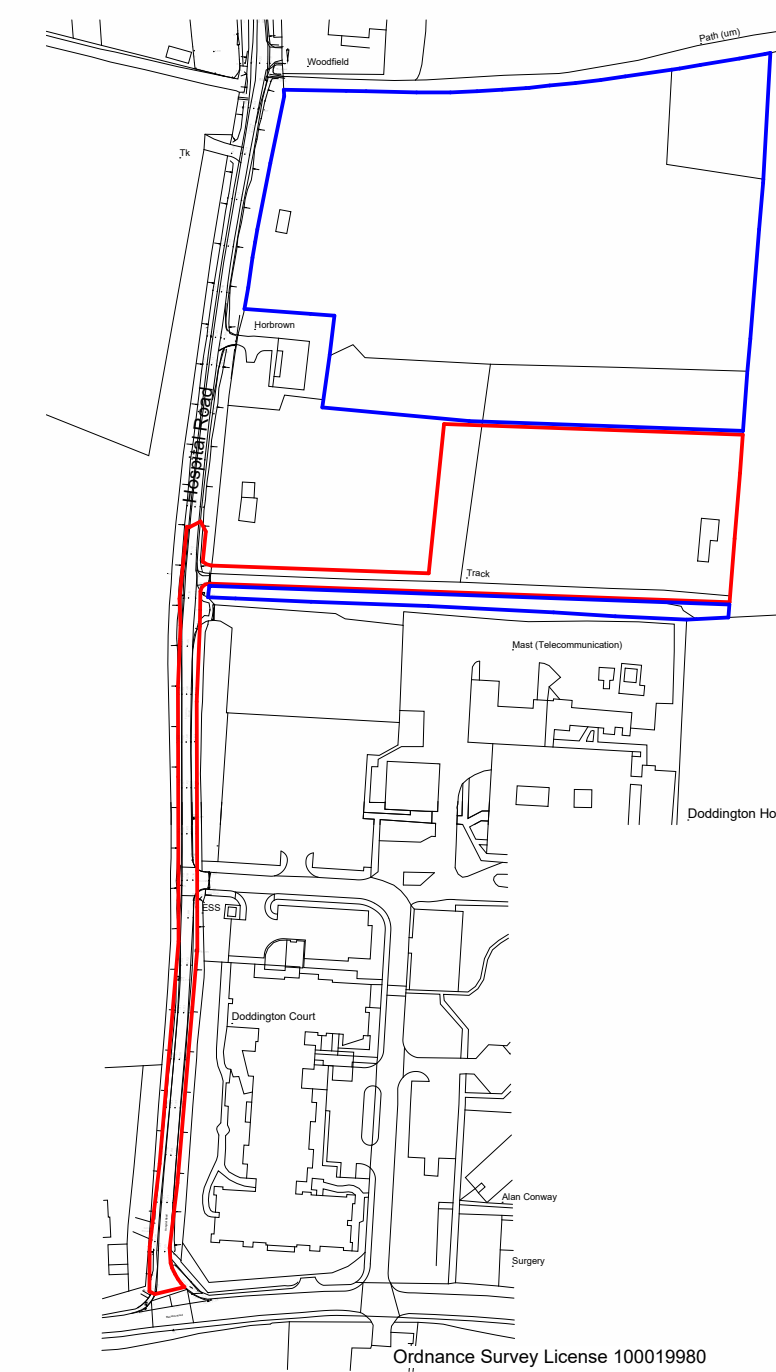




## Proposed Highway Works



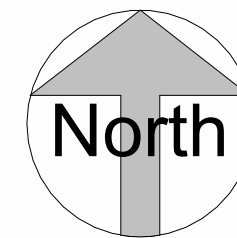
### Indicative Proposed Block Plan



# Planning Location Plan

## 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.





This page is intentionally left blank

**F/YR23/0106/O**

**Applicant: Elm United Charities**

**Agent : Mr John Maxey  
Maxey Grounds**

**Land South East Of Aberfield, Well End, Friday Bridge, Cambridgeshire**

**Erect up to 6 x dwellings and the formation of a new access (outline application with all matters reserved)**

**Officer recommendation: Grant**

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

## **1. EXECUTIVE SUMMARY**

- 1.1. This application is to erect 6 dwellings and the formation of a new access (outline application with all matters reserved) on Land South East Of Aberfield, Well End, Friday Bridge, Cambridgeshire .
- 1.2. The proposed development would be constructed on the northern side of Well End, on the curve of the road. The proposals indicate two private driveways which both access three properties each, taken from a central access to the remaining agricultural land through the middle of the development. All matters are reserved, therefore access is still indicative at this stage.
- 1.3. Within policy LP12 – Rural Areas Development Policy; the site is within the existing development footprint of the village, the proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, therefore it is not considered that the development will adversely harm Friday Bridge’s character or appearance.
- 1.4. The site forms a gap in the existing frontage, therefore conforming to the core shape of the settlement, with dwellings either side of the proposed site. Furthermore, the site has been allocated within the draft emerging Local Plan (allocation LP54.03).
- 1.5. The recommendation is therefore to grant this application.

## **2. SITE DESCRIPTION**

- 2.1. The application site is located on the northern side of Well End, Friday Bridge. The current use of the site is for agriculture, with the current access to the field being taken off Well End. The site is approximately 0.47 hectares in size.
- 2.2. The northern-eastern edge of the application site is bordered by open countryside, with the north-western and south-eastern edge bordering onto neighbouring dwellings. To the south-west the site fronts onto Well End, opposite an established line of dwellings.

2.3. The site is all located within flood zone 1.

### **3. PROPOSAL**

- 3.1. The is for a maximum of 6no. two-storey detached dwellings, each of approximately 114m<sup>2</sup> footprint with private drives and off-road parking for each.
- 3.2. As shown on the Indicative Block Plan it is proposed that a central roadway will provide access to the land at the rear and the plots would be accessed via private roadways off this central access. A footway is indicated across the extent of the site frontage.
- 3.3. Full plans and associated documents for this application can be found at: [F/YR23/0106/O | Erect up to 6 x dwellings and the formation of a new access \(outline application with all matters reserved\) | Land South East Of Aberfield Well End Friday Bridge Cambridgeshire \(fenland.gov.uk\)](#)

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

- 4.1. There are no previous planning applications on this site.

### **5. CONSULTATIONS**

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

*On behalf of Elm Parish Council I have been requested to raise objection to outline planning application ref. F/YR23/0106/O on the following grounds;*

*Access to the proposed development site is located on a notoriously hazardous bend; vehicles regularly travel at speeds in excess of the 30mph speed limit and the route is a main thoroughfare for large agricultural machinery. The danger associated with entering and accessing the proposed site presents an unacceptable impact on highway safety and is therefore contrary to National Planning Policy Framework (NPPF) par. 110(b) and par. 111.*

*It is understood that Friday Bridge School is already oversubscribed as is the case with other schools in the area, this needs to be considered in accordance with NPPF par. 95.*

*The current street scene is a mixture of bungalows and houses, the proposals do not fit in with the architectural style of local surroundings, contrary to Policy LP7 Part A(b) in the Emerging Local Plan. The existing open view; typical of Fen landscape would also be destroyed, contrary to Policy LP7 Part A(c) in the Emerging Local Plan.*

*It has been reported that bats are present at the location; this requires thorough investigation.*

#### **5.2 Highways**

*The revisions address my comments and I don't object. My recommended conditions are outlined below:*

*Conditions*

*Construction Facilities: Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.*

*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/Enclosure/Access Restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved.*

*Visibility Splays: Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4m metres x 43m metres measured along respectively the edge of the carriageway.*

*Wheel Wash Facilities: Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.*

*Off-Site Highway Works: No development shall take place until details of works to Well End (construction of a footway along the site frontage) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.*

*Reason: In the interest of highways safety*

### **5.3 Archaeology**

*The proposed development is situated to the north of Well End, Friday Bridge itself to the south of Wisbech.*

*The village lies on a major Rodden network; roddens being ancient silted river channels that form raised areas in the fen which have been heavily exploited in the part particularly in pre drainage times. To the south east of the proposed development is a network of cropmarks indicating past field systems and potential settlement activity (Cambridgeshire Historic Environment Record ref 09707). There are also a large number of circular features possibly representing settlement activity or possible Medieval and post Medieval Haystack features (CHER 09712, 09711, MCB31489, MCB31490). Needham Hall situated to the south east is located on the 1st edition Ordnance Survey map in 1885 and*

*includes extensive gardens still seen through earthworks (CHER MCB29156, 12071).*

*To the south west cropmarks indicate a possible prehistoric settlement and associated double ditched trackway (CHER MCB29241, 10542). A number of findspots surrounding the development area indicate the presence of Roman and medieval activity in the area (CHER 03940, 04249, 03895). Archaeological evaluations to the west of the proposed development at Maltmas Drove found evidence of medieval field system (CHER ECB637).*

*Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.*

#### *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 2019).*

#### *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.*

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

### **Objectors**

22 letters of objection have been received, predominantly from residents of Well End. The reasons for objecting to the scheme are as follows:

- Highways/Parking arrangements
- Agricultural land
- Density/Over development
- Devaluing property



- Drainage
- Environmental Concerns
- Local services/schools
- Loss of view/Outlook
- Noise
- Out of character/not in keep with area
- Overlooking/loss of privacy/loss of light
- Proximity to property
- Visual Impact
- Waste/Litter
- Wildlife Concerns

## **6. STATUTORY DUTY**

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

## **7. POLICY FRAMEWORK**

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

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

### **National Design Guide 2021**

Context

Identity

Built Form

Nature

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

### **Emerging Local Plan**

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

LP1: Settlement Hierarchy  
LP2: Spatial Strategy for the location of residential development  
LP4: Securing Fenland's Future  
LP7: Design  
LP8: Amenity Provision  
LP18: Development in the Countryside  
LP19: Strategic Infrastructure  
LP22: Parking Provision  
LP24: Natural Environment  
LP28: Landscape  
LP32: Flood and Water Management

## **8. KEY ISSUES**

- **Principle of Development**
- **Character and visual amenity**
- **Highways concerns**

## **9. ASSESSMENT**

### **Principle of Development**

- 9.1. Policy LP3 of the Fenland Local Plan denotes Friday Bridge as a limited growth village. For these settlements a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village. Such development may be appropriate as a small village extension.
- 9.2. The application site is bounded to the north-west and south-east by existing dwellings and there are is a line of existing dwellings to the south of the site on the opposite side of the road. It is therefore considered that the site is located within the built form of the settlement and that the principle of development of this site broadly conforms with Policy LP3 and LP12 of the Local Plan. Furthermore, the site has been allocated within the draft emerging Local Plan (allocation LP54.03), at the present stage of the draft emerging local plan, it is given limited weight in the decision making for this development, but should be mentioned.
- 9.3. Policy LP16 supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance. Policy LP2 seeks to ensure that development does not result in harm to the amenity of the area or the environment in general. Highway safety is considered under Policy LP15 and flood risk must also be considered in accordance with Policy LP14. The principle of the development is therefore acceptable subject to the policy considerations set out below.

### **Character and visual amenity**

- 9.4 It should be noted that this application is purely for outline consent with all matters reserved, therefore there is limited information to comment on regarding design of the dwellings and the form and appearance that the development might take in due course is not for consideration.

- 9.5 The nature of the local area is largely residential, with residential dwellings located on both sides of Well End. There is no distinctive character of the local area in terms of design of dwellings, with Well End benefitting from a complete mix of styles ranging from bungalows, semi-detached dwellings to larger detached properties. The individual plots for this development are adequately sized, allowing for each plot to have a good sized rear garden and two off road parking spaces.
- 9.6 The site currently forms a gap in development within the ribbon development of Well End, and will impact the character of the area, however not in a harmful manner. The gap is a logical location for development as it respects the core shape of the settlement, would not result in the merging of two settlements and is not isolated from built form. The site is also allocated in the emerging local plan, which although is given limited weight at this stage, does confirm that the site is suitable in its location and infill of the gap in the street scene. It should be noted that the site plan at this stage is indicative, and the height of the development has not been stated. The gap will be a visual loss to the street scene, but on balance is a suitable place for development.
- 9.7 Whilst visual amenity at this stage cannot be specifically addressed, the application assumes the construction of up to 6 detached dwellings with all being served off private drives leading onto one access point from Well End. However, it would only be possible to specifically assess the visual impact of the overall development when the details of each plot submission are made at the subsequent reserved matters stage if outline permission was granted.

## **Highways**

- 9.8 The Parish Council and local residents have expressed concerns regarding the access arrangements to the proposed site, as well as the development being located on the bend of Well End.
- 9.9 The Highway Authority initially had concerns regarding the access shape and ability to have two vehicles pass each other, whilst also raising issues with the location of the private drives being too close to the access. The applicant has made changes to the plans to illustrate a 5.5m wide access roadway with 6m radii, 5m wide private drives set 11m back from existing carriageway. The Highway Authority has confirmed these changes are acceptable and has no other objections to the scheme.
- 9.10 A footway is indicated across the extent of the frontage of the site and adjoining the existing footway to the east. A condition would be required to secure the delivery of this. The Highway Authority also recommend a condition requiring wheel wash facilities to serve the development. Given the scale of the development and the existence of other powers to other bodies in respect of deposits on the highway it is not considered reasonable to require such facilities in this scenario.
- 9.11 Therefore, the proposed development is considered acceptable in relation to LP15 of the Fenland Local Plan.

## **Other issues**

- 9.12 A number of issues have been raised by neighbouring residents, many of which have been assessed elsewhere in the report. However, of the other issues raised by objectors, in terms of noise from the site impacting the local community, there are requirements for building work to take place during certain times only and this would not be a reason to refuse planning permission.

9.13 Homeowners do not have a right to the view from their property, therefore although the development will be seen from neighbouring residential dwellings, there is limited weight given to this in the eyes of planning. There will be a degree of visual impact from the development on neighbouring residential, specifically the residents who are directly facing the proposed development, but on balance this impact would be limited when debating the benefits of this development.

## 10 CONCLUSIONS

10.1 The application is made in outline, with all matters reserved for later approval and therefore any details submitted alongside the proposals are indicative only.

10.2 Although the Local Planning Authority must satisfy itself that a development of the number of units proposed can be satisfactorily accommodated within the site, the detailed design of such a scheme is reserved for later consideration.

10.3 The application has demonstrated that an appropriate access to the site could be provided. The details also indicate that subject to careful design and layout of the proposal to protect amenities of the surrounding properties there is no evidence to suggest that the level of development proposed could not be satisfactorily accommodated on the land.

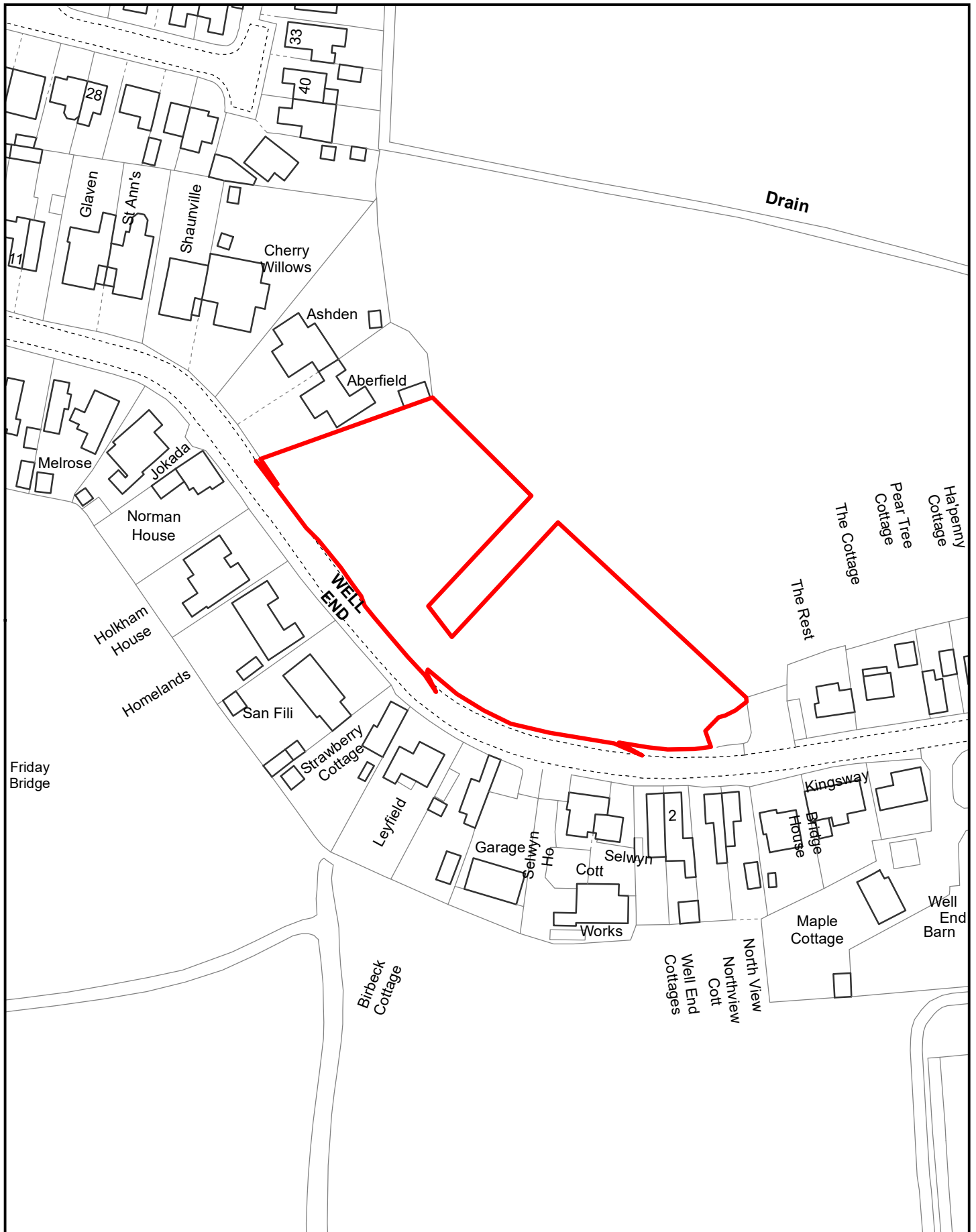
## 11 RECOMMENDATION

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

|   |   |
|---|---|
| 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 means of access thereto;</li> <li>v. 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 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>  |
| 3 | <p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>  |

|   |  |
|---|--|
| 4 | <p>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:</p> <ul style="list-style-type: none"> <li>a) the statement of significance and research objectives;</li> <li>b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</li> <li>c) The timetable for the field investigation as part of the development programme;</li> <li>d) The programme and timetable for the analysis, publication &amp; dissemination, and deposition of resulting material and digital archives.</li> </ul> <p>REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).</p> |
| 5 | <p>Prior to the commencement of the development hereby approved a temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.</p> <p>Reason: In the interest of highways safety</p>  |
| 6 | <p>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.</p> <p>Reason: In the interest of highways safety</p>   |
| 7 | <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved.</p> <p>Reason: In the interest of highways safety</p>  |
| 8 | <p>Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4m metres x 43m metres measured along respectively the edge of the carriageway.</p> <p>Reason: In the interests of highways safety</p>   |

|    |  |
|----|--|
| 9  | <p>No development shall take place until details of works to provide a footway across the frontage of the application site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.</p> <p>Reason: In the interests of highways safety</p> |
| 10 | <p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents.</p>  |



