

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 26 JULY 2023

1.00 PM

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

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

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 50)

To confirm and sign the minutes from the previous meetings of 31 May and 28 June 2023.

- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR21/0885/F
1-3 Hostmoor and 1 Martin Avenue, March
Erect a retail food store (Class E(a)) with accompanying car park, formation of a new access and associated highway works and landscaping scheme to include erecting 6 x 6.0m high column mounted lights involving the demolition of existing storage buildings (Class B8) (Pages 51 - 104)

To determine the application.

- 6 F/YR22/0873/F & F/YR22/0874/LB
6 North Brink, Wisbech
F/YR22/0873/F Change of use of existing building from dwelling, chiropractic surgery and beauty treatment rooms to create 7 x flats (6 x 1-bed and 1 x 2-bed) involving the erection of a single-storey rear extension (part retrospective)
F/YR22/0874/LB Internal and external works to a Listed Building to enable a change of use of existing building from dwelling, chiropractic surgery and beauty treatment rooms to create 7 x flats (6 x 1-bed and 1 x 2-bed) involving the erection of a single-storey rear extension (Pages 105 - 130)

To determine the applications.

- 7 F/YR23/0115/F
Land East of Highland View, Benwick Road, Doddington
Erect 2 x dwellings (2-storey 4-bed) and the formation of an access (Pages 131 - 144)

To determine the application.

- 8 F/YR22/1388/O
151-153 Leverington Road, Wisbech
Erect up to 8 x dwellings (4 x 2-storey and 4 x single-storey) involving the demolition of 2 dwellings (outline application with all matters reserved) (Pages 145 - 160)

To determine the application.

- 9 F/YR22/0724/F
Land South West of Sapphire Close accessed from Broad Drove East, Tydd St Giles
Construction of building containing three units for use as a hot food takeaway (unit 1), retail shop with post office (unit 2) and retail convenience store (unit 3) with a one bedroom flat above units 1 and 2, with vehicular access, car park to the front and delivery and turning area to the rear with 1.8 metre close boarded boundary screening (Pages 161 - 176)

To determine the application.

- 10 F/YR22/0786/O
43 The Fold, Coates
Erect up to 9 x dwellings involving the demolition of existing dwelling and agricultural buildings (outline application with matters committed in relation to access) (Pages 177 - 198)

To determine the application.

- 11 F/YR23/0047/F
Land South East of The Chase, Gull Road, Guyhirn
Erect 4 x dwellings and garages (comprising 1 x 5-bed and 3 x 4-bed) (Pages 199 - 216)

To determine the application.

12 F/YR23/0118/F

91 High Street, March

Erect a 3-storey building comprising of 2 x commercial units (Class E) and 7 x dwellings (4 x 1-bed flats and 3 x 2-bed flats) with associated waste and cycle storage involving demolition of existing 2-storey building (Pages 217 - 250)

To determine the application.

13 F/YR23/0161/O

105 Nene Parade, March

Erect 3 x dwellings involving the demolition of existing dwelling (outline application with matters committed in respect of access and layout) (Pages 251 - 266)

To determine the application.

14 F/YR23/0282/F

Langley Lodge Rest Home, 26 Queens Road, Wisbech

Erection of a single-storey side/rear extension and formation of car parking to front of existing care home involving demolition of existing 2-storey building and removal of swimming pool (Pages 267 - 284)

To determine the application.

15 F/YR23/0451/VOC

27 Linden Drive, Chatteris

Variation of Condition 6 (list of approved drawings) relating to planning permission F/YR21/0060/F (Erect a single-storey 3-bed dwelling with detached garage) relating to the on-site parking/turning area (Pages 285 - 294)

To determine the application.

16 Items which the Chairman has under item 3 deemed urgent

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

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PLANNING COMMITTEE



WEDNESDAY, 31 MAY 2023 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor P Hicks, Councillor S Imafidon and Councillor M Purser (Substitute).

APOLOGIES: Councillor Mrs M Davis.

Officers in attendance: David Rowen (Development Manager), Danielle Brooke (Senior Development Officer), Graham Smith (Senior Development Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P1/23 **APPOINTMENT OF CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2023 - 2024**

It was proposed by Councillor Mrs French, seconded by Councillor Marks and resolved that Councillor Connor be elected as Chairman of the Planning Committee for the municipal year.

P2/23 **APPOINTMENT OF THE VICE CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2023 - 2034**

It was proposed by Councillor Connor, seconded by Councillor Benney and resolved that Councillor Marks be elected as Vice-Chairman of Planning Committee for the municipal year.

P3/23 **PREVIOUS MINUTES**

The minutes of the meeting of 5 April 2023 were confirmed and signed as an accurate record.

P4/23 **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)

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

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

Members received a presentation, in accordance with the public participation procedure, from Victoria Batterham, an objector. Mrs Batterham stated that she does not have any particularly new points but wanted to reinforce the views of local residents, 500 people that have all raised very valid and similar concerns about this application. She referred to those concerns being in relation to the traffic in the area and the flooding and when they have looked at some of the reports the methodology, in residents opinion, does not seem to be factually or reliably evidence based on what residents see on a daily basis in terms of traffic, danger and accidents, with there being several accidents in Cavalry Drive with children at school particularly on the bend where people have been hit by on-going traffic.

Mrs Batterham referred to flooding in the area, she has provided numerous photographs where homes have flooded on more than one occasion and as local residents they have had a problem where nobody wants to take responsibility for this, highways and Anglian Water do not want to take responsibility. She read out the comments of Anglian Water at 5.15 of the report and made the point that the foul water network in the area was constructed many years ago when there was far less people living in the area and Anglian Water have also stated that the connection is acceptable but adding further developments to this system which is already overloaded is one of the main concerns of residents.