Created on: 14/02/2023

© Crown Copyright and database  
rights 2023 Ordnance Survey 10023778

**F/YR23/0106/O**

Scale = 1:1,250



Fenland District Council





F/YR23/0160/PIP

**Applicant:** Mrs Lorraine Walker

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

**Land South East Of 45, Cattle Dyke, Gorefield, Cambridgeshire**

**Permission in Principle for up to 4 x dwellings**

**Officer recommendation: Refuse**

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

## 1 EXECUTIVE SUMMARY

- 1.1 The application seeks Permission in Principle for the residential development of the site for up to 4 dwellings - as to whether the location, land use and amount of development proposed is acceptable.
- 1.2 The Permission in Principle route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 1.3 Gorefield is defined as a small village with the criteria explicitly stating that only infill sites will normally be considered. The site is considered to fall outside of the built envelope of Gorefield on land set to the south-east of 45 Cattle Dyke and is not infill development by definition, therefore failing to comply with policy LP3 and LP12 of the Local Plan.
- 1.4 Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.
- 1.5 As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, Officers consider there are no overriding material considerations to indicate a departure from the development plan is warranted in this instance.
- 1.6 The recommendation is to refuse permission in principle for residential development of this site.

## 2 SITE DESCRIPTION

- 2.1 The application site lies to the rear of the built up linear form of development to the east of Cattle Dyke and to the southern edge of the 'small village' of Gorefield. The application form describes the site as being an existing paddock area whilst the Agricultural Land Classification Map showing the land to be Grade 1/2 land which is classed as 'excellent' and 'very good'. An existing access is to be utilised that serves the rear of 45 Cattle Dyke.
- 2.2 The site is open in nature and bounded along the southern boundary by mature hedges and trees. The northern boundary is generally open with the site to the west having been built out with modest detached dwellings that front Cattle Dyke.
- 2.3 The site lies in Flood Zone 3.

### **3 PROPOSAL**

- 3.1 Planning in Principle (PIP) applications are an alternative way of obtaining planning permission for housing led development and separates the consideration of matters of principle for proposed development, from the technical detail.
- 3.2 As set down in the Town & Country Planning (Permission in Principle) Order 2017 and Town & Country Planning (Brownfield Land Register) Regulations 2017, the scope of PIPs (stage 1 of the process) is restricted to consideration of location, development size and land use. All other matters are 'reserved' for consideration by the stage 2 Technical Details application which may be made should PIP be granted.
- 3.3 This application seeks planning permission in principle for up to 4no dwellings. The applicant is only required to submit a completed application form, a plan which identifies the land to which the application relates (drawn to scale with a north point) and the application fee. Whilst the design, layout and access into the site are not required in line with the above regulations, an indicative plan has been submitted. The current proposal is the first part of the Permission in Principle application; this 'first stage' (or Permission in Principle stage) establishes whether a site is suitable in-principle and assesses the 'principle' issues namely:
- 1) Location,
  - 2) Use, and
  - 3) Amount of development proposed
- 3.4 Should this application be successful, the applicant would have to submit a Technical Details application covering all other detailed material planning considerations. The approval of Permission in Principle alone does not constitute the grant of planning permission.
- 3.5 The second ('technical details consent') stage is when the detailed development proposals are assessed. Technical details consent regarding the proposed properties would need to be applied for should this application be granted.
- 3.6 Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/>

### **4 SITE PLANNING HISTORY**

None relating to the site itself but the following applications relate to land directly to the west and north of the site:

F/YR14/0690/F Erection of 4 x 2 storey 4-bed dwellings with double garages – Granted 5<sup>th</sup> November 2014

F/YR19/0039/F Erection of a single storey detached 1-bed annexe with integral garage ancillary to existing dwelling (retrospective)- Granted 12<sup>th</sup> March 2019

### **5 CONSULTATIONS**

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

Does not support the proposal. *'It is back land development not in keeping with the surrounding area The access is inadequate for 4 dwellings.'*

#### **5.2 Environmental Health**

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

### 5.3 North Level IDB

No comment to make with regard to the application.

### 5.4 Environment Agency

*'We have inspected the documents as submitted and have no objection. However, we have provided additional comments below on flood risk.'*

Flood Risk.

The site is in flood zone 3 and a Flood Risk Assessment (FRA) should be provided to detail the impacts at the technical documents submission. Appropriate flood mitigation measures such as raised floor levels being raised appropriately should be detailed in the report.

Sequential and Exception Tests - The requirement to apply the Sequential Test is set out in Paragraph 162 of the National Planning Policy Framework. The Exception Test is set out in paragraph 164. These tests are the Councils responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

### 5.5 County Highways

Raise no objection to the principle of the proposed development. *'While the access is existing, its use will be intensified. The applicant will need to ensure that inter-vehicular visibility splay commensurate with the signed speed limit (or observed 85th percentile speed) can be achieved within their ownership and / or the highway boundary. Based on the extent of highway verge and local conditions, I do not anticipate this being a material barrier to development. The site access will need to be at least 5m wide for a minimum initial length of 8m from the carriageway edge to enable two cars to pass off the Cattle Dyke carriageway. I measure there to be approximately 4.7m within the application boundary but I note that the land to either side is within the same ownership. By virtue of scale of development, the internal roads would not be considered for adoption by the Local Highway Authority. The applicant will therefore need to give consideration to location of bin stores / collection points which are accessible from the public highway.'*

### 5.6 Local residents/Interested Parties

Five letters of objection have been received from residents of Gorefield with the points summarised below:

- Insufficient access
- Not an infill development his application
- The drawing indicates a dwelling behind number 57 numbered as 59. This is not a dwelling, it is an open sided pole barn for hay and straw storage
- The proposed planning would be an irreversible loss of undeveloped land
- The site is not a brownfield site. There has been no previous development on this land and no previous permanent structures on it. There appears to be no basis to attempt to label this as such. It is a greenfield site.
- The application site is open agricultural land classified as Grade 1 'Excellent' as defined by the DEFRA Agricultural Land Classification.
- Topographical maps clearly show the proposed development on an area previously shown as a water body confirmed by aerial photography and entered on the official maps on the Planning Data Platform; [planning.data.gov.uk](http://planning.data.gov.uk). In preparation for this development, this has recently been filled-in. This demonstrates a flagrant disregard for the preservation of the natural environment, the biodiversity and the wider ecosystems. There are also several trees growing on the site, specifically one large medium-age tree in good health that would have to be removed.

- The current guidance from Anglian Water is that vacuum pots have limited capacity and are only able to accept connections from 4 properties requiring the addition of a new vacuum pump. This will mean a significant financial investment to the local utilities as the current infrastructure has reached capacity not only in the immediate locality but further along the vacuum main. Anglian Water have confirmed that the current infrastructure along Cattle Dyke has reached capacity and has required several emergency works to be carried out on site.
- The proposed development would significantly increase noise and air pollution.
- The site is within Flood Zone 3, therefore an increase in flooding with more suitable sites within flood zones 1 and 2 within the area.

Six letters of support have been received from residents of Gorefield with the points summarised below:

- The village needs to be more sustainable, and this application can only help that and generate support for established local businesses.
- Will not impact upon the open countryside
- Sustainable location
- Much need of family homes
- Bring jobs to the local 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).

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**National Design Guide 2021**

Context  
Identity  
Built Form

**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 development  
LP14: Climate Change and Flood Risk  
LP15: Facilitating 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
- LP4 – Securing Fenland's Future
- LP5 – Health and Wellbeing
- LP7 – Design
- LP8 – Amenity Provision

### **Supplementary Planning Documents/ Guidance**

Delivering & Protecting High Quality Environments in Fenland SPD (2014)

Cambridgeshire Flood & Water SPD (2016)

## **9 KEY ISSUES**

- 9.1 This application is made pursuant to the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (PIP regulations) that provides opportunity for an applicant to apply as to whether 'Permission in Principle' is acceptable for a site, having regard to specific legislative requirements and, in accordance with the NPPG (58-012-20180615) as to whether the location, land use and amount of development proposed is acceptable.
- 9.2 The permission in principle (PiP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The approval of PiP alone does not constitute the grant of planning permission.
- 9.3 The PiP consent route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 9.4 PiP establishes that a particular scale of housing-led development on a defined site is acceptable. The aim is for a PiP to minimise the upfront and at-risk work of applicants.
- 9.5 The key issues associated with this application are considered to be:
  - Principle of Development
  - Highways & Access
  - Ecology & Biodiversity
  - Other matters

## **10 ASSESSMENT**

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

### **Location**

- 10.2 Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.

- 10.3 The application site is located on the southern edge of the settlement of Gorefield which is identified as a 'small village' within policy LP3. This policy restricts development to limited residential infilling or a small business opportunity. The glossary within the Local Plan defines residential infilling as 'Development of a site between existing buildings'. The Planning Portal defines this as 'The development of a relatively small gap between existing buildings.'
- 10.4 Further to LP3, Policy LP12 Part A supports development in villages where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Criteria (a) of this policy allows for development where '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);' As referenced above, Gorefield is defined as a small village with the criteria explicitly stating that only infill sites will normally be considered.
- 10.5 No settlement boundary for Gorefield is defined within the Local Plan. The application site lies behind the existing residential linear form of development that fronts the eastern side of Cattle Dyke. It is noted there is built form behind the frontages of these properties along Cattle Dyke to the north, however, these relate to ancillary outbuildings associated with the dwellings. Also of note is the site that lies directly to the west of the application site. Permission was granted under reference F/YR14/0690/F for the erection of 4no two storey, 4 bedroom dwellings. This was considered acceptable given the site was deemed to be an area considered appropriate for limited infilling and therefore fulfilling the requirements of the policy.
- 10.6 The presence of the existing built form of residential properties running north to south in a linear fashion along Cattle Dyke concludes that the application site is within the open countryside. As referenced above, it is clear that the application site does not have the characteristics normally associated with infill development and therefore fails to comply. Further to this, and, having regard to the specific footnote to policy LP12, criteria (b), the site has been referred to as an existing paddock on the application form and is currently undeveloped on the edge of the settlement where the land relates more to the surrounding countryside and lies to the rear of the established linear form of development, and, as such, there is no support for the development under LP3 or LP12 - which is only applicable for development within villages as defined.
- 10.7 Whilst the site would not be considered as 'isolated' having regard to paragraph 80 of the NPPF, nonetheless it does not follow the settlement strategy as set out under LP3 and LP12. With regards to paragraph 80 of the NPPF; whilst the future occupiers of the development would likely support the existing facilities and services of Gorefield, these facilities do not appear to be under any kind of threat to justify an exception to the policy in this case, notwithstanding that, this benefit would be very modest through the introduction of 'up to' 4no. dwellings.
- 10.8 Given the aforementioned reasons, the application site constitutes an area of land located outside the developed footprint of the settlement. The development proposal would result in an incursion into the rural countryside rather than small scale residential infilling causing unwarranted harm to the rural character and linear form of development of the area. The proposal is therefore considered to be contrary to Policies LP3 and LP12 of the adopted Fenland Local Plan (2014)

## **Use**

- 10.9 Policy LP12 ((i) states that development should not result in the loss of high grade agricultural land or if so comprehensive evidence is provided to justify the loss.
- 10.10 Paragraph 174 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside....including the economic benefits of the best and most versatile agricultural land. Grades 1, 2 and 3a agricultural land fall within this category.

- 10.11 A large proportion of agricultural land in Fenland District is best and most versatile land. There is insufficient information upon which to assess whether the loss the land might mean loss of best and most versatile agricultural land. However, the Council has rarely refused applications for this reason, given the quantity of such land within the District, and it is not considered that this issue could therefore be used as a reason for refusal in this instance.
- 10.12 Considering the land use in relation to surrounding land uses, the use of the land for residential purposes, in principle, would not give rise to unacceptable impacts on surrounding residents by reason or noise or disturbance or vice versa.

### **Flooding and drainage**

- 10.13 The site lies in Flood Zone 3 and therefore at a high risk of flooding. National and local planning policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding (Flood Zone 1).
- 10.14 Policy LP14 requires applicants to demonstrate this through the application of the sequential test. In order to justify the development in Flood Zone 3, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 and then in Zone 2 which could accommodate the development.
- 10.15 Whilst no details of surface water drainage measures have been submitted, these could be secured as part of a Technical Details consent at a later stage. However, policy LP14 which relates to flood risk sets out other than sites allocated in this Plan all development proposals must clearly demonstrate that the Sequential Test, as set out in the latest version of the Strategic Flood Risk Assessment has been applied and that development within flood zones 2 and 3 should be supported by a Flood Risk Assessment. No details have been provided by the applicant in this respect.

### **Amount of development proposed**

- 10.16 The application seeks Permission in Principle for up to 4no dwellings on a site of 0.39ha which would equate to a density of approximately 10 dwellings per hectare. Whilst a site plan has been submitted, this is indicative. This is low density and could comfortably be accommodated on-site without being considered an overdevelopment of the site. However, the detailed layout and design would be for consideration at the Technical Details stage. In terms of consideration of amount, the proposal is acceptable.

## **11 Conclusion**

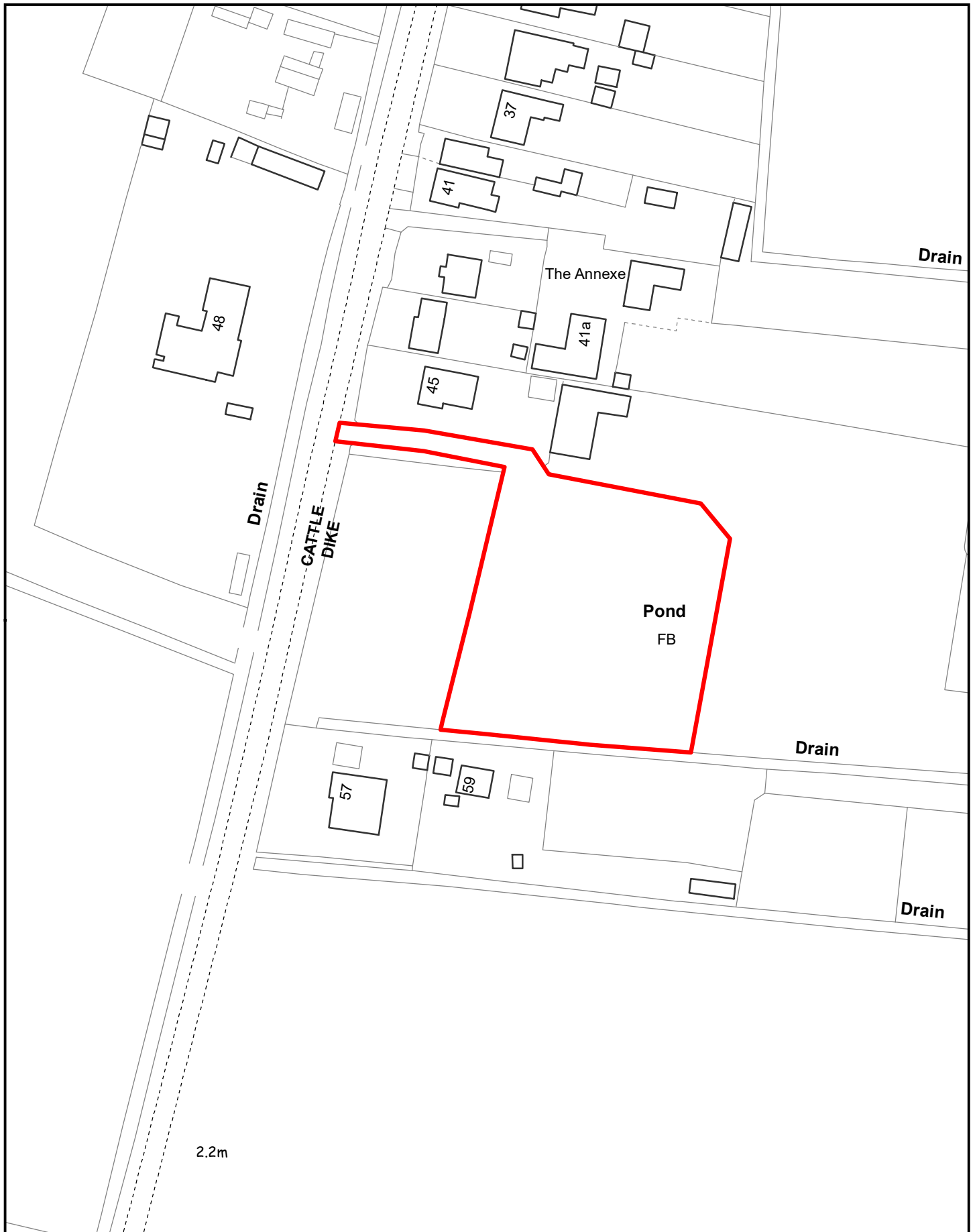
- 11.1 The application seeks permission in principle for the residential development of the site with matters of location, land use and amount of development proposed.
- 11.2 The site falls outside the built envelope of Gorefield and development of the site would not constitute residential infilling and instead would result in an erosion of the open rural character of the area. As such, the proposal would conflict with the settlement strategies of the Fenland Local Plan - policies LP3 and LP12.
- 11.3 Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.
- 11.4 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, Officers consider there are no overriding material considerations to indicate a departure from the development plan is warranted in this instance.

## 12 RECOMMENDATION:

**REFUSE;** for the following reasons:

|   |   |
|---|---|
| 1 | The application site constitutes an area of land located outside the developed footprint of the settlement. The development proposal would result in an incursion into the rural countryside rather than small scale residential infilling causing unwarranted harm to the rural character and linear form of development of the area. The proposal is therefore considered to be contrary to Policies LP3 and LP12 of the adopted Fenland Local Plan (2014)  |
| 2 | The site is located within Flood Zone 3 where there is a high probability of flooding. The applicant has failed to provide a site-specific FRA with application of the sequential and exceptions tests. Consequently, the application fails to demonstrate that there are no alternative sites to accommodate the development which are reasonably available and with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 14 of the NPPF. |





Created on: 02/03/2023

© Crown Copyright and database  
rights 2023 Ordnance Survey 10023778

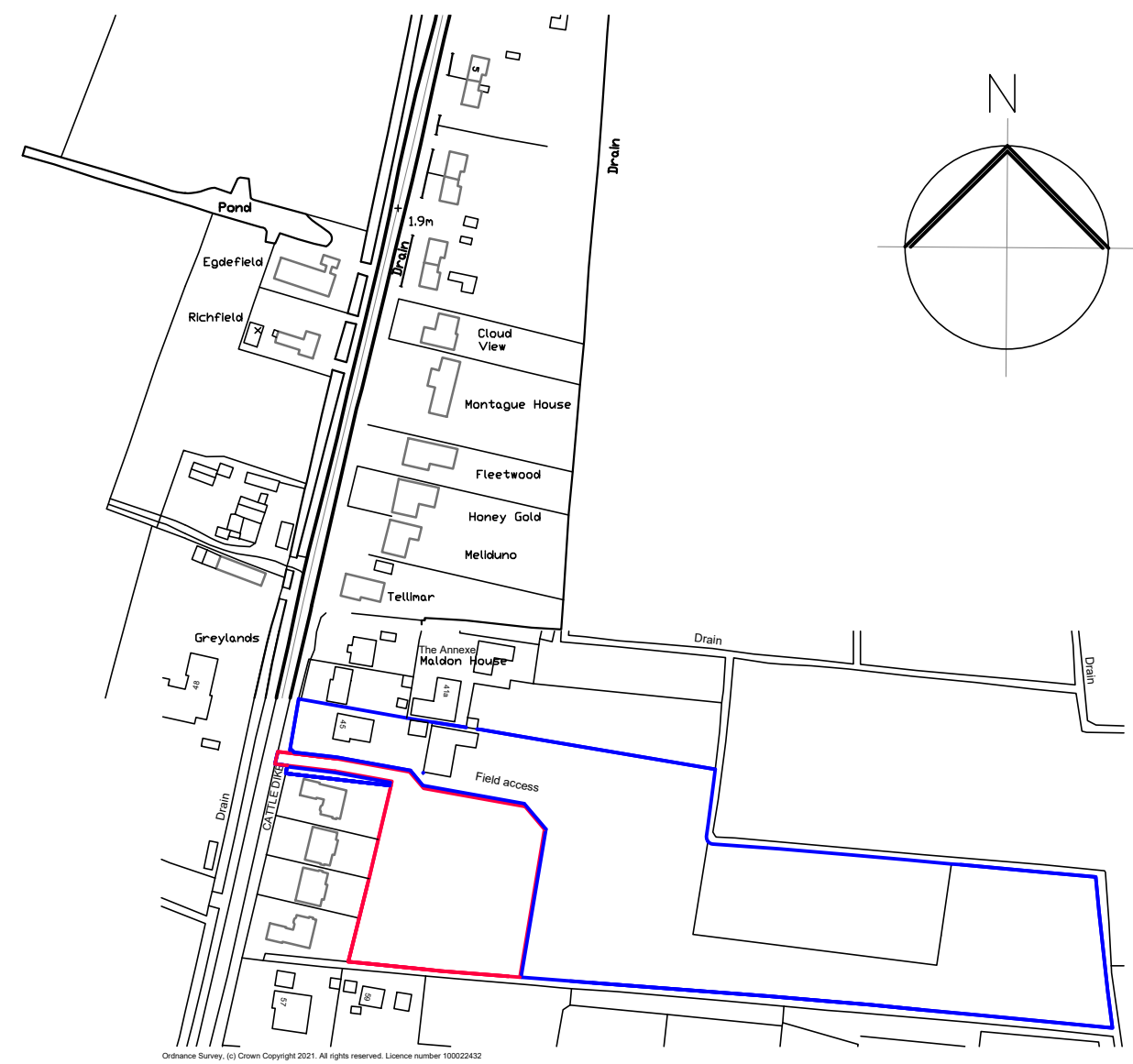
**F/YR23/0160/PIP**

Scale = 1:1,250





SITE PLAN 1:500(Indicative only)



LOCATION PLAN 1:2500

|           |
|-----------|
| A -       |
| REVISIONS |



PETER HUMPHREY ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk

CLIENT  
L REES

PROJECT  
RESIDENTIAL DEVELOPMENT

SITE  
LAND REAR OF GOREFIELD HOUSE  
CATTLE DYKE  
GOREFIELD  
WISBECH

DRAWING  
SITE PLAN

|             |            |          |
|-------------|------------|----------|
| JOB NO.     | PAPER SIZE | DATE     |
| 6384/PIP 01 | A2         | NOV 2022 |

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

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

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

---

**F/YR23/0185/PIP**

**Applicant: Messrs Siggee And  
Sanderson**

**Agent: Mr David Mead  
The Planning Partnership**

**Land South East Of Cherryholt Farm, Burrowmoor Road, March,  
Cambridgeshire**

**Residential development of up to 3 dwellings (application for Permission in  
Principle)**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1. The proposal is an application for Permission in Principle to develop the site for up to 3 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the site is suitable in principle and assesses the principle issues: (1) Location; (2) Use; and (3) Amount of development proposed. The second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.
- 1.2. Evaluation of a PIP must be restricted to the issues highlighted above; even if technical issues are apparent from the outset, they can form no part of the determination of Stage 1 of the process. Accordingly, matters raised via statutory bodies may not be addressed at this time.
- 1.3. The application site comprises part of a grassland paddock to the north of Burrowmoor Road between No.181 and Cherryholt Farmhouse. The site has been designated as an allocated site within the West March Broad Concept Plan and forms a significant proportion of the area within which a primary road has been proposed within the adopted BCP to link the north and south development areas.
- 1.4. The application includes no evidence to substantiate that the site is unlikely to fall within the land required for the BCP primary road link and as such it is considered that development of the site may prejudice the delivery of the transport network within the strategic allocation, contrary to the provisions of policies LP7 and LP9 of the Fenland Local Plan (2014). As such, the application is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1. The application site is an existing field, identified by the applicant as currently in agricultural use as a grassland paddock. The field essentially adjoins the current edge of the developed part of the town of March, with an existing dwelling (181 Burrowmoor Road) located approximately 25m east of the site. To the west of the site, at a distance of approximately 42m, is Cherryholt Farm, a grade II listed building.
- 2.2. The site benefits from significant mature tree planting along the southern boundary of the site along the road and to the northern (rear) boundary, with the open land beyond.
- 2.3. The application site lies in flood zone 1.

## **3 PROPOSAL**

- 3.1. Planning in Principle (PIP) applications are an alternative way of obtaining planning permission for housing led development and separates the consideration of matters of principle for proposed development from the technical detail.
- 3.2. As set down in the Town & Country Planning (Permission in Principle) Order 2017 and Town & Country Planning (Brownfield Land Register) Regulations 2017, the scope of PIPs (stage 1 of the process) is restricted to consideration of location, development size and land use. All other matters are 'reserved' for consideration by the stage 2 Technical Details application which may be made should PIP be granted.
- 3.3. This application seeks planning permission in principle for up to three dwellings on the site. In line with the above regulations the design, layout and access into the site have not been provided.
- 3.4. The current proposal is the first part of the Permission in Principle application; this 'first stage' (or Permission in Principle stage) establishes whether a site is suitable in principle and assesses the 'principle' issues namely:
  - a) Location,
  - b) Use, and
  - c) Amount of development proposed
- 3.5. Should this application be successful, the applicant would have to submit a Technical Details application (stage 2 of the process) covering all other detailed material planning considerations. The approval of Permission in Principle alone does not constitute the grant of planning permission. Technical details consent regarding the proposed properties would need to be applied for should this application be granted.
- 3.6. Full plans and associated documents for this application can be found at: [F/YR23/0185/PIP | Residential development of up to 3 dwellings \(application for Permission in Principle\) | Land South East Of Cherryholt Farm Burrowmoor Road March Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/development/development-projects/F/YR23/0185/PIP%20Residential%20development%20of%20up%20to%203%20dwellings%20(application%20for%20Permission%20in%20Principle)%20Land%20South%20East%20Of%20Cherryholt%20Farm%20Burrowmoor%20Road%20March%20Cambridgeshire)

#### 4 SITE PLANNING HISTORY

|                 |  |                       |
|-----------------|--|-----------------------|
| F/YR22/0937/F   | Erection of a 2-storey 5-bed dwelling with detached garage involving the formation of a new access<br>Land West of 181 Burrowmoor Road, March  | Refused<br>20.04.2023 |
| F/YR22/0913/F   | Erect 1 x dwelling (2-storey 4-bed) with 2.0m high boundary brick walls<br>Plot 2 Land At Cherryholt Farm, Burrowmoor Road, March  | Granted<br>10.03.2023 |
| F/YR20/0223/BCP | West March strategic allocation  | Approved<br>14.0.2021 |
| F/YR19/1078/F   | Erect 1 x dwelling (2-storey 3-bed) and detached double garage involving the demolition of existing outbuildings<br>Plot 2 Land At Cherryholt Farm, Burrowmoor Road, March   | Refused<br>03.04.2020 |
| F/YR19/1077/F   | Conversion of existing barn to a single-storey 3-bed dwelling and erection of a double garage, involving demolition of existing lean-to and outbuildings<br>Plot 1 Land At Cherryholt Farm, Burrowmoor Road, March | Granted<br>03.04.2020 |
| F/YR19/0016/F   | Erection of a 2-storey 5-bed dwelling with detached garage involving the formation of a new access<br>Land West of 181 Burrowmoor Rd, March  | Refused<br>09.05.2019 |
| F/YR18/0599/F   | Erection of a 2-storey 5-bed dwelling with detached garage involving the formation of a new access<br>Land West of 181 Burrowmoor Rd, March  | Refused<br>23.08.2018 |

#### 5 CONSULTATIONS

##### 5.1. Historic England

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

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

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

##### 5.3. March Town Council

*Recommendation; Approval subject to safe access, minimal removal of trees and no parking on Burrowmoor Road.*

##### 5.4. Local Residents/Interested Parties

Seven letters of support received from six address points within the ward or adjacent ward. Reasons for support of the scheme are cited as:

- *The development will be good for the local area as new homes are greatly needed; Would create work for local trades people;*
- *It would be good to see end of Burrowmoor Road developed privately;*

- *It will increase the number of properties in the Fenland area; The area already has existing approvals for new properties and the renovation of the existing farm house and associated buildings;*
- *A few nice quality homes would be nicer than a sprawling mass of 'crammed' in residences. No objections whatsoever;*
- *It will be nice to see use of the land;*

Two letters received stated no comments or reasons for support.

One letter of objection has also been received from a local resident, stating that their reason for objection was that *"Any development will be detrimental to the environment and nature."*

## **6 STATUTORY DUTY**

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

### **7.1. National Planning Policy Framework (NPPF) July 2021**

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

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

Para 119: Promote effective use of land

Para 130: Well-designed development

Para 174: Contribution to and enhancement of the natural and local environment.

Para 194: Applicants should describe the significance of any heritage assets affected.

Para 197: LPAs should take account of desirability of sustaining the significance and positive contribution of heritage assets.

Para 200: Harm to or loss of significance of a heritage asset should require clear and convincing justification.

Para 202: Less than substantial harm should be weighed against public benefits.

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

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

Context

Identity

Homes and Buildings

Resources  
Lifespan

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

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP7 – Urban Extensions  
LP8 – Wisbech  
LP9 – March  
LP15 – Facilitating the Creation of a More Sustainable Transport Network  
LP16 – Delivering and Protecting High Quality Environments  
LP18 – The Historic Environment  
LP19 – The Natural Environment

#### **7.5. Emerging Local Plan**

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

LP1 – Settlement Hierarchy  
LP2 – Spatial Strategy for the Location of Residential Development  
LP7 – Design  
LP8 – Amenity Provision  
LP22 – Parking Provision  
LP23 – Historic Environment  
LP24 – Natural Environment

#### **7.6. March Neighbourhood Plan 2017**

H2 – Windfall Development  
H3 – Local Housing Need

### **8 KEY ISSUES**

- **Location**
- **Use**
- **Amount of Development Proposed**
- **Other Matters**

### **9 BACKGROUND**

- 9.1. The site forms part of the West March Broad Concept Plan (BCP), adopted in July 2021. The BCP sets out the aims and visions for the site taking into account opportunities and constraints for delivering housing and supporting infrastructure along with access routes into and around the BCP area and was informed by various studies including transport, ecology, drainage and landscape assessments.

- 9.2. The BCP therefore forms the basis for which the West March urban extension will develop. Planning applications within the West March strategic allocation should therefore accord with the principles and aims detailed within the approved BCP.
- 9.3. The site falls within the wider BCP area and it is to be noted that the site has been identified as open space, included as part of “*buffers to safeguard the setting of these heritage assets*” (BCP, 2021, pp.21) owing to its position forward of Cherryholt Farmhouse, a grade II listed building.
- 9.4. Immediately east of the application site and part of the same grassland field is a site with several planning refusals dating back to 1998 for applications to erect a residential dwelling, the most recent being F/YR22/0937/F; this was refused on the basis of the development prejudicing the delivery of the wider development envisaged by the West March BCP.
- 9.5. Further to the west of the application site at circa 70m distance, there is an extant permission for the conversion of an existing barn associated with Cherryholt Farm (F/YR19/1077/F) and a more recent approval for a dwelling on land known as Plot 2 Cherryholt Farm (F/YR22/0913/F). On a plot forward of ‘Plot 2’, a recent Permission in Principle application for the residential development of one dwelling was refused under delegated powers on the basis of the potential to prejudice the delivery of the West March BCP and its impact on the setting of the grade II listed Cherryholt Farmhouse (F/YR23/0184/PIP).

## **10 ASSESSMENT**

- 10.1. The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, which came into force on 1st June 2018. This amends the Town and Country Planning (Permission in Principle) Order 2017 to allow local planning authorities to grant permission in principle on receipt of a valid application for housing-led development.
- 10.2. The National Planning Practice Guidance (PPG) explains that the Order is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for development, from the technical detail. This consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle, and the second (technical details consent) stage, is when the detailed development proposals are assessed.
- 10.3. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, permission in principle is sought for the erection of up to three dwellings on the site.
- 10.4. The PPG states: "The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage." The



PPG also advises that applicants may volunteer additional information to support decision making, in particular, to give more certainty about how many dwellings the site is capable of supporting, and whether mitigation of likely impacts is possible. As this is a Permission in Principle application, no plans are required.

- 10.5. The Council is therefore tasked with considering whether the location, land use and amount of development are acceptable in accordance with the relevant policies in the development plan, unless there are material considerations, such as those within the NPPF and the PPG, which indicate otherwise.
- 10.6. The Council can inform the applicant what they expect to see at the technical details consent stage, but it cannot impose planning conditions.
- 10.7. Noting the guidance in place regarding Permission in Principle submissions assessment must be restricted to (a) location, (b) use and (c) amount and these items are considered in turn below:

#### **Location and Use**

- 10.8. Policy LP3 identifies March as being a focus for growth given its sustainable links to services and facilities. LP7 sets out the LPA's aims in achieving a majority of the growth in the main market towns through strategic allocations and broad areas for growth. Policy LP9 identifies West March (in which the application site lies) as being a strategic allocation accommodating around 2000 new dwellings in Fenland.
- 10.9. LP7 identifies the importance of planning and implementing these locations for growth in a coordinated way, through an overarching BCP that is linked to the timely delivery of key infrastructure. LP7 goes on to state that, with the exception of inconsequential very minor development, proposals for development within the growth locations which come forward prior to an agreed BCP will be refused.
- 10.10. Since the adoption of the BCP, the proposal is considered to comply with the requirements of LP7 and the aims of LP3 insofar as proposing housing in a designated area for growth. However, LP7 continues that planning applications are expected to adhere to the BCP;

#### **Location and compliance with the BCP**

- 10.11. The application site is located towards the eastern side of the narrowest part of the strategic allocation, with wider sections of land to both the north and south, and forms a significant proportion of the area within which a primary road has been proposed within the adopted BCP to link the development areas of the strategic allocation to the north and south of Burrowmoor Road.
- 10.12. The location of the application site (including the remainder of the grassland field to its east) is such that it is sited in a position in which the path of the intended primary roadway will have the least impact on the setting of the nearby grade II listed Cherryholt Farmhouse (discussed in more detail below). Thus, whilst it is acknowledged that the BCP access and movement plans are at this stage indicative, it follows that the primary roadway location within the

BCP will likely result in the application site forming part of the immediate setting of any such infrastructure, as it would be desirable for a new highway to be sited as far away as practicable from the listed building to minimise any impact on its setting.