Mrs Batterham stated that members are receiving a summary report but are not reviewing all the information separately and when you are reviewing the information separately, particularly the developers reports which sometimes conflict against each other, it is very important rather than reading the summarised evidence.

Members asked questions of Mrs Batterham as follows:

- Councillor Mrs French asked if Mrs Batterham lived in Upwell Road or Cavalry Drive? Mrs Batterham responded that she lives in Cavalry Drive.
- Councillor Marks asked what Mrs Batterham believes is the accident rate in the vicinity? Mrs Batterham responded that cars are parked both sides of the road, visibility is very difficult and there are near misses all the time even trying to access her own property at certain times of the day. She is aware of 4 accidents in the area and this is in the last 3 years, 2 with children near the school and 2 with adults crossing on the bend.

Members received a presentation, in accordance with the public participation procedure, from Ian Reilly, on behalf of the applicant. Mr Reilly stated that he is Head of Planning for Allison Homes and the application under consideration is an outline one for 110 dwellings with all matters reserved apart from access. He expressed the view that the development will deliver market housing and 20% affordable housing provision, with the principle of development having been established through the windfall policy in the current Local Plan, however, it is also worth noting that this site has been identified as a draft housing allocation in the emerging Local Plan, which, in his view, underlines its suitability for development of this nature and scale.

Mr Reilly stated that Allison Homes and its consultant team have worked closely with planning officers and the issues identified by consultees have been resolved to their satisfaction, many of which have been raised by the public and other stakeholders and he believes this has been fully covered in the committee report and thanked officers for providing such a detailed and positive report which confirms that there are no outstanding technical matters to be resolved at this stage. He stated that they have reviewed the draft planning conditions and the new ones discussed today and can confirm that they are acceptable in principle to Allison Homes.

Mr Reilly expressed the view that whilst the proposal is in outline, its technical assessments confirm there would be a SUD pond provided for drainage purposes at the south-eastern corner of the site and a 3 metre drainage easement on the eastern boundary, with a buffer also provided for biodiversity benefit. He made the point that they have also agreed to provide enhancements to some of the school crossings, with these works consisting of tactile paving and dropped kerbs.

Mr Reilly stated that the application seeks to agree access at this point and to implement the access the speed bumps in Upwell Road need to be relocated and he confirmed that the formal application for relocation of these speed bumps has been approved by Highways already. He made the point that as the application is in outline, they have proposed parameter plans to set the principles for the development, which include confirmation that the houses will be outward facing to the public right of way, the provision of a policy compliant area of open space with a new play area which will be overlooked to provide surveillance and an upgrade to the existing right of way both on the southern and western boundaries, with these enhancements having been agreed with Fenland

District Council's Estates Team and a Section 106 Legal Agreement will be formulated to secure the affordable housing in perpetuity and also provide £76,000 of contributions to NHS, libraries and highway improvements.

Mr Reilly expressed the opinion that this would be a sustainable development, fully in accordance with the current Local Plan, the emerging Local Plan and the relevant parts of the NPPF, they have worked with officers and consultees so that all technical issues can be achieved at this stage of the planning process and through its parameter plans it has set out some important principles that will shape and guide the detailed design for this site. He stated that Allison Homes is committed to delivering this site and should approval be forthcoming it will bring forward a Reserved Matters application before the end of the year with the aim of being on site within 6 months of that approval and, in his view, the site will help maintain the Council's housing supply and bring forward much needed quality and affordable homes for the District.

Members asked questions of Mr Reilly as follows:

- Councillor Mrs French asked if he had been in contact with the Internal Drainage Board (IDB)? Mr Reilly responded that they undertake a lot of pre-application consultation and there are statutory consultees as part of the planning process so he would assume they have spoken to them but cannot guarantee it but if this has not taken place it will happen through the planning process. Councillor Mrs French expressed the view that the drainage boards have not been contacted and she has a letter from the Internal Drainage Board which says the remainder of the site is within the Board's rateable area and the Board, not the Lead Local Flood Authority, are the approving authority and its prior written consent is required for relevant items so, in her view, it is essential the applicant should be talking to the drainage board. Mr Reilly expressed the view that this is disappointing to hear that this has not happened.

Members asked questions of officers as follows:

- Councillor Marks asked, in relation to IDB with it being quite important for water to be pumped away and it starts with the IDB before it goes to Anglian Water, how much weight can members put on what has been said? Graham Smith responded that the drainage board works come under the powers of the Land Drainage Acts which he believes are stated in the comments and operate separately to planning acts and the applicant has to rightly communicate with the IDB to comply with the Drainage Act but that entire operation takes place outside of the planning process. He stated that if the applicant cannot accord with the Land Drainage Acts then the IDB has the power to control the fact that the site cannot be built out and the final comments from the IDB is about management and funding and including items within the deeds of the properties, none of which relates to planning considerations. Graham Smith made the point that this is an outline application where the details are not being approved or considered so it is just the principle and the Lead Flood Authority are the drainage authority responsible for planning matters, who have commented and have taken the lead on where the application goes and their point is that everything has to accord with their conditions. Councillor Marks made the point that the IDB are responsible for taking the water and they have not been consulted from day one and it concerns him as it is known there is flooding here and Anglian Water will take the foul but there is still water running off the land and the IDB has not been consulted. David Rowen responded that the IDB were consulted and committee members will be familiar with not receiving any comments from them, however, from a planning point of view the Local Lead Flood Authority at County Council are the statutory consultees on drainage matters. He stated that the IDB comments are important but it has a separate consenting regime.
- Councillor Connor questioned that he had heard right that Highways had commented that St Peters Road does not have too many traffic issues because, in his view, it does and he uses the road frequently and you always have to wait for other cars to come through. Graham Smith responded that he was reading the response from Highways to the additional objection comments and this is correct.