10.13. In addition, the BCP proposes the existing junction between Burrowmoor Road and the A141 to the west of the site will be closed off, further increasing the likelihood that the proposed primary road link on or near the application site will be integral to the delivery of the BCP.

10.14. As discussed above, the PPG advises that applicants may volunteer additional information to support decision making. However, the application includes no evidence to substantiate that the application site is unlikely to fall within the land required for the BCP primary road link. Thus, whilst the principle of residential development on the site is identified as likely to be considered acceptable in respect of the Settlement Hierarchy, without the supporting evidence that demonstrates how the site does not conflict with the indicative access and movement plans as set out within the adopted BCP, the granting of permission in principle on the application site would be prejudicial to the delivery of the BCP, contrary to Policies LP7 and LP9.

#### Location and impact on heritage

10.15. In addition, consideration must be given to the proposed location and use of the site and any corresponding impact thereof on the architectural and historic interests of a listed building with special regard paid to the desirability of preserving the building *or its setting* according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the requirements of Section 16 of the NPPF, and Policy LP18 of the Fenland Local Plan.

10.16. To the west of the application site, is a complex of former agricultural buildings that includes the grade II listed Cherryholt Farmhouse. The listed building is the easternmost of the buildings associated with Cherryholt Farm and is therefore the closest to the application site, separated from it by approximately 42 metres.

10.17. Based upon the limited information available at this stage of the Permission in Principle application, it is concluded that the proposal is unlikely to result in substantial harm to the Grade II heritage asset or its setting considering the broad issues of location of the development. Any substantiated impacts would ultimately be considered at technical details stage, whereby measures may be incorporated to address any identified risk(s) pertaining to impacts to heritage.

#### Location and use conclusion

10.18. Given the above, matters in respect of the impact of the scheme on the setting of the listed building may likely be reconciled at technical details stage.

10.19. Notwithstanding, it is concluded that the location of the site is not suitable to use for development of up to three dwellings, owing to the likelihood of the scheme prejudicing the delivery of the wider BCP contrary to Policies LP7 and LP9. As such Permission in Principle should be refused.

### **Amount of Development Proposed**

- 10.20. No indicative plans are required to be submitted as part of a Permission in Principle application, so there is nothing to suggest how a development of three dwellings would be laid out.
- 10.21. Notwithstanding, the proposed quantum of development may introduce a tighter knit form of development than is currently found in the locality that may result in harm to the character and settlement pattern of the area.
- 10.22. However, it is noted that the application seeks Permission in Principle for a maximum of 3 dwellings. As such, consideration pertaining to the density of development and the impacts thereof would ultimately be considered at technical details stage, whereby a reduction of the number of dwellings or their scale and design may be deemed necessary to address any identified risk(s) pertaining to these issues.
- 10.23. Therefore, at this stage, there is insufficient evidence relating to the amount of development proposed to justify a reason for refusal on this basis.

### **Other Matters**

- 10.24. The matters raised by March Town Council relating to safe access, minimal removal of trees and no parking on Burrowmoor Road would be addressed at the technical details stage. No conditions can be attached to a grant of Permission in Principle in accordance with the NPPG advice (Paragraph: 020 Reference ID: 58-020- 20180615).

## **11 CONCLUSIONS**

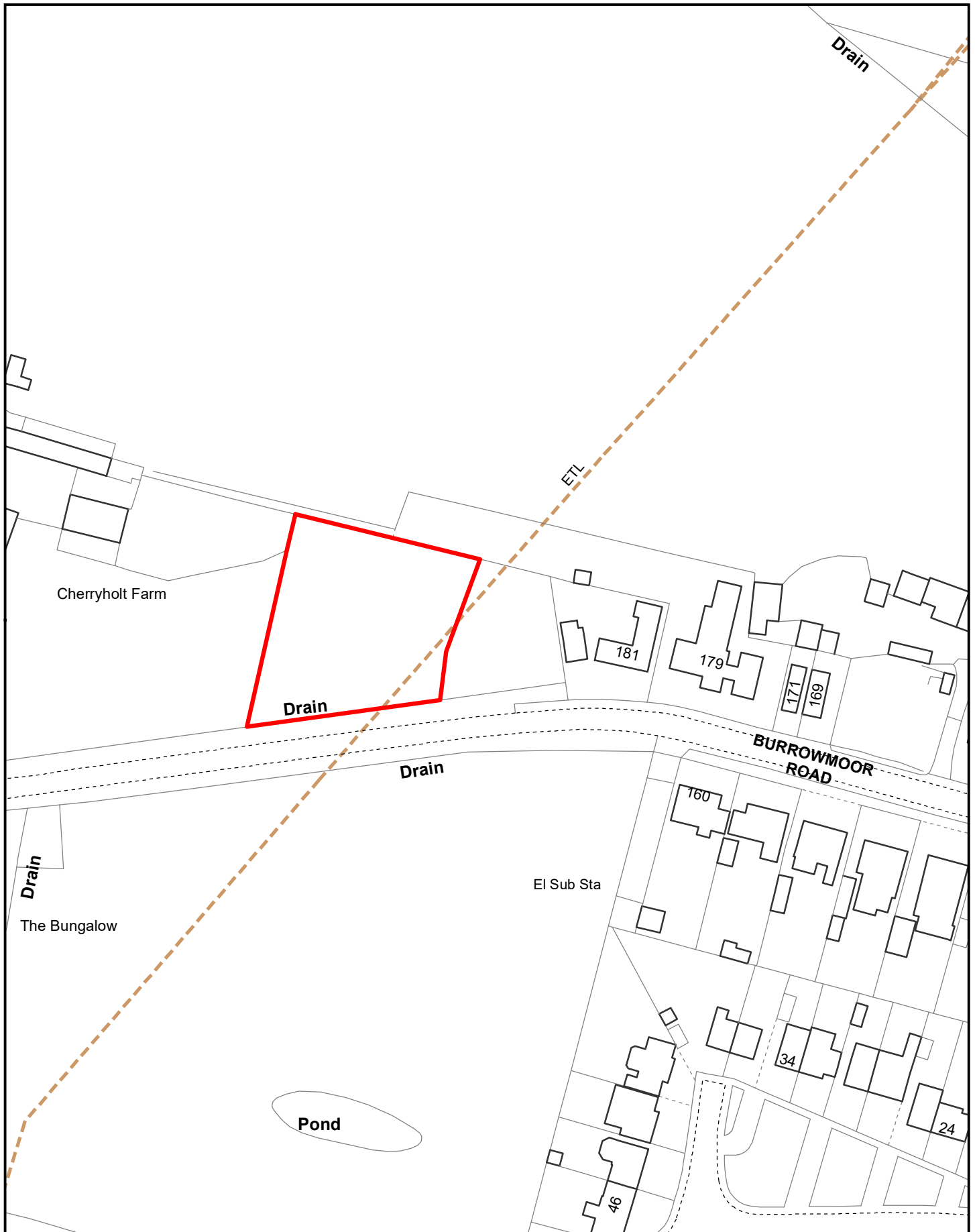
- 11.1. As indicated above, it is only location, use and amount of development that may be considered at the first Permission in Principle stage and that in respect of these matters the development would be contrary to elements of Policies LP7, LP9 of the Fenland Local Plan (2014) and adopted West March Broad Concept Plan (2021). It is therefore concluded that the Planning In Principle application fails and should be refused.

## **12 RECOMMENDATION**

**Refuse;** for the following reason;

|   |   |
|---|---|
| 1 | Policies LP7 and LP9 detail the approach within the Fenland Local Plan (2014) to development of Urban Extensions in general, and within March in particular. The proposal is for the construction of a single dwelling within the West March strategic allocation, for which a Broad Concept Plan was adopted in July 2021. The application site is located in a key position within the wider strategic allocation to the west of March and the granting of Permission in Principle for up to three new dwellings in this location would be likely to have a significant impact on the delivery of a strategic road link between the north part of the |
|---|---|

|  |  |
|--|--|
|  | <p>allocation and the southern part as set out within the adopted BCP. There is no evidence to demonstrate that if granted permission the proposal would not prejudice the delivery of the transport network within the strategic allocation and therefore the proposal would be contrary to the provisions of policies LP7 and LP9 of the Fenland Local Plan (2014), and by extension policy H1 of the March Neighbourhood Plan (2017).</p> |
|--|--|



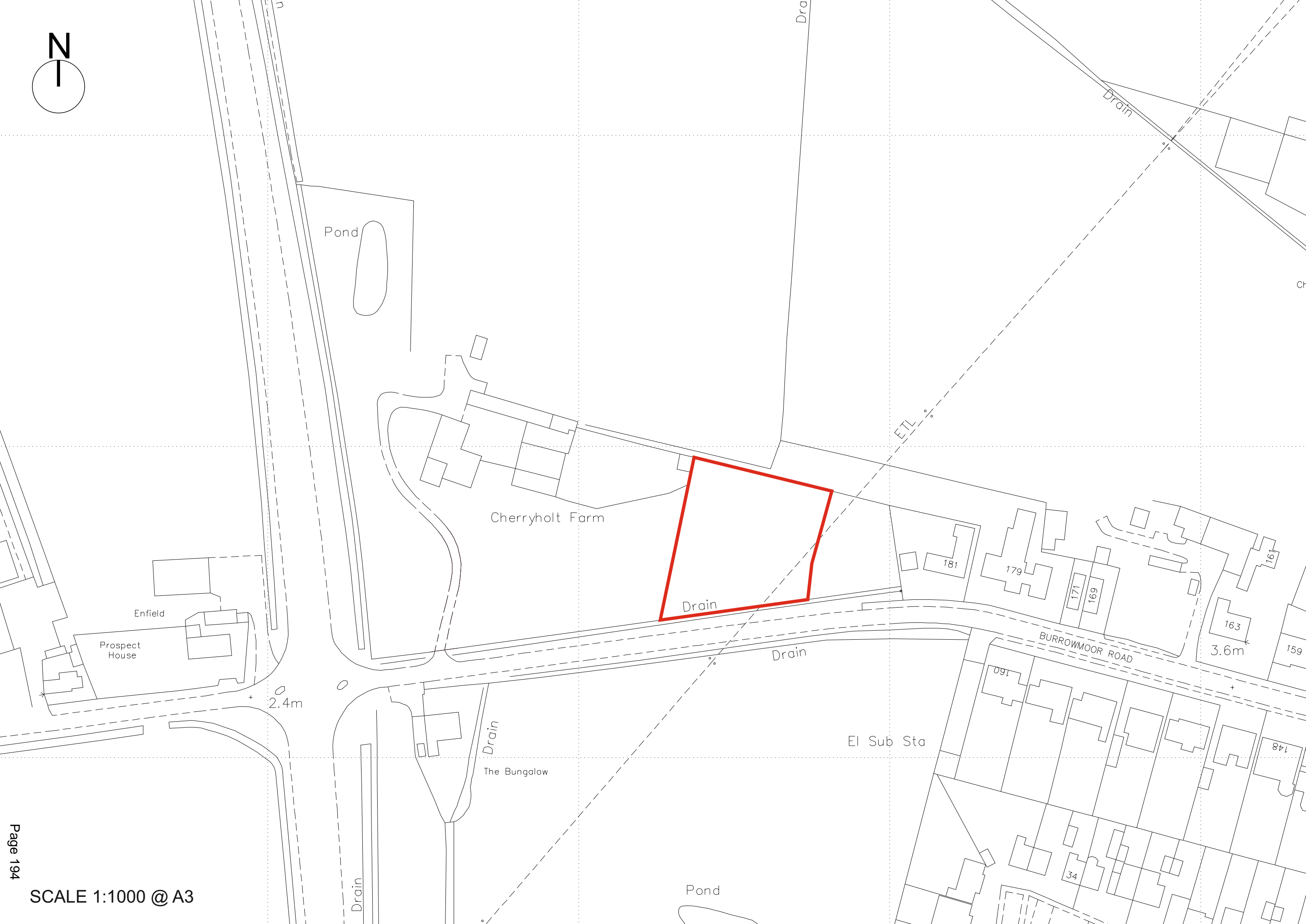
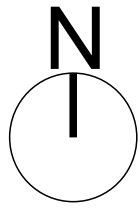
Created on: 06/03/2023

© Crown Copyright and database  
rights 2023 Ordnance Survey 10023778

F/YR23/0185/PIP

Scale = 1:1,250





F/YR22/0901/O

**Applicant: Mr John Thomas**

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

**Land South East Of The Chimneys, Gull Road, Guyhirn, Cambridgeshire**

**Erect 1 x dwelling involving the demolition of existing building (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

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

## 1. EXECUTIVE SUMMARY

- 1.1. The application site currently comprises a previously used bowls green and pavilion building located on the southwestern side of Gull Road. The site is enclosed by mature trees and hedgerows. Access of Gull Road is shared with both the commercial nursery and the existing residential dwelling 'The Chimneys'.
- 1.2. The proposal is an Outline planning application for the single detached dwelling on the land, with matters committed in respect of access. As this application is Outline, the main issue for consideration is whether the principle of development in this location is appropriate.
- 1.3. Policy LP3 seeks to steer development to the most sustainable areas. The site is considered within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location. Development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant has not demonstrated that there would be an 'essential' need, as required in order to satisfy the test set under LP3 and LP12 of the Fenland Local Plan 2014 and as such the proposal fails to comply with these policies.
- 1.4. The site lies in Flood Zone 3, the highest risk of flooding, the flood risk assessment accompanying the application fails to adequately address the matter of the sequential test.
- 1.5. The site is located within close proximity to a number of existing buildings and immediately to the north of the application site is a large detached two storey dwelling 'The Chimneys'. Therefore, the proposed dwelling at the site would not be out of keeping of the immediate character of the area at this part of Gull Road, however the erection of a further dwelling in this rural location would lead to further urbanisation and formalisation of the countryside location the site is located within where sporadic development is present.
- 1.6. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

## 2. SITE DESCRIPTION

- 2.1. The application site is located on the southwestern side of Gull Road, opposite the junction with Foleys Drove. The site currently comprises a previously used bowls green and pavilion that were approved under planning application F/96/0154/F. The site is located within the complex of existing buildings which comprise of a commercial nursery and existing residential dwelling 'The Chimneys'. The site is enclosed by mature trees and hedgerows. Access of Gull Road is shared with both the commercial nursery and the existing residential dwelling 'The Chimneys'.
- 2.2. The site is located within Flood Zone 3, an area at highest risk.

## 3. PROPOSAL

- 3.1. This application submitted in outline form, with matters committed in respect of access, seeks to agree the principle of a dwelling on the application site.
- 3.2. Access to the site will be via the existing access point off Gull Road, which leads to an internal private roadway. A new entrance to serve the dwelling is proposed off the private roadway to the north-western boundary of the site.
- 3.3. Full plans and associated documents for this application can be found at:

[F/YR22/0901/O | Erect 1 x dwelling involving the demolition of existing building \(outline application with matters committed in respect of access\) | Land South East Of The Chimneys Gull Road Guyhirn Cambridgeshire \(fenland.gov.uk\)](#)

## 4. SITE PLANNING HISTORY

| Reference   | Description   | Decision | Date       |
|-------------|---|----------|------------|
| F/96/0154/F | Change of use of existing paddock to Bowls Green and erection of a Bowls Pavilion | Granted  | 24/07/1996 |

## 5. CONSULTATIONS

### 5.1. Wisbech St Mary Parish Council

No comments received due to cancellation of meeting.

### 5.2. Councillor Richard Blackmore Wisbech St Mary Parish Council

*No objection.*

### 5.3. Councillor David Scrimshaw Wisbech St Mary Parish Council

*No objection.*

### 5.4. Environmental & 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 the noise climate.*

*As the proposal involves demolition of an existing structure, we ask for the following condition to be imposed in the event planning consent is granted;*

**UNSUSPECTED CONTAMINATION CONDITION:**

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

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

**5.5. Environment Agency**

*We have no objection to the proposed development but wish to make the following comments. Flood Risk We have no objection to the proposed development strongly recommend that the development is carried out in accordance with the submitted flood risk assessment prepared by Ellingham Consulting LTD, Ref: ECL0786/SWANN EDWARDS ARCHITECTURE dated June 2022 and the mitigation measures detailed in section 5.2 of the FRA.*

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

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

*To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in: Government guidance on flood resilient construction [https://www.gov.uk/government/publications/flood-resilient-construction-of-new\\_buildings](https://www.gov.uk/government/publications/flood-resilient-construction-of-new_buildings) CIRIA Code of Practice for property flood resilience [https://www.ciria.org/Research/Projects\\_underway2/Code\\_of\\_Practice\\_and\\_guidance\\_for\\_property\\_flood\\_resilience\\_.aspx](https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx)*

**Foul Drainage**

*The site is located in an area which is not served by the public foul sewer. Accordingly, the proposal will need to be served by a non-mains drainage system.*

*In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.*

*Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or from a treatment plant at 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public*

*foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. Discharges from septic tanks directly to a surface water are not allowed under the general binding rules.*

*A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.*

*Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.*

*Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.*

*For further guidance please see: <https://www.gov.uk/permits-you-need-for-septic-tanks/overview>*

#### **5.6. North Level District Internal Drainage Board**

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

#### **5.7. CCC Highways**

No comments received.

#### **5.8. Local Residents/Interested Parties**

**Supporters:** Seven letters of support have been received (5 x Gull Road, 1 x Plash Drove, 1 x Thorney Road) these may be summarised as follows:

- The development of the site would only enhance the neighbouring property
- Proposed would need no further access and incur no extra traffic on to Gull Road
- Support the application for the growth and development of the village
- Good access to the main road, very close to an area that has seen substantial development and does not infringe or interfere with any other properties
- The site is unused at present and has no other useful purpose
- Would have a positive impact on the local area, the development would meet the current and future housing needs of the applicant
- A bungalow would suit the applicants needs due to health conditions

### **6. STATUTORY DUTY**

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

### **7. POLICY FRAMEWORK**

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

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

### **National Design Guide 2021**

Context – C1

Identity – I1

Built Form – B2

### **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

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

### **Emerging Local Plan**

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

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP4 – Securing Fenland's Future

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP12 – Meeting Housing Needs

LP19 – Strategic Infrastructure

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP28 – Landscape

LP32 – Flood and Water Management

### **Cambridgeshire Flood and Water Supplementary Planning Document -**

Developed by Cambridgeshire County Council as Lead Local Flood Authority and adopted by FDC Full Council on 15th December 2016 as SPD

## **8. KEY ISSUES**

- **Principle of Development**
- **Design Consideration and Visual Amenity of the Area**

- **Residential Amenity/Health and wellbeing**
- **Highways and access**
- **Flood Risk**

## **9. ASSESSMENT**

### **Principle of Development**

- 9.1. Policy LP3 of the Fenland Local Plan 2014 has categorised Guyhirn as a 'Small village'. Development within these settlements is therefore considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. However, whilst addressed as Guyhirn and being considered as previously developed land through a grant of planning permission in July 1996 under planning ref. F/96/0154/F, the site is clearly outside of the built-up settlement of the village. The application site is therefore located outside of the settlement of Guyhirn and as such is identified within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location.
- 9.2. As identified under Policy LP3 of the Fenland Local Plan 2014 development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services and any such development will be subject to a restrictive occupancy condition.
- 9.3. Policy LP12 – Part D of the Fenland Local Plan 2014 is relevant for considering proposals for new dwellings in areas away from market towns and villages. To determine such proposal, an applicant should provide supporting evidence as part of the application to prove a demonstrable need, including information regarding the following areas listed as items a-e;

#### **a) The existing functional need for the dwelling**

It has been outlined in the submitted Design and Access statement that the existing leisure use at the application site does not compliment the commercial nursery. Furthermore, the erection of a single storey dwelling would meet the personal needs of the site owner who is no longer, for health reasons, able to practically remain residing in the main dwelling on site 'The Chimneys', enabling the owner to still have an active role in the nursery.

#### **b) The number of part time and full time worker(s) to live in the dwelling**

The amount of workers to live in the dwelling has not been specified, however it is clear that there would be at least one, the owner of the existing nursery.

#### **c) The length of time the activity has been established**

No information has been provided in this regard.

#### **d) The availability for other suitable accommodation on the site or in the area**

No information has been provided in this regard.

**e) How the proposed size of the dwelling relates to the viability of the enterprise**

No information has been provided in this regard; however, this application is outline with access committed; the scale of the proposed dwellings would be considered at the Reserved Matters stage.

9.4. Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

Policy LP1, Part A identifies Guyhirn as a Small Village A; 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 and Part C would not be applicable as the development is not considered to adjoin the settlement and would be located in an area of flood risk. LP61 defines residential site allocations in Guyhirn and this site does not have such an allocation. As such the proposal is also considered contrary to the aforementioned policies of the emerging local plan.

9.5. In light of the above the proposal clearly fails to demonstrate compliance with Policies LP3 and LP12 of the Fenland Local Plan 2014. The applicant has not demonstrated through the submission of supporting evidence that there would be an 'essential' need, as required in order to satisfy the test set under LP12 Part D of the Fenland Local Plan 2014 and as such the proposal fails to comply with this policy.

**Design Consideration and Visual Amenity of the Area**

9.6. The application is for Outline planning permission with matters committed in respect of access, hence the detailed matters in relation to layout, scale and appearance cannot be considered at this stage. Nevertheless, this section of Gull Road presents as open countryside with only sporadic development evident. The site is located within close proximity to a number of existing buildings and immediately to the north of the application site is a large detached two storey dwelling 'The Chimneys'. Therefore, the proposed dwelling at the site would not be out of keeping of the immediate character of the area at this part of Gull Road, however the erection of a further dwelling in this rural location would lead to further urbanisation and formalisation of the countryside location the site is located within where sporadic development is present. However this impact is not so significantly harmful to warrant a refusal of the application.

**Residential Amenity/Health and wellbeing**

9.7. The application is for Outline planning permission with matters committed in respect of access, hence the impact on the residential amenity of adjoining properties cannot be fully assessed.

9.8. The site is relatively large and as such there is scope to provide acceptable relationships between the proposal and existing dwelling 'The Chimneys' to the northwest of the site. Furthermore, the site is considered large enough to provide a minimum of a third of the plot for private amenity space, as required by Policy LP16 (h) of the Local Plan.

**Highways and access**

9.9. Cambridge County Council (CCC) Highways have not provided any comments in respect of this submitted application, however, at this stage it is considered there are no highway implications arising from the proposal given that access will be derived from an established access which serves the nursery and dwelling to the north of the site 'The Chimneys'. Given that the access served a bowling green and pavilion it is considered capable of accommodating the vehicular movements associated with the proposal for a single dwelling. If the application was recommended for approval CCC highways comments would be sought in respect of the new access to the site off the existing private roadway.

## **Flood Risk**

9.10. Policy LP14 of the Fenland Local Plan 2014 and paragraphs 159-169 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at 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 those higher flood risk sites if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.

9.11. The application is accompanied by a Flood Risk Assessment however no separate sequential test document is provided. The Flood Risk Assessment contains a section regarding the sequential test; however, this simply states that when the River Nene tidal defences are taken into consideration the site has a low probability of flooding and therefore passes the sequential test.

9.12. It is explicit within the Cambridgeshire Flood and Water SPD that existing flood defences should not be taken into consideration when undertaking the sequential test, as maintenance of the defences and climate change will have an impact on the level of protection they provide. Consequently, as the application has not considered any alternative sites at a lower risk of flooding the sequential test is failed.

## **10. CONCLUSIONS**

10.1. Policy EP3 seeks to steer development to the most sustainable areas. The site is considered within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location. Development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant has not demonstrated that there would be an 'essential' need, as required in order to satisfy the test set under LP3 and LP12 of the Fenland Local Plan 2014 and as such the proposal fails to comply with these policies.

10.2. The site is located within Flood Zone 3 and the application is not accompanied by a satisfactory sequential test. The proposal is therefore contrary to the requirements of Policy LP14 of the Fenland Local Plan 2014, section 14 of the National Planning Policy Framework and the Cambridgeshire Flood and Water SPD.

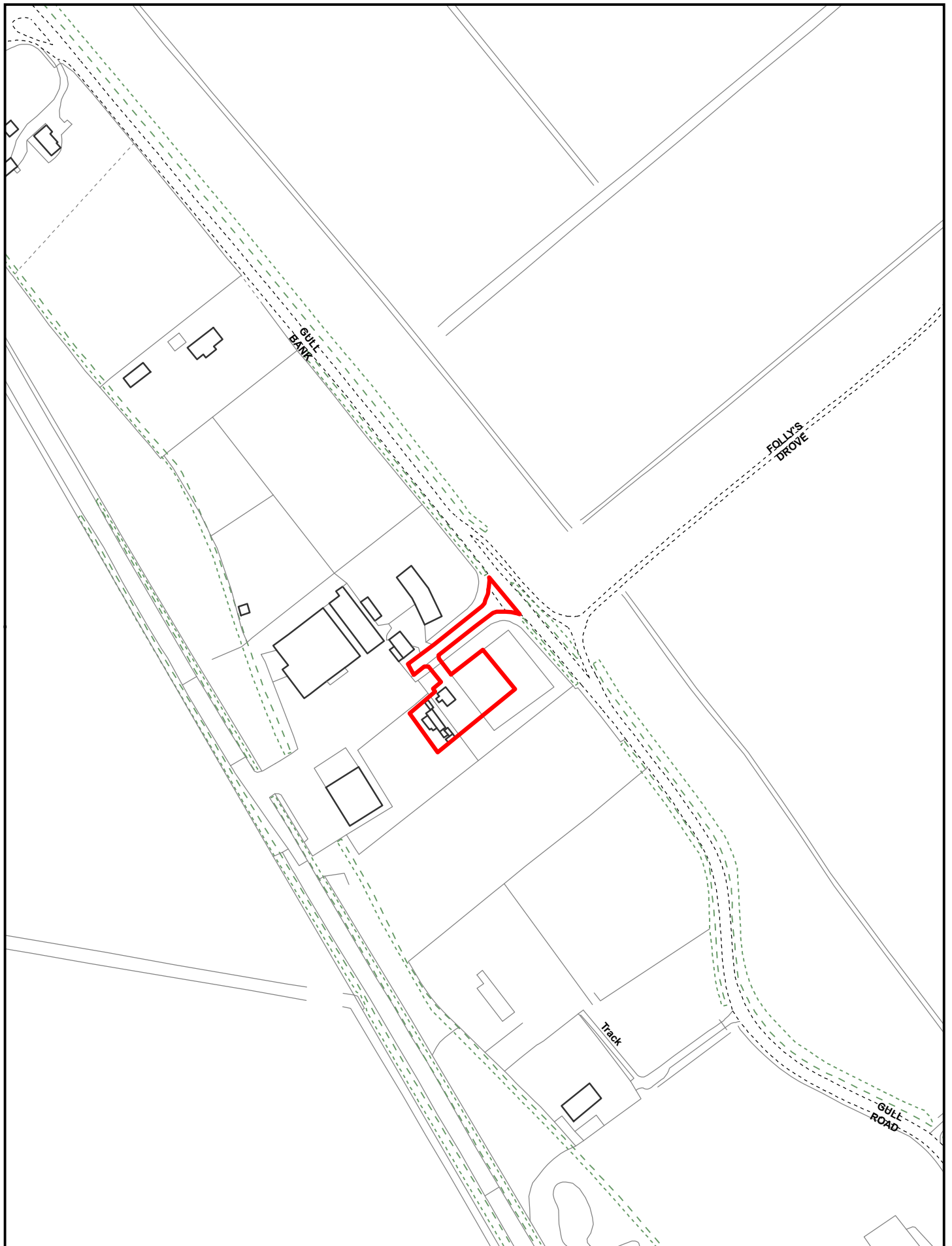
10.3. The site is located within close proximity to a number of existing buildings and immediately to the north of the application site is a large detached two storey dwelling 'The Chimneys'. Therefore, the proposed dwelling at the site would not be out of keeping of the immediate character of the area at this part of Gull Road,

however the erection of a further dwelling in this rural location would lead to further urbanisation and formalisation of the countryside location the site is located within where sporadic development is present. However, this impact is not so significantly harmful to warrant a refusal of the application.

## 11. RECOMMENDATION

**Refuse;** for the following reasons:

|    |   |
|----|---|
| 1. | <p>To promote sustainable development in rural areas, Policy LP3 of the Fenland Local Plan 2014 seeks to restrict development in areas outside of settlements to that which is a demonstrably essential for the effective operation of land-based enterprise. This determination is determined through the criteria as set out under Policy LP12 Part D.</p> <p>The application fails to demonstrate an essential, functional need for a full-time worker to be readily available at most times on the site. This is contrary to the criteria of LP12 Part D and therefore conflicts with Policy LP3 of the Fenland Local Plan 2014 as the proposal would result in the provision of one unwarranted dwelling.</p>  |
| 2  | <p>Policy 14 of the Fenland Local Plan 2014 requires that development proposals within Flood Zone 3 are accompanied by a sequential test demonstrating how the development is unable to be accommodated in areas of lower risk of flooding. This policy is compliant with section 14 of the National Planning Policy Framework, which also requires such a test to be satisfied prior to approving development within Flood Zone 3.</p> <p>The submitted application is not accompanied by a sequential test document, instead concluding that due to the presence of flood defences the site is at a low risk of flooding. The Cambridgeshire Flood and Water Supplementary Planning Document 2016 makes it clear that when undertaking a sequential test the presence of flood defences is to be discounted. Consequently, the proposal is in conflict with the requirements of Policy LP14 of the Fenland Local Plan 2014, section 14 of the National Planning Policy Framework and the Cambridgeshire Flood and Water Supplementary Planning Document 2016.</p> |



Created on: 11/08/2022

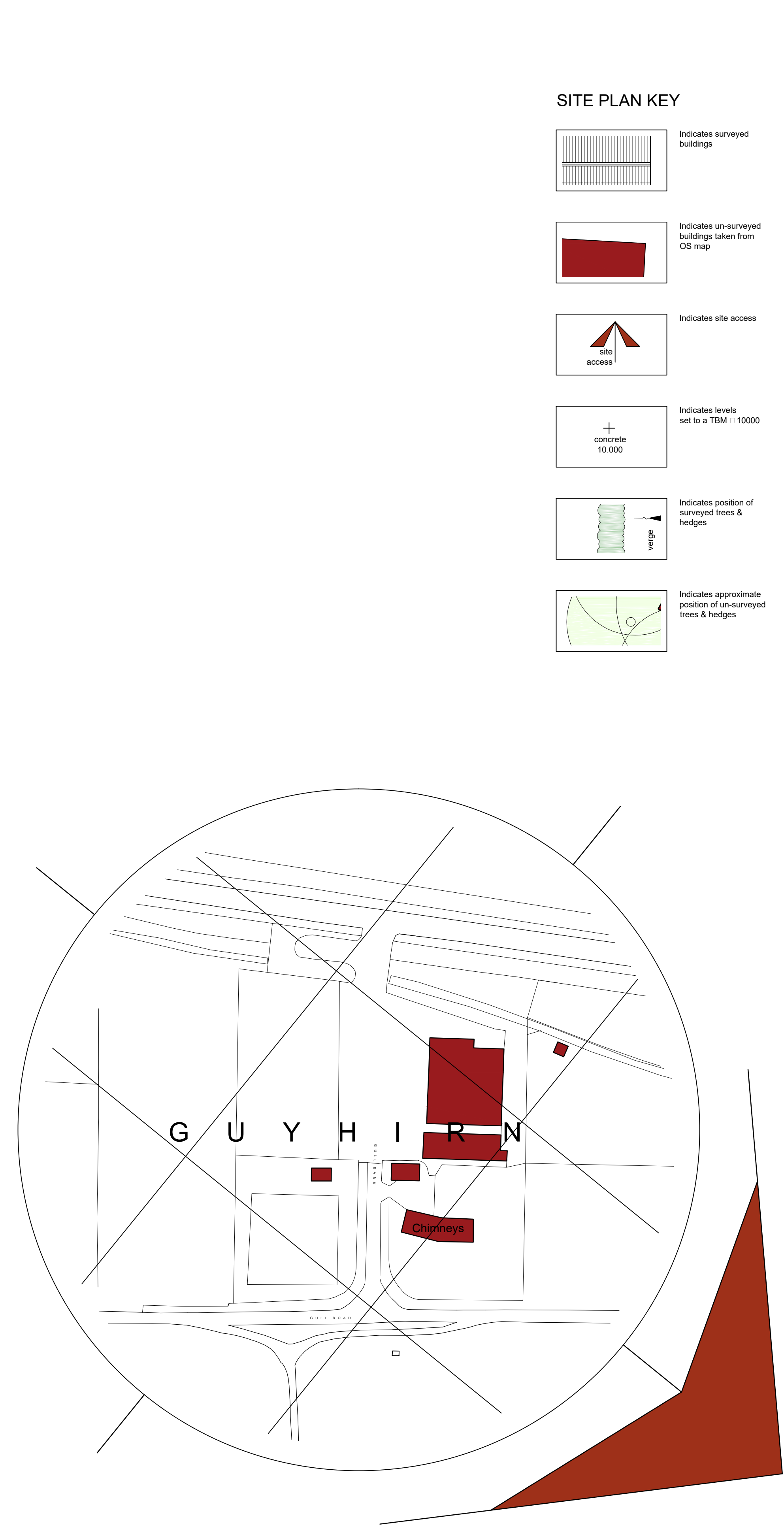
© Crown Copyright and database  
rights 2022 Ordnance Survey 10023778