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

- Councillor Mrs French acknowledged that the IDBs are not statutory consultees but the question she asked the agent was had they contacted the IDB and they had not, which, in her view, it is fundamental that the IDB is consulted. She expressed the opinion that the application is not in the 2014 Local Plan, it is not in March Neighbourhood Plan which March Town Council took considerable time, effort and cost to produce and it clearly states that this application is in the emerging Local Plan but members have been told repeatedly that the emerging Local Plan is not further enough along for weight to be given to it. Councillor Mrs French expressed the view that this application is premature, there are various PCPs and larger allocations, reading out the comments from March Town Council. She stated that March Neighbourhood Plan supersedes everything and she cannot support this application.
- Councillor Marks stated he has a real concern about drainage but also highways and questioned whether it was another highways desktop survey as he feels they may not have visited the site.
- Councillor Mrs French stated that she sits on MATS and has done so since 2017 and she can assure members there are great problems here, a Zebra crossing was installed last year and the next plan is redesigning the top of St Peters Road, which is currently awful and is not going to support another 200 vehicles. She reiterated that it is not in the policies and is not an allocated site.
- Councillor Purser agreed with the comments of Councillors Mrs French and Marks.
- David Rowen acknowledged that the site is not allocated in either the 2014 Local Plan or the March Neighbourhood Plan, however, both these documents do have policies regarding windfall development on the edge of towns and the edge of March in particular in the Neighbourhood Plan, with windfall development defined in the Local Plan as being anything under 249 dwellings and the Neighbourhood Plan effectively supports the provisions so proposals for residential development will be supported where they meet the provision of the Fenland Local Plan so from a principle point of view the adopted Local Plan and March Neighbourhood Plan would not resist the development of this site. He referred to issues of drainage which have been covered already but the primary issue is that the statutory consultee does not raise any objection. David Rowen stated that in relation to Highways the Highway Authority are not raising any issues regarding highway safety implications of the development and there has been robust consideration of the highway information between the Highway Authority and the case officer to check and double check that the comments that they are making are correct. He expressed the opinion that if members are minded to go with refusal of the application there are very few grounds on which the application could be refused and successfully defended at appeal.

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

The Legal Officer reminded members that if the application is refused the Planning Authority will be expected to substantiate the reasons for refusal and from what has been said by the planning officer he would struggle to know what planning reasons could be given for refusal that would stand on an appeal, for example the Highway Authority do not object and the committee does not have highways expertise.

Members do not support officer's recommendation of grant of planning permission as the site is not allocated for development in either the adopted 2014 Local Plan or the March Neighbourhood Plan and the emerging Local Plan is insufficiently advanced to carry significant weight in terms of decision making at this time and the site's current allocation within this is not, therefore, considered to outweigh the conflict with the adopted Development Plan in terms of the principle of the development being unacceptable by virtue of the site's undesignated nature.

(Councillor Hicks registered that he has close family friends that reside in a property that backs onto this site, and took no part in the discussion and voting thereon)

(Councillor Connor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he was a member of March Town Council when this application was considered by the Town Council but took no part in their planning)

(Councillors 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)

(Councillors Benney, Mrs French, Marks and Purser declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P5/23

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)

Graham Smith presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Simon Machen, the agent. Mr Machen updated on the outstanding technical matter which is archaeology and reassured members that is not something that is trying to be shirked but is something that is complicated and unexpected. He stated that he and planning officers prior to the application being submitted scoped the technical reports that would be required and archaeology was on neither of their lists on the basis that the site has been remediated to a depth of about 2 metres as it was part of the former gas works, timber yard and metal manufacturing complex that fronted the river.

Mr Machen made the point that The Boathouse adjacent had nothing more than a watching brief condition attached to it when that was built so it was unexpected the level of interest from the archaeologists but they have interrogated the remediation strategy which includes borehole samples and the archaeological reports from the consultants is expected by the end of next week as they have been waiting for the County Council's archaeologists to provide them with the heritage data information. He expressed concern that the County archaeologist is seeking an intrusive investigation prior to the grant of outline planning permission and the outline before committee does not commit to the siting of buildings or layout so it is not actually known where the built footprint will be and they would be reluctant to go on some kind of "fishing expedition" in terms of archaeological survey work which is likely to be a geo-environmental survey with boreholes down to 4 meters which is where any remains will be in the river silt.

Mr Machen expressed the opinion that there are two options, one is to go with the officer's recommendation which may require them to do archaeological works at this stage before consent is granted or the second is to do what is quite normal in the case of an outline planning application is to impose a detailed planning condition requiring a scheme of investigation at Reserved Matters stage as the fear is that it may hold up the outline consent depending upon the amount of work that needs to be undertaken to satisfy the County archaeologists but critically nothing can be undertaken in terms of building on the basis of an outline planning permission.