**F/YR22/0901/O**

Scale = 1:2,500



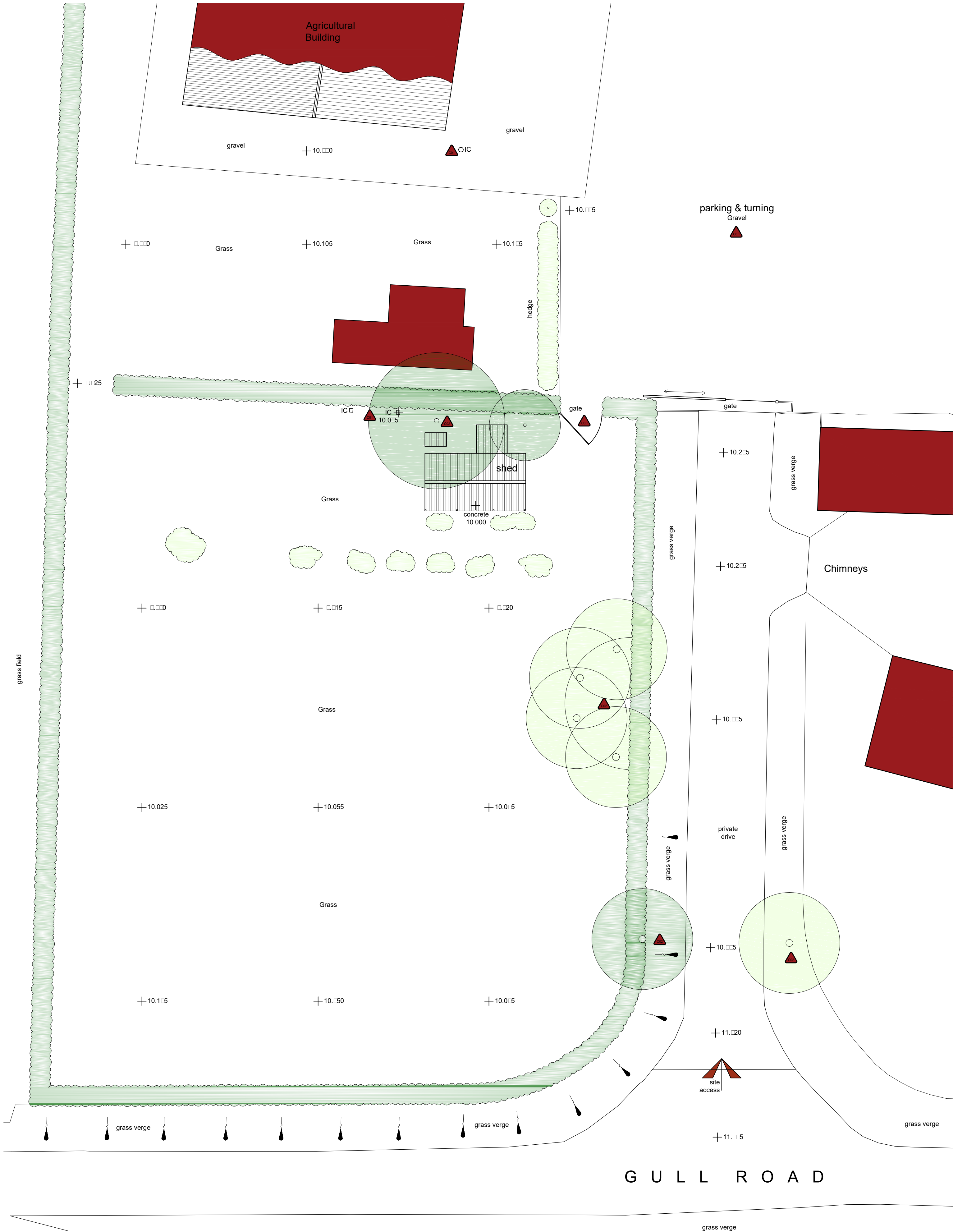




Location Plan  
Scale: 1:1250

SITE PLAN KEY

- Indicates surveyed buildings
- Indicates un-surveyed buildings taken from OS map
- Indicates site access
- Indicates levels set to a TBM  $\square$  10000
- Indicates position of surveyed trees & hedges
- Indicates approximate position of un-surveyed trees & hedges



Site Plan  
Scale: 1:200

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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

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

C01 Inspection Chambers



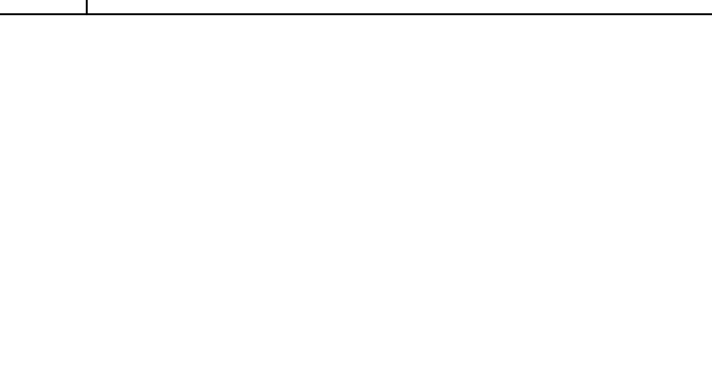
C02 Trees



C03 Limited Access



C04 Active Farm Yard



Status

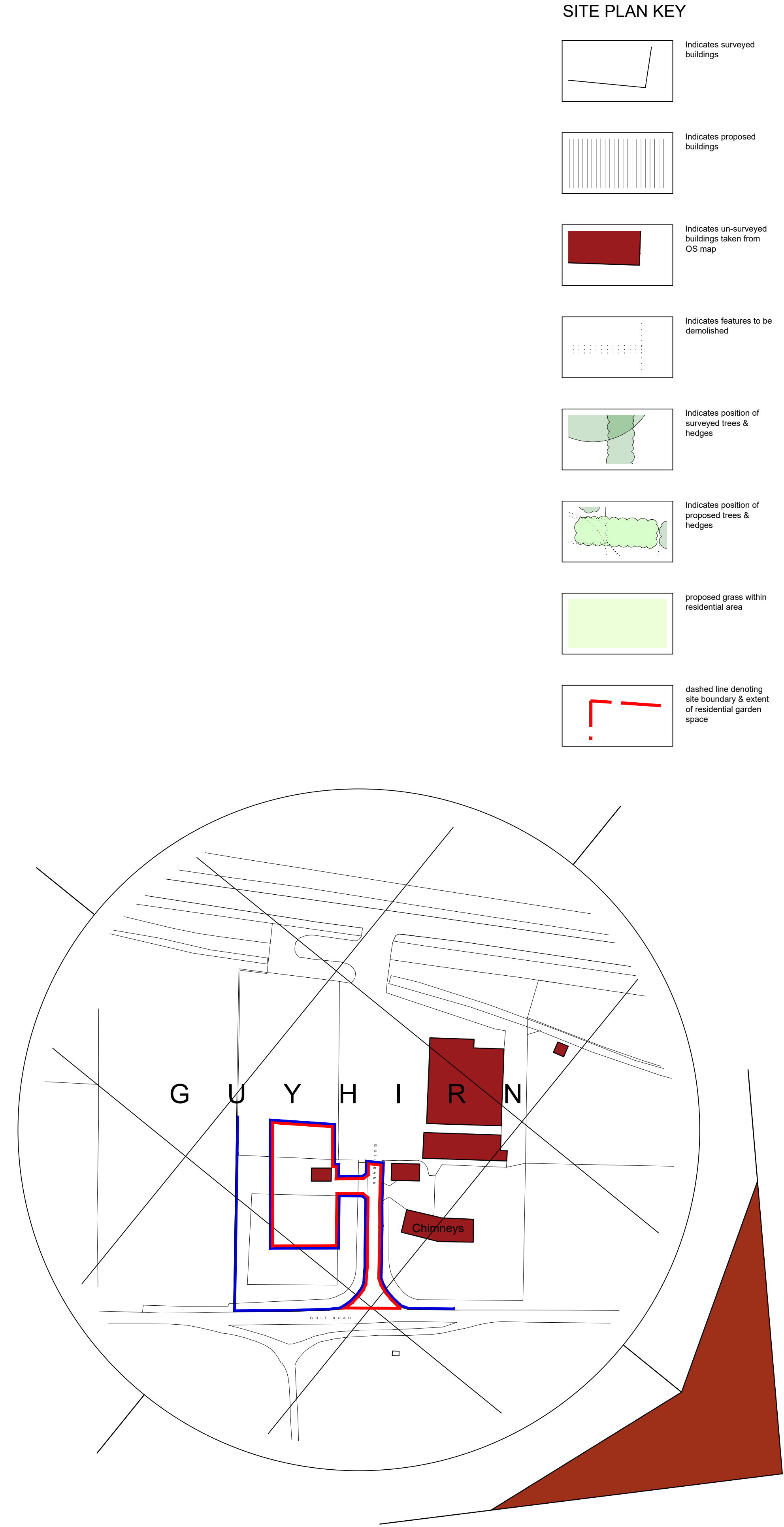
AS EXISTING

SWANN EDWARDS ARCHITECTURE

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

|  |             |            |
|--|-------------|------------|
| Job Title                                    | Date        | Drawn by   |
| Proposed Rest Room & Office                  | March 2022  | CW         |
| The former bowling Green, Gull Road, Guyhirn |             | Checked by |
| For: John Thomas                             |             | GE         |
| Drawing Title                                | Job No.     | Sheet Size |
| Survey Drawing                               | SE-1778     | A1         |
|  | Dwg No. 100 | Revision   |

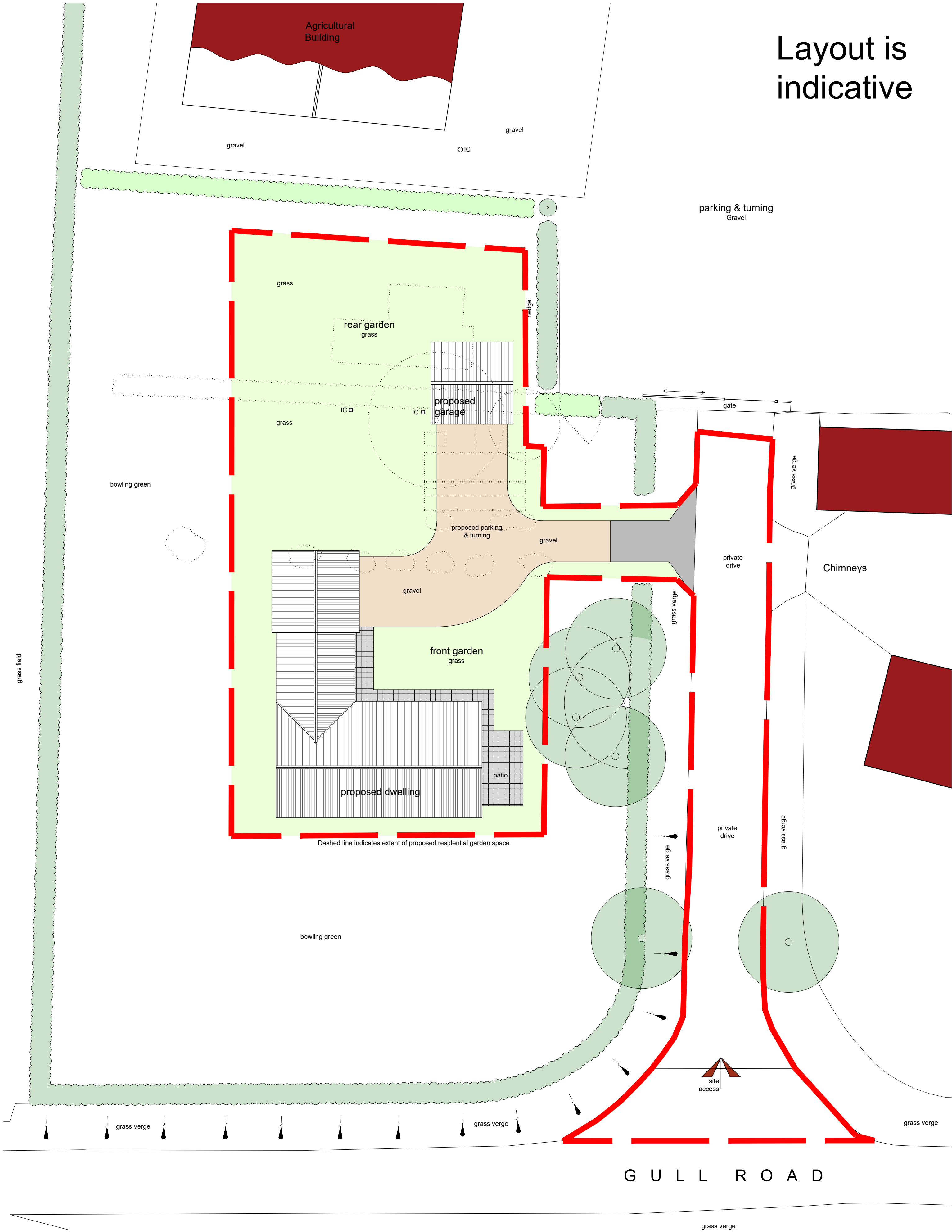




Location Plan  
Scale: 1:1250

**SITE PLAN KEY**

- Indicates surveyed buildings
- Indicates proposed buildings
- Indicates un-surveyed buildings taken from OS map
- Indicates features to be demolished
- Indicates position of surveyed trees & hedges
- Indicates position of proposed trees & hedges
- proposed grass within residential area
- dashed line denoting site boundary & extent of residential garden space



Site Plan  
Scale: 1:200

Layout is  
indicative

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

**CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015**

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

| Revisions |           |  | Changes following planning comments |
|-----------|-----------|--|-------------------------------------|
| B         | July 2022 |  |                                     |

Status

**FOR COMMENT**

**SWANN EDWARDS**  
ARCHITECTURE

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

| Job Title                 |  | Date           | Drawn by   |
|---------------------------|--|----------------|------------|
| Proposed Bungalow         |  | May 2022       | CW         |
| The former bowling Green, |  |                | Checked by |
| Gull Road, Guyhirn        |  |                | GE         |
| For: John Thomas          |  |                |            |
| Drawing Title             |  | Job No.        | Sheet Size |
| Planning Drawing          |  | SE-1779        | A1         |
|                           |  | Dwg No. PP1000 | Revision B |

**F/YR22/1215/O**

**Applicant: Mr & Mrs Flint**

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

**Land West Of 2, Woodhouse Farm Close, Friday Bridge, Cambridgeshire**

**Erect up to 2no dwellings involving demolition of existing building (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

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

---

## **1. EXECUTIVE SUMMARY**

- 1.1. The application site is located on the northern side of Jew House Drove to the west of Friday Bridge. The site is located within the Woodhouse Farm Park complex, this complex has undergone various building conversions, extensions and new developments to create a number of residential dwellings within the entirety of the site. There is currently an agricultural shed/store building located within the application site. The site area measures approx. 0.15 hectares.
- 1.2. The proposal is an Outline planning application for two dwellings on the land, with matters committed in respect of access. As this application is Outline, the main issue for consideration is whether the principle of development in this location is appropriate.
- 1.3. It is contended that real and actual character harm would arise through the development given the relationship of this section of the site with the wider countryside. The development of two new dwellings alongside gardens and formalisation of the area would have an adverse impact on the character and appearance of the area. The proposal would also result in development extending further into the countryside on a site not in or adjacent to the built footprint of the settlement and would not relate to the core shape and form of Friday Bridge. As such any residential development on the application site would be contrary to Policies LP12 Part A (c) & (d) and LP16 (d).
- 1.4. The site lies within Flood Zone 2, an area at medium probability of flooding, the flood risk assessment accompanying the application fails to adequately address the matter of the sequential test.
- 1.5. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

## **2. SITE DESCRIPTION**

- 2.1 The site is located on the northern side of Jew House Drove to the west of Fridaybridge. The site is located within the Woodhouse Farm Park complex, this complex has undergone various building conversions, extensions and new developments to create a number of residential dwellings within the entirety of the site. There is currently an agricultural shed/store building located within the application site. The site area measures approx. 0.15 hectares.

### **3. PROPOSAL**

- 3.1 This application submitted in outline form, with matters committed in respect of access, seeks to agree the principle of two dwellings on the application site.
- 3.2 The existing agricultural shed/store building located within the application site is to be demolished and replaced by the two proposed one and a half storey dwellings.
- 3.3 Access to the site will be via the existing access point off Jew House Drove. This private drive already serves the existing converted properties at the site.
- 3.4 Full plans and associated documents for this application can be found at:

[F/YR22/1215/O | Erect up to 2no dwellings involving demolition of existing building \(outline application with matters committed in respect of access\) | Land West Of 2 Woodhouse Farm Close Friday Bridge Cambridgeshire \(fenland.gov.uk\)](#)

#### 4. SITE PLANNING HISTORY

| Reference          | Description   | Decision              |
|--------------------|---|-----------------------|
| F/YR22/3048/COND   | Details reserved by Condition 01 (Footway) of planning permission F/YR21/0102/VOC (Removal of condition 1 (footway) relating to planning permission F/YR19/0701/VOC (Variation of condition 09 of planning permission F/YR12/0275/F - Conversion of buildings to residential (1 x 3-bed, 1 x 2-bed and 1 x 1-bed) incorporating extensions and garages, and erection of a 2-storey 3-bed dwelling with garage involving demolition of 2no barns and piggery)) | Refuse<br>14.11.2022  |
| F/YR21/0102/VOC    | Removal of condition 1 (footway) relating to planning permission F/YR19/0701/VOC (Variation of condition 09 of planning permission F/YR12/0275/F - Conversion of buildings to residential (1 x 3-bed, 1 x 2-bed and 1 x 1-bed) incorporating extensions and garages, and erection of a 2-storey 3-bed dwelling with garage involving demolition of 2no barns and piggery))  | Grant<br>12.05.2021   |
| F/YR20/0946/VOC    | Removal of condition 1 (footway) relating to planning permission F/YR19/0701/VOC (Variation of condition 09 of planning permission F/YR12/0275/F - Conversion of buildings to residential (1 x 3-bed, 1 x 2-bed and 1 x 1-bed) incorporating extensions and garages, and erection of a 2- storey 3-bed dwelling with garage involving demolition of 2no barns and piggery))   | Refuse<br>10.11.2020  |
| F/YR19/0701/VOC    | Variation of condition 09 to enable amendment to approved plans of planning permission F/YR12/0275/F (Conversion of buildings to residential (1 x 3-bed, 1 x 2-bed and 1 x 1- bed) incorporating extensions and garages, and erection of a 2- storey 3-bed dwelling with garage involving demolition of 2no barns and piggery))   | Grant<br>20.09.2019   |
| F/YR13/0842/NONMAT | Non-material amendment (unit 4 only): addition of fourth bedroom involving increase in roof height, insertion of 3 additional roof lights and alterations to windows; enclosure of open area to form utility room involving formation of steps down to sunken access door and insertion of 2 additional windows to rear and relocation of   | Approve<br>04.12.2013 |

|                    |  |                       |
|--------------------|--|-----------------------|
|                    | porch and additional window to east elevation, relating to planning permission<br>F/YR12/0275/F (Conversion of buildings to residential (1 x 3-bed, 1 x 2-bed and 1 x 1-bed) incorporating extensions and garages, and erection of a 2-storey 3-bed dwelling with garage involving demolition of 2no barns and piggery)  |                       |
| F/YR13/0437/NONMAT | Non material amendment - Demolition of existing wall and replacement with new structure reusing existing bricks relating to planning permission<br>F/YR12/0275/F (Conversion of buildings to residential (1 x 3-bed, 1 x 2-bed and 1 x 1-bed) incorporating extensions and garages, and erection of a 2-storey 3-bed dwelling with garage involving demolition of 2no barns and piggery) | Approve<br>22.07.2013 |
| F/YR12/0275/F      | Conversion of buildings to residential (1 x 3-bed, 1 x 2-bed and 1 x 1-bed) incorporating extensions and garages, and erection of a 2-storey 3-bed dwelling with garage involving demolition of 2no barns and piggery  | Granted<br>26.04.2013 |

## 5. CONSULTATIONS

### 5.1 Elm Parish Council

*Elm Parish Council supports proposals submitted under application ref. F/YR22/1215/O.*

### 5.2 Highways

*The proposed development has an existing access onto the public highway and in light of the existing levels of use, the intensification associated with two additional dwellings is immaterial.*

*So as not to prohibit access to individual plots and turning for residents and their visitors, the access needs to remain ungated and the redline should include space for domestic vehicle turning.*

*Provided the redline boundary is amended to include a suitably sized turning area, I do not object to the application.*

*In the event that the LPA are mindful to approve the application, please append the following Conditions to any consent granted:*

*Gates/Enclosure/Access Restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved.*

### 5.3 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.*

### 5.4 Environmental Health (FDC)

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

*As the proposal involves demolition of an existing structure, we ask for the following condition to be imposed in the event planning consent is granted;*

#### **UNSUSPECTED CONTAMINATION**

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

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

### 5.5 Local Residents/Interested Parties

**Supporters:** Twenty-three letters of support have been received (18 x Friday Bridge, 5 x Wisbech) these may be summarised as follows:

- The site will be complete and look finished
- Ideally located in Friday Bridge
- Walking distance from the village
- There is a bus service to the village, Wisbech and March and the bus also provides service to March Train Station
- Proposed would fit in with the existing properties
- No infrastructure issues
- Would fit into the surrounding environment
- Removal of the existing building would improve the visual appearance of the area

## 6. STATUTORY DUTY

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

## 7. POLICY FRAMEWORK

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

**National Planning Practice Guidance (NPPG)**  
**National Design Guide 2021**

Context – C1

Identity – I1

Built Form – B2

**Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

**Emerging Local Plan**

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the location of residential development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP18: Development in the Countryside

LP19: Strategic Infrastructure

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

**Cambridgeshire Flood and Water Supplementary Planning Document -**

Developed by Cambridgeshire County Council as Lead Local Flood Authority and adopted by FDC Full Council on 15th December 2016 as SPD

**8. KEY ISSUES**

- **Principle of Development**
- **Design Consideration and Visual Amenity of the Area**
- **Residential Amenity/Health and wellbeing**



- **Highways and access**
- **Flood Risk**

## **9. BACKGROUND**

9.1 In 2019 pre-application advice was sought in respect of a proposal at the site which involved the proposed erection of 3 no. residential dwellings. Plots 1 & 2 were outlined within the southwest corner of the site, where the existing agriculture shed/storage is located and plot 3 was outlined within the centre of the site, sharing a boundary with the replacement dwelling that was previously granted permission under application ref. F/YR12/0275/F. Indication was given at the time that there were concerns regarding two additional dwellings to replace the agricultural building at the southwest corner of the site, the area in which this submitted application seeks to develop. The existing building was deemed to be relatively unobtrusive within the wider setting. The officer at the time detailed that given the relationship of this section of the site with the wider countryside the development of two new dwellings alongside gardens and formalisation of the area would not be appropriate. The officer noted that any development brought forward should be located further north within the site than the existing building to retain a less domestic character to the roadside elevation. Furthermore, recommendation for a reduction from the proposed two dwellings to a single property was presented. The officer concluded that there is some scope for an appropriately designed dwelling on the site of plots 1 & 2, however the proposal of two dwellings would likely not gain support.

## **10. ASSESSMENT**

### **Principle of Development**

- 10.1. Policy LP3 of the Fenland Local Plan (2014) identifies Friday Bridge as being a 'Limited Growth Village'. For these settlements a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village. Such development may be appropriate as a small village extension.
- 10.2. Policy LP12 identifies that to receive support, the site must be in or adjacent to the existing developed footprint of the village, defined as the continuous built form of the village. The site is situated on land which is surrounded by a small number of other residential dwellings that have obtained planning permission mainly through the conversion of farm buildings. Nevertheless, the site is separated from the continuous built form of the village of Friday Bridge at March Road by approximately 200m. It is considered that Redmoor Bank marks the transition point between the settlement and the countryside. Thus, the site is not considered to be in or adjacent to the existing developed footprint of Friday Bridge and therefore the principle of residential development would not accord with the requirements of Policy LP3 and Policy LP12 part A (a).
- 10.3. Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

Policy LP1, Part A identifies Friday Bridge as a Medium 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 policy map for Friday Bridge and Part C would not be applicable as the development is not considered to adjoin the settlement and would be located in an area of flood risk.

LP54 defines residential site allocations in Friday Bridge and this site does not have such an allocation. As such the proposal is also considered contrary to the aforementioned policies of the emerging local plan.

### **Design Consideration and Visual Amenity of the Area**

- 10.4. The application is for Outline planning permission with matters committed in respect of access, hence the detailed matters in relation to layout, scale and appearance cannot be considered at this stage. Notwithstanding this, Part A of Policy LP12 states that proposals should not have an adverse impact on the character and appearance of the surrounding countryside and farmland (part c) and that proposals are in a location that is in keeping to the core shape and form of the settlement (part d). Policy LP16 (part d) requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area. Although there is a presence of converted farm buildings to residential dwellings and a dwelling immediately to the east of the site, the site is rural in character with open fields adjacent to the west and to the south separated by Jew House Drove. Given the relationship of this section of the site with the wider surrounding countryside, the development of two new dwellings alongside gardens and formalisation of the area would have an adverse impact on the character and appearance of the area. The proposal would also result in development extending further into the countryside on a site not in or adjacent to the built footprint of the settlement and would not relate to the core shape and form of Friday Bridge. As such any residential development on the application site would be contrary to Policies LP12 Part A (c) & (d) and LP16 (d).

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

- 10.5. The application is for Outline planning permission with matters committed in respect of access, hence the impact on the residential amenity of adjoining properties cannot be fully assessed.
- 10.6. The site is moderate in size and as such there is scope to provide acceptable relationships between the proposal and surrounding dwellings and to provide a minimum of a third of the plot for private amenity space, as required by Policy LP16 (h) of the Local Plan.

### **Highways and access**

- 10.7. The proposed development would utilise the existing access point off Jew House Drove. This private drive already serves the existing converted properties at the site.
- 10.8. CCC Highways have commented on the application and stated that in light of the existing levels of use, the intensification associated with two additional dwellings is immaterial.
- 10.9. The Highways officer also detailed that as not to prohibit access to individual plots and turning for residents and their visitors, the access needs to remain ungated. This would be conditioned if the application was being recommended for approval.
- 10.10. The Highways officer did raise concerns in relation to amending the redline boundary to ensure a suitably sized turning area, following this the applicant corresponded directly with CCC Highways and amended the redline boundary of

the site to achieve a suitable turning area to serve the proposed dwellings and existing site.

## **Flood Risk**

- 10.11. The site lies within Flood Zone 2, an area at medium probability of flooding. National and local planning policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding (Flood Zone 1). Policy LP14 requires applicants to demonstrate this through the application of the sequential test. In order to justify the development in Flood Zone 2, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 which could accommodate the development.
- 10.12. The application is accompanied by a Flood Risk Assessment however no separate sequential test document is provided. The Flood Risk Assessment contains a section regarding the sequential test; however, this simply states that when the River Nene tidal defences are taken into consideration the site has a low probability of flooding and therefore passes the sequential test.
- 10.13. It is explicit within the Cambridgeshire Flood and Water SPD that existing flood defences should not be taken into consideration when undertaking the sequential test, as maintenance of the defences and climate change will have an impact on the level of protection they provide. Consequently, as the application has not considered any alternative sites at a lower risk of flooding the sequential test is failed.

## **11. CONCLUSIONS**

- 11.1. The proposal is contrary to Policies LP3, LP12, LP14 and LP16 of the Fenland Local Plan 2014.
- 11.2. It is contended that real and actual character harm would arise through the development given the relationship of this section of the site with the wider countryside. The development of two new dwellings alongside gardens and formalisation of the area would have an adverse impact on the character and appearance of the area. The proposal would also result in development extending further into the countryside on a site not in or adjacent to the built footprint of the settlement and would not relate to the core shape and form of Friday Bridge. As such any residential development on the application site would be contrary to Policies LP12 Part A (c) & (d) and LP16 (d).
- 11.3. In addition, an inadequate sequential test has been submitted and given the scope of the sequential test, it is unlikely that the scheme would pass. The adopted guidance 'Approach to the Sequential Test for Housing' identifies that the area of search for the purposes of carrying out the Sequential Test will be:
- a) Developments in the countryside – The whole of the rural area;
  - b) Developments in towns and villages – The town/villages that the proposal would sustain.

As the site is considered to relate more readily to the 'open countryside', i.e. outside the built form of the settlement and goes beyond that allowed for under Policy LP3 the sequential test should be applied on a district wide basis. As a result, the proposal is contrary to LP14 and the NPPF in that it has not been demonstrated that

there are no other more sequentially preferable sites which could accommodate the development within an area of lower flood risk.

- 11.4. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

## 12. RECOMMENDATION

**Refuse;** for the following reasons:

|    |   |
|----|---|
| 1. | <p>Policy LP12 of the Fenland Local Plan (2014) states that proposals should be within or adjacent to the developed footprint of the settlement (part a), not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c) and that proposals are in a location that is in keeping to the core shape and form of the settlement (part d). Policy LP16 (part d) requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area.</p> <p>The site is rural in character with open fields adjacent to the west and to the south separated by Jew House Drove. Given the relationship of this section of the site with the wider surrounding countryside, the development of two new dwellings alongside gardens and formalisation of the area would have an adverse impact on the character and appearance of the area. The proposal would also result in development extending further into the countryside on a site not in or adjacent to the built footprint of the settlement and would not relate to the core shape and form of Friday Bridge. As such any residential development on the application site would be contrary to Policies LP12 Part A (a), (c) &amp; (d) and LP16 (d).</p> |
| 2  | <p>The site is located within Flood Zone 2 where there is a medium probability of flooding. No adequate Sequential Test for flood risk has been submitted with the application. As the site is located beyond the core settlement in the open countryside the area of search would be district wide, and clearly would be incapable of being met. Consequently, the application fails to demonstrate that there are no alternative sites to accommodate the development which are reasonably available and with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood &amp; Water Supplementary Planning Document (2016) and Chapter 10 of the NPPF.</p>   |



Created on: 09/11/2022

© Crown Copyright and database  
rights 2022 Ordnance Survey 10023778

**F/YR22/1215/O**

Scale = 1:2,500





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

[illegible]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

**MORTON & HALL**  
**CONSULTING LIMITED**  
**CONSULTING STRUCTURAL ENGINEERS**

1 Gordon Avenue,  
Manningtree, Suffolk, IP8 5DU  
Tel: 01354 655454  
Fax: 01354 650467



The image shows the Building Design Awards logo, which includes a stylized building icon made of yellow and purple blocks, the text "Building Design Awards", and the tagline "Building Excellence in Finland". To the left is a grey badge from LABC (Local Authority Building Control) that reads "LABC BUILDING EXCELLENCE AWARDS" and "winner".

PROJECT

Proposed Residential  
Dwellings Wood House

TITLE

Existing Site Plan

|             |          |                                |
|-------------|----------|--------------------------------|
| K. Popworth |          | DRAWING NUMBER<br><br>H8638/02 |
| CHECKED     |          |                                |
| DATE        | Sep 2022 |                                |
| SCALE       | 1:200    |                                |



---



1

1

1

100%



|         |
|---------|
| CHECKED |
|---------|

SCALE 1:200

1

H

---





Copyright on all drawings prepared by Morton & Hall Consulting Limited is their property. Drawings and designs may not be reproduced in part or in whole without their written permission.

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

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

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

All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.

The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

|        |                                      |                      |
|--------|--------------------------------------|----------------------|
| B<br>A | DRAWING UPDATED<br>PLANNERS COMMENTS | MAR 2023<br>OCT 2022 |
|        | REVISIONS                            | DATE                 |

MORTON & HALL

CONSULTING LIMITED

CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue,  
March,  
Cambridgeshire.  
PE15 8AJ

Tel: 01354 655454  
Fax: 01354 660467  
E-mail: [info@mortonandhall.co.uk](mailto:info@mortonandhall.co.uk)  
Website: [www.mortonconsultingengineers.co.uk](http://www.mortonconsultingengineers.co.uk)

LABC

LABC

LABC

Fenland District Council

Building Design Awards

Building Excellence in Fenland

CLIENT

Mr & Mrs Flint

PROJECT

Proposed Residential Dwellings, Wood House, March Road, Friday Bridge PE14 0HB

TITLE

Proposed Site Plan with Indicative Layout

|         |            |                |           |
|---------|------------|----------------|-----------|
| DRAWN   | R.Papworth | DATE OF ISSUE  |           |
| CHECKED |            |                |           |
| DATE    | Sep 2022   | DRAWING NUMBER | H8638/03a |
| SCALE   | 1:200      |                |           |

Page 219



This page is intentionally left blank



**F/YR22/1361/PIP**

**Applicant: Mr Andrew Clark**

**Agent : Mr Matt Sparrow  
Peter Humphrey Associates Ltd**

**Land East Of 156, High Road, Newton-In-The-Isle,**

**Residential development of up to 6 x dwellings (application for Permission in Principle)**

**Officer recommendation: Refuse**

**Reason for Committee: Parish Council comments contrary to Officer recommendation.**

## **1. EXECUTIVE SUMMARY**

1.1. The proposal is an application for Permission in Principle to develop the site for up to 6 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the site is suitable in principle and assesses the principle issues namely:

- (1) Location
- (2) Use, and
- (3) Amount of development proposed

And the second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.

1.2. Evaluation of a PIP must be restricted to the issues highlighted above; even if technical issues are apparent from the outset there can form no part of the determination of Stage 1 of the process. Accordingly, matters raised via statutory bodies may not be addressed at this time.

1.3. The application site comprises agricultural land to the north of High Road (B1165), Newton. The site is relatively open with further agricultural land extending to the North and on the opposite side of the road to the South. There are mature trees that line the southern boundary of the site.

1.4. Policy LP3 clearly indicates that Newton is a small village which is capable of residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 6 dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 134m between the existing dwellings no. 156 and no. 118 at this side of High Road and would not represent development of a limited nature. Additionally, no. 118 High Road and the group of buildings to the north are isolated and are not considered to be a part of the built form of the village of Newton.

- 1.5. The site is rural in character with open fields to the front and rear. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 1.6. The site is located within Flood Zones 2 & 3, Flood Zone 3 is the area at highest risk of flooding. The application has not been accompanied by a Flood Risk Assessment or Sequential and Exception tests. As such, the proposal fails to accord with the necessary requirements of Policies LP12 Part A (j) and LP14 of the Fenland Local Plan 2014, the Cambridgeshire Flood and Water SPD and the NPPF.
- 1.7. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

## **2. SITE DESCRIPTION**

- 2.1. The site currently comprises agricultural land to the north of High Road (B1165), Newton. The site is relatively open with further agricultural land extending to the North and on the opposite side of the road to the South. There are mature trees that line the southern boundary of the site.
- 2.2. There is existing residential development, forming the main settlement of Newton, adjacent to the west of the site, to the east there are further residential dwellings, however these are of a more sporadic and isolated nature than those to the west. The site forms the frontage of a larger field, there are no structures on the site.
- 2.3. The site is located within Flood Zones 2 and 3.

## **3. PROPOSAL**

- 3.1. The 'Planning in Principle' (PiP) application is for residential development of up to 6 dwellings at the site. The current proposal is the first part of the permission in principle application; which only assesses the principle issues namely:
- (1) location,
  - (2) use, and
  - (3) amount of development proposed
- 3.2. Should this application be successful the applicant would have to submit a Technical Details application covering all the other detailed material planning considerations. The approval of Permission in Principle does not constitute the grant of planning permission.
- 3.3. The applicant is only required to submit minimum information to accompany the application. However, an indicative site plan detailing how the development could be laid out – whilst a site plan has been submitted showing 6 detached dwellings each with a garage and three access points, each serving two dwellings, this is indicative only and the application is solely for the erection of up to 6 dwellings in principle within the red lined site.

- 3.4. Full plans and associated documents for this application can be found at:  
[F/YR22/1361/PIP | Residential development of up to 6 x dwellings \(application for Permission in Principle\) | Land East Of 156 High Road Newton-In-The-Isle \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/1361/PIP)

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

- 4.1. No relevant planning history.