Members asked questions of Mr Machen as follows:

- Councillor Mrs French asked how confident he was that the archaeology can be sorted out? Mr Machen responded that he is confident that they can satisfy any concerns about archaeology, it is the time at which they need to satisfy is that prior to the grant of an outline consent with all matters reserved in terms of an intrusive on-site investigation or is it via a planning condition on the outline that requires a scheme of investigation, which would be the applicant's preference as alongside the detailed design work this can be programmed in.
- Councillor Mrs French referred to education requesting a Section 106, which she cannot understand as there is already a new school to be built in Wisbech so she does not think it needs any contributions but referred to NHS, and she understands is the gift of this committee to change a Section 106, and asked if the applicant would be prepared to contribute to the NHS? Mr Machen drew members attention to the committee report and to the Council's own Local Plan viability report which is clear that north of the A47 development is unviable if you ask for affordable housing contributions and contributions towards infrastructure. He made the point that a large part of the reason that this site has been undeveloped for 20 years after the supplementary planning document for the site is because it is extremely marginal in terms of development viability and it is not attractive to a conventional developer, which is why it has been taken and followed through by Fenland Future Limited. Mr Machen stated that there is a series of abnormalities around archaeology and the investigations that needs to be undertaken which will not be cheap, floor levels have to be raised due to flood risk and it is a relatively low value area so whilst there would always be a desire to contribute towards infrastructure costs where it can be but in this instance there is a viability report which has been accepted by the Section 106 Officer indicating that these costs cannot be sustained.

Members asked questions of officers as follows:

- Councillor Mrs French stated that the recommendation is to approve the application subject to the four month period, which she has never seen before and made the point that it is an outline planning application, which she would be happy to support but with removal of the four months and this becomes part of a Reserved Matters application. David Rowen responded that the Council has a responsibility set out in the NPPF to consider the impact on heritage and there are the comments from the Senior Archaeologist from the County Council requiring further information before they are comfortable with the principle of developing the site and consequently the recommendation has been reached recognising that it is an outline application with all details reserved for future consideration, which is trying to strike a balance. He stated that the information that is required by the County archaeologist has indicated that a watching brief condition would not be suitable and that they need more information and officers cannot say more on this as they are not specialists in this area and if members wish to go down the route of a condition that is within members' gift, however, whether that satisfies the requirement on the Council to adequately protect heritage assets as part of the NPPF considerations he is not entirely convinced.
- Councillor Connor asked what officers' preference would be regarding archaeology? David Rowen responded that their preference is for the course of action in the officer's recommendation.

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

- Councillor Mrs French stated that the site is well known, has been derelict for many years and it was recognised that the site was a tipping ground and County Council at the time put the infrastructure for the road in going back at least 10 years. She expressed the view that the site needs to be developed, it is a mess and she will fully support the application but would like the four months removed.
- Councillor Purser stated he has been past this site many times and had wondered why it had been left derelict, untouched and unloved and with lots of building work going on around the whole area and the population getting older needing care he thinks it is

something that is required. He is concerned about archaeology and what might be found on the site.

- Councillor Connor stated he knows the site, it was the old gas works and it has been remediated to 2 metres as the applicant stated, it does need to be developed and there is no viability north of the A47 and the area definitely needs a care home. He stated that he will be supporting the application and he, like Councillor Mrs French, is concerned about the archaeology and feels it should be a watching brief so the development can be commenced.
- Councillor Marks made the point that if it is drilled down to 4 metres that would have been under sea level a long time ago so he cannot see that there will be much on the site.
- Councillor Imafidon stated that as a resident of Wisbech he knows the site very well, it does need development, he fully supports the application and the care home facility is needed in the area, which will also bring jobs.
- Graham Smith reminded committee that the County archaeologist has pointed out the sensitivity of the site and its potential but if, however, members are minded to remove the four month period it is important that an appropriate planning condition is attached.
- Councillor Connor asked officers to reiterate what the applicant prefers regarding archaeology. Graham Smith responded that the applicant pointed out that in the applicants view the necessary archaeology work should take place as part of a condition that needs to be discharged rather than undertake works up front. Councillor Connor stated that he agrees with this approach and Councillor Mrs French stated that she also agrees.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be GRANTED as per officer's recommendation with authority delegated to officers in conjunction with the Chairman to formulate conditions including an archaeological condition.

(Councillor Benney registered that he has been involved with this application by virtue of being a member of the Investment Board and took no part in the discussion and voting thereon)

(Councillor Mrs French registered that she is a member of Cabinet but has not been involved in this application and is not pre-determined and will approach the application with an open mind)

P6/23

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

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

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

Members received a written statement from Councillor Alan Gowler on behalf of Chatteris Town Council read out by Member Services. Councillor Gowler stated that Chatteris Town Council consider this application as consultees and it was remarked on during the discussion about how local authorities should be supportive of local businesses, large or small, to support the local rural economy, with it being unanimously agreed that the Town Council should support taking into account the standard planning considerations and they are quite perplexed to be informed that officer recommendation was to refuse the application.

Councillor Gowler referred to the first reason being "a significant incursion into the countryside", but the Town Council feel the site lies literally yards away from the South Fens Business Centre and well away from residential developments and it is his personal opinion that it is an extension to an existing building so the effect on the countryside is all but negligible. He referred to the second

reason for refusal in that there has been no demonstration of alternative sites within the locality but expressed the opinion that there is virtually no availability of industrial land or buildings in the vicinity of Chatteris and common sense would lean strongly towards development of the existing site.

Councillor Gowler made the point that there are many other consultee comments on this application, none of whom raise any significant issues and the Council's Economic Growth response is very similar to what he has described. He stated that Chatteris Town Council maintain their support of this application and feel that this type of business should be encouraged by local authorities to expand.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that at present this site is used as a steel fabrication business for the applicant, the company initially rented these premises and has now purchased them to secure the business. He advised that the applicant, who was in attendance at the meeting, has been trading for approximately 8½ years and has been at these premises for approximately 6½ years.

Mr Hall stated that the company carry out a number of steel fabrication works for a number of local businesses within a 15-20 mile radius, which can include steel frame buildings, mezzanine floors, steel work in buildings, agricultural buildings and steel work for the recycling industry. He advised that the first shed as you come into the site is rented to SS Motor Fuels, another Chatteris business, and is on a long-term lease, with that building used for occasional servicing of vehicles.

Mr Hall expressed the view that Boss Fabrications are established at this site and wish to expand its existing premises, with the existing site having already been given permission for industrial usage in 2004 and in 2008, as the officer's report states, there was an approval for an industrial building on site which members would have seen has been built out and it is currently being used by Boss Fabrications. He made the point that this proposal is for a further extension to the shed to the rear which is extending the existing industrial curtilage for a shed, parking area and storage.

Mr Hall informed members that at present the business employs 10 staff and this proposal is to allow the existing business to expand at this site and employ a further 2 people this year, which may increase in the future. He advised that the applicant sends two members of staff to the Stainless Steel Apprentice Centre in Chatteris, with a further member being sent next year and of the 10 employees, 7 live in Chatteris which is another reason why he wants to stay at the site and expand.

Mr Hall referred to the site location plan shown on the presentation screen showing the site outlined in red and on Public Access it confirms that County Highways have no objection to this application, which was received late April, however, when this agenda was received it states under 5.6 that Highways remain concerned following discussions with them but he has never been advised of that or knew any further discussions took place. He expressed the view that members will be aware from their site visit that this road only serves this site and surrounding agricultural fields, there are no other buildings coming off this road, with at the junction of the A141 there being a separate access for the Anglian Water sewage facility to the West.

Mr Hall stated that he has been advised by the applicant that at present there are 2 heavy goods vehicle deliveries a week and 8 by general smaller delivery vans, which has been the case for a number of years and there is very limited traffic down this road. He stated that a Flood Risk Assessment has been submitted to which the Environment Agency have raised no objections and there are no objections either from Anglian Water, the Highways Authority, Chatteris Town Council, with one of the ward members thoroughly supporting the application as read out by Member Services, and there are no objections from any person in Chatteris.

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

- Councillor Benney stated that as a Chatteris councillor he knows the site very well and believes it was used by SS Motors for servicing and MOTs where there would have been fleet lorries coming in and out every day and this extension would be proposing a lot less transport movements than what it was used for in its previous life, with it also being a motorbike shop at one time which failed to succeed. He feels the fact this extension is a reflection on the business owner for doing his job right, he is employing local people, which is good, and very much like the previous application at the last committee for Rutterfords yard at Wimblington where else do you put these sites, you cannot put them in town but you cannot build them in the countryside either. Councillor Benney expressed the opinion that this is good use of the site, he acknowledged that some of the work has been started but feels there is nothing wrong with this, and this is a business that is on the up and he is sure that Stainless Metalcraft started up at some point in a shed and look at this today, how do members know this is not going to be the same. He expressed the view that losing agricultural land is not an issue when there are hundreds and thousands of acres taken out of food production every year with country stewardship and other schemes and he sees the loss of this little piece of land in comparison to the rest of the agricultural land around it is going to have no detriment to the area. Councillor Benney feels the application is a solid one, he is pleased to see it come forward as a local councillor and he believes that the majority of the public would think what is the committee doing if it is not passed, he sees where it goes against policy but equally as a ward member the committee is here to represent the people that elected them and he fails to see where there is anything bad with this application. He feels it is the ideal place for the business to expand and will be supporting this application.
- Councillor Purser agreed with the comments of Councillor Benney but the only thing he missed is that it will be creating additional employment as well which can only be beneficial.

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

Members do not support the officer's recommendation of refusal as planning permission as they feel the job creation benefits outweigh the loss of agricultural land and encroachment into a small part of the open countryside, the benefits of the proposal outweigh the requirement for a sequential test and flood risk and this is a good scheme for an established business that Fenland does not want to lose or have to incur additional costs by relocating which outweighs the impact on facilitating a sustainable transport network.

(Councillor Marks registered that the applicant is known to him through business and took no part in the discussion or voting thereon)

(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 Benney further declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council but takes no part in planning)

P7/23

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)**

Danielle Brooke presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey expressed the view that members will have noticed on their site visit that this site is a bit of a mismatch and his client does want to rectify it hence this application to try and resolve all outstanding planning issues and he has also stopped work as the officer reported so he has listened. He stated that the annexe is for Mrs Pope's, who lives in the bungalow, carer who is also her granddaughter and this would make life so much easier for them and if members consider the annexe is too tall the roof is not complete, as seen from the photographs, and the pitch could be lowered to make it more compatible and in keeping with the existing bungalow.

Mr Humphrey made the point that there have been numerous extensions to the original bungalow and the effect of this has unfortunately eroded the original garden space, which has caused them to take the garden which was paddock between the portacabin and the annexe to give the bungalow a new garden in effect and somewhere the grandchildren can play. He advised that the existing portacabin has been on site for a number of years, previously used as a hairdresser salon and beauticians, which has now changed to a hobby/playroom and a space for Mrs Pope's grandchildren.