#### **5. CONSULTATIONS**

##### **5.1. Newton-In-The-Isle Parish Council**

*The Parish Council's Planning Committee considered this application at their recent meeting. Members expressed strong support for the proposed development.*

*The proposal represents infill development that will complete the High Road frontage and provide the missing link in the footway around the village. Pedestrians currently have to walk along a 60mph stretch of road to complete the circular walk and to access the village bus or school bus. The site is clearly located within the village curtilage and development of the site would allow the Parish Council to extend the lower village speed limit to the junction of Rectory Road, thereby negating any potential concerns about traffic speeds at this location.*

*The flood map of this part of the village is not fit for purpose; a fact acknowledged by the Environment Agency, as it bears no relationship to the topography of the land.*

*In the wider context, this proposal aligns with the Parish Council's aims to allow an appropriate level of growth to ensure the long-term sustainability of our village, as outlined in paragraph 6.7 of the Draft Local Plan. This site is one of a number of similar locations identified by the Parish Council to facilitate the level of necessary growth highlighted in the Draft Plan.*

##### **5.2. Environment Agency**

*We have reviewed the documents as submitted and we have no objection in principle to this application. Please find further information on flooding in the Flood Risk section below.*

##### **Flood Risk**

*As the site lies in Flood zones 2 and 3, we would expect a full FRA to be submitted with floor plans and elevations. The NPPF requires that proposals are accompanied by a Flood Risk Assessment which contains evidence that appropriate mitigation measures/flood resilience techniques have been incorporated into the development. At the technical details stage we would expect the Finished Floor Levels and Mitigation measures to be in line with the Wisbech SFRA:*

##### **Wisbech Finished Floor Levels**

*The Wisbech Level 2 SFRA Site Specific Flood Risk Assessment Toolkit (June 2012) section 1.3.11 states "Finished floor levels for all types of development (not just dwellings) must be set above maximum flood depth ... If single storey dwellings are proposed this is essential. Where this is not possible (potentially in combination with some raising of finished floor levels) then a range of measures*

*including safe refuge and a means of escape must be considered. This could be achieved by, but is not restricted to:*

- *Adding a first floor*
- *The addition of a mezzanine floor;*
- *Altering a bungalow to become a chalet bungalow; or*
- *Providing room within an easily accessible loft space with velux windows added”*

### **Wisbech Safe Refuge**

*The Wisbech Level 2 SFRA Site Specific Flood Risk Assessment Toolkit (June 2012) section 1.3.12 states “The safe refuge should be provided above the predicted flood levels. Proposals which fail to provide safe refuge and egress, particularly in single storey buildings, will not normally be acceptable”.*

### **FRA Sources of information**

*We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please email [LNenquiries@environment-agency.gov.uk](mailto:LNenquiries@environment-agency.gov.uk). Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found at [https://www.gov.uk/guidance/flood-risk-and\\_coastal-change#site-specific-flood-risk-assessment-all](https://www.gov.uk/guidance/flood-risk-and_coastal-change#site-specific-flood-risk-assessment-all)*

*Without an adequate Flood Risk Assessment, we would likely object to this planning application at the technical details stage.*

#### **5.3. North Level District IDB**

*The Board has no objections in principle to the site being developed.*

*There is a watercourse adjacent to High Road, parts, or all, of which will need to be culverted to allow access to the development. Prior written consent to alter this watercourse would have to be obtained from the Board.*

*The Board may have other comments to make when an outline/full application is made in due course, depending on what the application shows.*

#### **5.4. CCC Archaeology**

*The proposed development lies in an area of archaeological interest. It is located to the south of the main village core of Newton in the Isle, a village centred on the c. 12th century St. James Church (National Heritage List for England 1125956). To the east of the proposed development is the Rectory, Priory House (NHLE 1331977) and associated park (Cambridgeshire Historic Environment Record MCB14301). Newton in the Isle is positioned on an area of raised land between Tydd St Giles Fen to the west and the Nene in the east. These areas of higher ground can be foci for activity throughout the Prehistoric and Roman periods and as here also in the Medieval. To the east is the course of the ‘Roman Sea bank’ thought possibly to have a roman foundation but mainly constructed in the medieval period (CHER MCB16155). Also to the east c.100meters from the development area are indications of a medieval Saltern (CHER 03969).*

*We are content that no works are required prior to determination of an application and consequently we wish to raise no objections for this application to secure Planning In Principle, however we would request to be consulted on any future planning application for development within the redline area indicated, with the expectation that a condition on development, if required, could be secured at Technical Details stage.*

#### **5.5. CCC Highways**

*The applicant has included inter-vehicular visibility splays to the submission, but the visibility splay to the west is measured incorrectly as it should extend to the nearside carriageway edge.*

*The visibility to the east is substantially below the stopping sight distance commensurate with 60mph speeds (215m). While it is probable that vehicles are travelling underneath the signed speed limit around the sharp bend in High Road east of the site, no observed evidence has been provided to support this. There is a material highway safety risk associated with the restricted forward visibility around the bend obstructing visibility of a vehicle turning into / out of any new access.*

*The existing footway needs to extend to the new dwellings; however, this could be conditioned.*

*While the proposed development would extent an existing development frontage, by virtue of the change in speed limit and proximity to a sharp bend lacking suitable visibility, I am unable to confirm that highway safety will be maintained. Therefore, based on the information submitted, I object to the application.*

#### **5.6 Local Residents/Interested Parties**

1 letter neither objecting to or supporting the application from a neighbouring property at High Road has been received, it is summarised as follows:

- The village needs housing, and the people need housing
- Not in favour of the style of dwellings proposed, a style more in keeping with the surrounding area would be more appropriate, such as single storey dwellings, which would alleviate the possibility of overlooking
- The proposed would not be adequately screened from neighbours

#### **Objectors**

1 letter of objection has been received from 1 address within Newton (x1) which raised the following summarised concerns:

- The B1165 is a 60mph speed limit on High Road between 156 and the corner/junction with Rectory Road
- Possibly the most dangerous part of the village for walkers
- The site has been known to be flooded by rain/surface water that has impacted the water course which has led to neighbouring properties also becoming flooded
- Lack of drainage

#### **Supporters**

5 letters of support have been received from 5 addresses within Newton (x4) and Downham (x1) which made the following summarised comments:

- Consider this application to be an asset to the village and community
- Supports infill development
- Would help create a safe walking path for all village residents, helping create a circular walk around this end of the village
- Outline plan is in keeping with the character of the neighbouring properties and it would provide much needed homes in this area
- The addition of a footpath linking Rectory Road to the High Road would allow convenient pedestrian access to village amenities and open up alternative routes for walkers and joggers
- There are no issues regarding changes to the character of the area of the village concerned, and no issues regarding impinging on other properties views of that open land opposite
- The population of Newton cannot remain static, as it is in dire need of new facilities, and cannot hope to obtain these without some degree of housing development
- There is currently no agreed policy for housing in the village

## **6. STATUTORY DUTY**

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

## **7. POLICY FRAMEWORK**

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

### **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  
LP12: Rural development  
LP14: Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15: Facilitating a More Sustainable Transport Network in Fenland  
LP16: Delivering and Protecting High Quality Environments Across the District  
LP19: The Natural Environment

### **7.5. Emerging Local Plan**

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

extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy  
LP2: Spatial Strategy for the location of residential development  
LP4: Securing Fenland's Future  
LP5: Health and Wellbeing  
LP7: Design  
LP8: Amenity Provision  
LP12: Meeting Housing Needs  
LP18: Development in the Countryside  
LP19: Strategic Infrastructure  
LP20: Accessibility and Transport  
LP22: Parking Provision  
LP24: Natural Environment  
LP25: Biodiversity Net Gain  
LP27: Trees and Planting  
LP28: Landscape  
LP32: Flood and Water Management  
LP33: Development of Land Affected by Contamination

#### **7.6. Supplementary Planning Documents/Guidance**

Delivering & Protecting High Quality Environments in Fenland SPD (2014)  
Cambridgeshire Flood & Water SPD (2016)

### **8. KEY ISSUES**

- **Location**
- **Use**
- **Amount of development proposed**
- **Matters raised during consultation**

### **9. Background**

- 9.1. Whilst not material to the determination of the application it should be set out for transparency that Cllr Sam Clark has informed Officers that the applicant is a relative.

### **10. ASSESSMENT**

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

#### **Location**

- 10.2. Policy LP3 clearly indicates that Newton is a small village which is capable of residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 6 dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 134m between the existing dwellings no. 156 and no. 118 at this side of High Road and would not represent development of a limited nature. Additionally, no. 118 High Road and the group of

buildings to the north are isolated and are not considered to be a part of the built form of the village of Newton.

10.3. Part A of Policy LP12 states that proposals should not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area. The site is rural in character with open fields to the front and rear. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location, the Planning in Principle application fails.

10.4. Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

Policy LP1, Part A identifies Newton as a small 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 and Part C recognises frontage infill development, however in relation to this application would not be applicable as the proposal is for more than 3 dwellings, development of the site would not respect the existing character and pattern of development and the site is at risk from flooding. LP66 defines residential site allocations in Newton and this site does not have such an allocation. As such the proposal is also considered contrary to the aforementioned policies of the emerging local plan.

### **Flood Risk & Drainage**

10.5. The site is located in Flood Zones 2 & 3, Flood Zone 3 is the area at highest risk of flooding; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.

10.6. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. Given that the site is considered outside the settlement, the scope for the sequential test would need to be the whole of the rural area (villages and open countryside), as set out in the Flood Risk Sequential Test Methodology 2018.

10.7. It is noted that the Environment Agency and North Level District IDB have no objection principle to the proposed development. However, the application has not been accompanied by a Flood Risk Assessment or Sequential and Exception tests.



- 10.8. As such, the proposal fails to accord with the necessary requirements of Policy LP14 of the Fenland Local Plan 2014, the Cambridgeshire Flood and Water SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

### **Use**

- 10.9. Policy LP12 Part A (i) states that development should not result in the loss of high grade agricultural land or if so comprehensive evidence is provided to justify the loss. Paragraph 174 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside....including the economic benefits of the best and most versatile agricultural land. Grades 1, 2 and 3a agricultural land fall within this category. A large proportion of agricultural land in Fenland District is best and most versatile land. While there is insufficient information upon which to assess whether the loss the land might mean loss of best and most versatile agricultural land. However, the Council has rarely refused applications for this reason, given the quantity of such land within the District, and it is not considered that this issue could therefore be used as a reason for refusal in this instance.
- 10.10. Considering the land use in relation to surrounding land uses, the use of the land for residential purposes, in principle, would not give rise to unacceptable impacts on surrounding users by reason or noise or disturbance or vice versa.

### **Amount of development proposed**

- 10.11. The application seeks Permission in Principle for up to 6 dwellings on a site of 0.56ha which would equate to a density of approximately 11 dwellings per hectare. This is low density, commensurate with development to the west of the site and could comfortably be accommodated on-site without being considered an overdevelopment of the site. However, the detailed layout and design would be for consideration at the Technical Details stage. In terms of consideration of amount, the proposal is acceptable.

### **Matters raised during consultation**

- 10.12. Matters other than location, use and amount of development proposed would be for consideration at the Technical Details Stage, should permission be granted. In terms of consideration of amount, the proposal is acceptable.
- 10.13. Highways have submitted an objection in relation to the submitted application based on the information supplied. It is considered that if the application was approved, further information to address Highways concerns relating to visibility of a vehicle turning into/out of any new access, correct visibility splays, the extension of the existing footway and the change in speed limit at High Street could be addressed within a subsequent technical detail's application. Within this application to address the concerns of the Highways officer further information and plans would be required whereby any revisions to the proposed site plan and 3 no. accesses onto High Street would also be considered.
- 10.14. Newton-in-the-Isle Parish council have detailed that the proposed development would 'provide the missing link in the footway around the village. Pedestrians currently have to walk along a 60mph stretch of road to complete the circular walk

and to access the village bus or school bus.’ However, it is noted that the existing footway ends at no. 154 High Road and the proposed development would create a gap between the existing and proposed footway to the front of no. 156 High Road which is potentially dangerous, especially at a point in the highway that is the transitioning point into a 60mph road. Furthermore, the proposed footway at the front of the development would end at no. 118 High Road and would not lead onto Rectory Road, again potentially creating safety issues and only creating a small stretch of footpath as there is none present along Rectory Road.

## 11. CONCLUSIONS

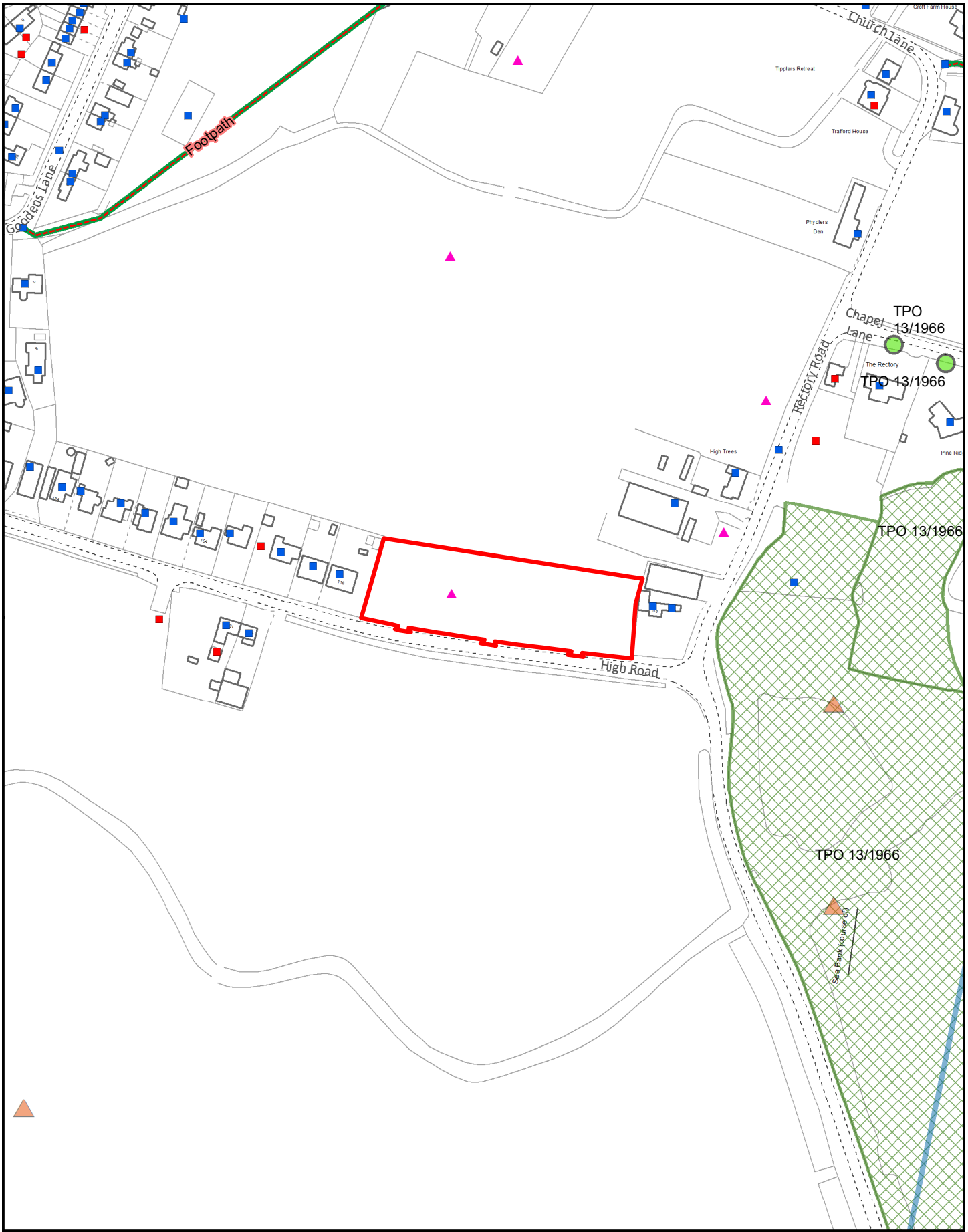
- 11.1. The application seeks permission in principle for the residential development of up to 6 dwellings at the site with matters of location, land use and amount of development proposed.
- 11.2. Policy LP3 clearly indicates that Newton is a small village which is capable of residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as “Development of a site between existing buildings”. The Planning Portal Glossary defines this as “The development of a relatively small gap between existing buildings.” It is clear the proposed development, of up to 6 dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 134m between the existing dwellings no. 156 and no. 118 at this side of High Road and would not represent development of a limited nature.
- 11.3. The site is rural in character with open fields to the front and rear. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 11.4. In addition, the site is located within Flood Zones 2 & 3, Flood Zone 3 is the area at highest risk of flooding. The application has not been accompanied by a Flood Risk Assessment or Sequential and Exception tests. As such, the proposal fails to accord with the necessary requirements of Policies LP12 Part A (j) and LP14 of the Fenland Local Plan 2014, the Cambridgeshire Flood and Water SPD and the NPPF.
- 11.5. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

## 12. RECOMMENDATION

**Refuse Permission in Principle;** for the following reasons:

|    |  |
|----|--|
| 1. | Policy LP3 of the Fenland Local Plan 2014 identifies that Newton is a ‘small village’ where residential development will be considered on its merits and will normally be limited in scale to residential infilling, defined |
|----|--|

|   |  |
|---|--|
|   | <p>as “the development of a relatively small gap between existing buildings.”</p> <p>The proposed development of up to 6 dwellings at the site, which currently provides a large undeveloped gap of approx. 134m between existing dwellings would not represent “the development of a relatively small gap between existing buildings.” As such the proposal is contrary to Policy LP3 of the Fenland Local Plan 2014.</p>   |
| 2 | <p>Policy LP12 of the Fenland Local Plan 2014 states that proposals should not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) of the Fenland Local Plan2014 requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area.</p> <p>The site is rural in character with open fields to the front and rear. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location, the Planning in Principle application fails.</p> |
| 3 | <p>The site is located in Flood Zones 2 &amp; 3, Flood Zone 3 is the area at highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.</p> <p>The application has not been accompanied by a Flood Risk Assessment or Sequential and Exception tests. As such, the proposal fails to accord with the necessary requirements of Policies LP12 Part A (j) and LP14 of the Fenland Local Plan 2014, the Cambridgeshire Flood and Water SPD and the NPPF.</p>   |



Created on: 13/12/2022

© Crown Copyright and database  
rights 2022 Ordnance Survey 10023778

**F/YR22/1361/PIP**

Scale = 1:2,500







This page is intentionally left blank