Mr Humphrey stated that the applicant is happy having this as a temporary approval and it could be removed in 3 or 5 years if a temporary consent is granted for that. He advised that it should be noted that this has been in position since 2011, however, additional landscaping could be undertaken to mitigate the effects this would have when looking at it from the road.

Members asked questions of Mr Humphrey as follows:

- Councillor Connor asked where does Mrs Pope senior reside at present? Mr Humphrey responded that Mrs Pope senior lives in the bungalow with her husband Ivan and her granddaughter is to move into the annexe, who is her carer.
- Councillor Imafidon asked how many other residents are in the property? Mr Humphrey responded that he does not know the answer, he knows Ivan and Thelma Pope live in the bungalow and knows they do like to keep their children around them. He stated that there are people coming and going all time. Councillor Imafidon stated that the only reason he asked because as seen by the photographs it is quite an extensive property so if it was just to provide accommodation for Mrs Pope's granddaughter and if she does not already live on site he would assume there would be enough room for her to live on site without the additional one-bed annexe. Mr Humphrey responded that one of the rear extensions is a swimming pool so that takes up a big space but the granddaughter wanted her own accommodation as opposed to living in the main dwelling.

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

- Councillor Marks stated that he did visit the site and it is a mishmash of properties and he cannot see how it is going to be able to be pulled altogether.
- Councillor Benney asked that if there is a medical need for the granddaughter to live on the premises would there be a different route for this with medical reports to support this? He stated the reason he is asking is he has undertaken a lot of caring for his parents and he sees the benefits of having somebody close by. David Rowen responded that there is no information submitted with the application to indicate that there is any particular health needs that would justify departure from usual planning policy or any exceptions to be made. He advised that if such information was to be forwarded it is not known what the position would be without receiving this information.
- Councillor Mrs French agreed that it is a bit of a mishmash of properties and she feels the same way as Councillor Benney and would like to see the application deferred to seek

further information from the agent and to see how the mishmash could be rectified. David Rowen responded that the reason for refusal is not on the basis of a lack of connection between the annexe and the property, it is on the visual impact of it so he is not sure that a deferral would help with this and there is an application in front of committee today, which is for determination and his advice would be to determine the application one way or the other

- Councillor Mrs French stated that she understands what David has said and asked if this application was refused today and the agent was to resubmit an application with something to bring it into line would he get a free go. David Rowen responded that this is not a matter for or should play a part in the committee's consideration today and he is not in a position to comment on this anyway given that there is not a future application and he is not aware of what the site history is.
- Councillor Connor made the point that the committee needs to look at the application it has in front of it today and judge it on its merits, with the agent having listened to the comments from members so he could resubmit with more relevant information if required.

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

P8/23

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

Danielle Brooke presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Mr Cooper, the applicant. Mr Cooper stated that all he wants to do is take an old derelict building and build a family home for him and his family. He stated that he has lived in Elm all his life and comes from Newbridge Lane Caravan site moving up to Belt Drove with his family and his Dad and has worked on every farm in the area.

Mr Cooper expressed the view that the way house prices have gone up how can you afford them, he has lived in Elm all his life, he is not doing anything different just taking an old derelict building, recycling it to make a family home.

Members asked questions of Mr Cooper as follows:

- Councillor Mrs French asked how long it has been derelict? Mr Cooper responded that he brought the property in 2018 and it was derelict before this.

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

- Councillor Purser expressed the opinion that this is a site of an old hut which has been left unattended and in relation to traffic, in the days of the Scouts there would be cars in and out all of the time and this is just a family home so there would not be cars in and out all the time. He feels it is recycling of an old site which he thinks is a good thing to make it into a nice family home. Councillor Purser referred to the comment that it is functionally isolated so it is miles from anywhere and he has friends who live 1½ miles from the main road being functionally isolated and they are perfectly happy there so why can't this applicant not be the same.
- Councillor Imafidon stated that when members visited the site one of the observations that the officers made was that the access was on a sharp bend and a blind spot and he wanted to know if the applicant has plans to make the access safer and as it was a scout site before

it would have been very well used by people coming in and out and being developed as a family home he feels the issue with traffic would be minimised.

- Councillor Connor made the point that Highways have said it is not a significant harm, although they are not totally happy with it, and it depends upon how much weight members give to highway comments.
- Councillor Hicks stated that he has looked at the site and he does not deem it to be an exceptionally sharp corner.
- Councillor Mrs French stated that Highways are not objecting to the proposal and at the moment the site is an eyesore so this application would get rid of the eyesore and produce a home for somebody.
- Councillor Benney expressed the opinion that it is on a bend but it is not a 90 degree elbow bend and there are plenty of houses built throughout the whole country that are on slight curves rather than bends. He made the point that this is a derelict piece of land and this looks a nice house, with homes needing to be provided for people and he can support this application.
- David Rowen stated that the Highway Authority have not objected and the issue of the bend is not a recommended reason for refusal. He made the point that the Council has a clear settlement hierarchy and as part of that developments in locations which are elsewhere, ie outside established settlements, should be refused and the fact that there has been an existing use on the site and there are derelict buildings which may be an eyesore, is not a justification for overriding the settlement hierarchy. David Rowen stated that the site is also in Flood Zone 2, it is sequentially unacceptable and there are two strong policy reasons to refuse the application. He notes the comments with regard to the need to deliver housing and fully appreciates that each application site is dealt with on its own merits but there was an opportunity earlier at this meeting to deliver 110 houses on the edge of a sustainable settlement which the committee refused so there does need to be an element of consistency with members decision making.
- Councillor Marks made the point that the committee are told here and at planning training last week that each application is taken on its own merits and feels it is wrong to bring back an application that has previously been refused, which was refused for various reasons and as a committee members are being told consistency, which he agrees with, but this application is being taken at face value on what this proposal is and not what happened on previous applications. David Rowen stated that he feels it is important when the committee is making decisions relative to the interpretation of the settlement hierarchy that there is an element of consistency and he wanted to flag this to members but it is members gift to completely ignore his comments.
- Councillor Benney made the point that if you look at the 2014 Local Plan all the growth was in the BCPs, which have not been delivered and if it was not for committee passing small little houses like this there would not be homes for people to live in and as much as there are policies this is what decision are based upon, with decisions being interpreted differently at times but this policy has failed and it has failed to deliver the numbers. David Rowen responded that he does not want to debate the merits or otherwise of the 2014 Local Plan but the point he was making that there needs to be an element of consistency through decision making in terms of the interpretation of and application of the settlement hierarchy.

It was proposed by Councillor Hicks to go with officer's recommendation, which did not receive a seconder.

Proposed by Councillor Benney, seconded by Councillor Purser and agreed that the application be GRANTED 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 they feel that whilst the proposal would be in the open countryside the whole of Fenland lies in the open countryside and it felt that this proposal would not harm the character of the area but create its own

character which may be to the benefit of the area and that the delivery of housing outweighs the low flood risk issue and the need for a sequential test.

P9/23

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**

David Rowen presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from John Cutteridge, the applicant. Mr Cutteridge referred to the Council saying this is not a sustainable site, but expressed the view that the site is 0.3 miles from the centre of the village and the village stretches out over 1.6 miles in most directions, with 11 houses approved in Turf Fen Lane with no pedestrian footpath on a blind bend and this is 0.6 miles from the centre of the village so he considers this to be a walkable distance. He stated that many people walk Hospital Road on a daily basis, walking their dogs, with no incidents or accidents whatsoever and the Council has approved a café and shop for Mega Plants further down this road where Highways had no objection.

Mr Cutteridge expressed the opinion that 8 weeks ago Highways did not see any problem with the road improvement and then 4 weeks ago it stated it was unsure whether the improvements to the roadway could be achieved so he is obtaining an engineer's report to show it can be achieved with the work having commenced and he is prepared to go wider. He stated that he does own the land beside quite a lot of Hospital Road and is prepared to give up some of this land to widen the road and move the ditches if required and so is his neighbour that owns a small portion.

Mr Cutteridge made the point that he only knew this application was coming to committee 7 days ago and thought they had time to have the engineer's report submitted and thought the Council was allowing them to submit this report. He stated that he is happy to have a four-month delay on approval to allow the engineer's report to be submitted to say that road can be widened to the degree that Highways require it and put a pedestrian footpath in, which will not just improve the road for their dwellings but also to access Mega Plants and the dog walkers that use it daily.

Mr Cutteridge referred to open countryside but made the point that the dwellings at the front have already been approved so it will not make any difference from the highway and to the opposite side is the Hospital property that cannot be seen due to a large hedgerow and also to the other side he has planted 18 acres of woodland which is 10,000 trees so it will not be seen from that direction either. He expressed the view that in relation to surface water there is plenty of space to run off into the woodland and the properties are having their own individual treatment plants so this will not affect the Doddington sewers.

Mr Cutteridge made the point that the site is within Flood Zone 1 so there is no risk of flooding and, in his opinion, there is a demand for housing, with this becoming just a piece of wasteland if not approved and it would finish their development nicely, with the 4 at the front already approved. He stated that Highways have advised what access requirements are needed to the properties and he will be undertaking everything that is suggested, which he feels this will be an improvement to the highway and area.

Mr Cutteridge stated that whilst this is not a reason for planning he will be using the funds from

these 5 properties to put back into Mega Plants to develop it further for further employment, it has had 5 new employees in the last 2 weeks and they wish to build a brand new state of the art multi-span tunnel where there will be a facility for adults with learning difficulties to come and work for them. He stated that he likes the area and is truly passionate about the garden centre, with his life being the garden centre and that is where he spends 18 hours a day and the income from this proposal will put it on the map and he would like to keep moving it forward.

Members asked questions of Mr Cutteridge as follows:

- Councillor Mrs French referred to the road being widened and asked if he was also going to put passing places in? Mr Cutteridge responded that yes there is a part passing place that is being enlarged, widened and improved to a higher standard and the neighbours have had their access point approved which they are now building and includes a significant passing place.
- Councillor Marks asked for confirmation that he is actually funding the road repairs or upgrades? Mr Cutteridge confirmed this to be the case, with them already receiving a quote of £250,000 for these improvements.

Members asked questions of officers as follows:

- Councillor Benney asked if it could be conditioned that the road improvements have to be undertaken before any building takes place? David Rowen responded that this is probably jumping a couple of stages ahead but it would be very difficult to justify insisting that 200 metres of roadway has to be undertaken before development commences given that the roadway is then going to be used for construction traffic, etc and the purpose of the road improvements would be to mitigate the impact of the actual development itself so until there are people living in the properties using the road you do not have the impact.
- Councillor Connor questioned whether the committee made a similar decision at Mill Hill Lane where the application was approved subject to the road being built to a certain specification before the actual development commenced. David Rowen responded that he cannot recall the exact wording or the trigger point, however, the issue at this location was more to do with an adopted right of way and the impact on this right of way and its on-going maintenance whereas with this application the issue is can the roadway physically fit within the corridor to the development.
- Councillor Hicks stated that having viewed the site the only concern he has got is that there would be mud on the roads during construction with it being such a narrow and unevenly surfaced road and asked if it is possible this could be looked into and if it was to be approved that a management plan be entered into? David Rowen responded that for the scale of development that would be unreasonable and usually a construction management plan for a road cleaning or wheel wash facility is on a scale of development far higher than this as well as the fact that at the moment there are 4 dwellings which can be built at the site where he believes there are no such controls in place.

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

- Councillor Marks stated that he has seen this type of application about 4 times on this road in the last 4 years and the same issues are discussed each time and it does seem to change regarding highways and what Highways are looking for. He made the point that the road is not great but with these improvements he believes it will help and also help the business, which the Council has supported via the café. Councillor Marks expressed some concern about saying before you can build these houses you have got to undertake the road improvements as money will be tight but perhaps it could be on a pro-rata basis as the money comes in but apart from this he cannot see a problem with this proposal.
- Councillor Purser referred to a previous committee meeting whereby members refused an application on the other side of this road for reasons he cannot recollect and queried whether it was similar to this application at all.
- Councillor Connor made the point that if members were minded to approve this application a condition could be placed on it to state that after the first, second, third or fourth house

occupation that something has to be undertaken with roadway.

- Councillor Mrs French made the point would this be reasonable after one house is built bearing in mind there would be construction traffic which may churn it up. Councillor Connor stated that it was just a point he made and it is up to the committee to decide.
- Councillor Benney stated that he wants to see the road improvements come out of this application and if the applicant owns the land either side then he is sure that it can be achieved if agreed by Highways. He stated that he can see the benefits of having a footpath in this area for the residents of Doddington and beyond, with there being public benefit to upgrade the road and he wants to make sure this is delivered and something more than an assurance. Councillor Benney expressed the view that he does not want to see this opportunity lost or the opportunity for further investment into Mega Plants as the committee should be helping this business.
- David Rowen referred to the impact of the development and the road on the business but made the point that the issue of the business is not relevant to the determination of this application, this is purely an application for 5 dwellings and a road improvement package that is required to mitigate the impact of those 5 dwellings. He stated that in relation to trigger points for the delivery of the road there is a more fundamental issue in terms of delivery referring members back to the comments of the Highway Officer who concludes that the construction is unfeasible so it is not a case of whether you are going to get a road and a footpath link after 1 or 2 houses but can that be delivered at all.
- Councillor Marks stated that on a private build you can put up a bond if people want to take it to the County to adopt and is this something that the Council can do to put a bond on this development until the road is undertaken? David Rowen responded that he does not think this would be an appropriate issue in this case, when you are talking about a bond there is a road that is shown on the plans that it is known can be delivered and then it is a question of who delivers it but on this proposal the Highway Authority is saying the width of the defined highway is not wide enough to accommodate the necessary highway work and therefore, those highway works cannot be delivered.
- Councillor Marks stated that he understands this but surely any work is better than no work if this application is approved regarding footpaths and the safety for people walking dogs and the committee would want a guarantee that the work would be undertaken so then would a bond be able to be undertaken. David Rowen responded that he does not think this is an issue of a bond and whether the works are going to be practically delivered, it is a fundamental issue of can the necessary highway improvement works actually be accommodated within the public highway and if members are minded of going down the route of saying it can be conditioned there are all sorts of questions about the Highway Authority having to potentially adopt land that is outside the public highway and a number of issues that led to the Highway Officer coming to their conclusion that the construction is unfeasible.
- Councillor Marks referred to the applicant stating that they are undertaking a survey at the present time with engineers so is it being said that if this came back and it could work the scheme would be acceptable at that point and would it be better to defer it to see what this survey says? David Rowen responded that he would advise against deferral as there is a scheme in front of committee that is deemed not acceptable by the Highway Authority, there may will be a report or a survey that has been produced, however, there is no guarantee that the Highway Authority will be satisfied with this. He made the point that the issues of adoption of land outside the highway boundary is a separate legal process as to whether the Highway Authority would even be willing to adopt further land outside the highway boundary as well as the implications on the need to move ditches, reprofile ditches and move hedgerows so if members have got a concern over this element the application should be refused and the applicant could come back several months down the line when that work has been undertaken and has a better idea on whether those works are deliverable.
- Councillor Benney asked that if this was proposed for approval and delivering the road was part of a condition if that could not be achieved the application could not go ahead anyway

so that would be approving it subject to a technical solution. David Rowen responded that there should always be an assumption when a Local Planning Authority is making an application that the works or the development it is granting permission for is deliverable and that should be demonstrated to the Council as part of the application process rather than post-application as if permission is granted and something is found to be undeliverable this does not revoke the grant of planning permission. Stephen Turnbull added that normally it would be a condition where further details are required on something that the Local Planning Authority considers is likely to be achieved and in this case the Highway Authority is saying the opposite saying construction is unfeasible so it would not be right or appropriate to put a condition on to say that it is subject to those details coming forward in the face of the clear advice received from the Highway Authority and the Council cannot overturn that expert advice as it does not have the expertise.

- Councillor Mrs French stated that as far as Highways are concerned there is no possibility of the County Council purchasing any land as they have not got the money and she feels if this application is refused it is a missed opportunity to get this public highway upgraded as the County do not look after the roads in Fenland and Mr Cutteridge is prepared to undertake the necessary work, which will also be for this proposal and to enhance his business which has planning permission for a café resulting in the road getting busier and this is the ideal time, if the applicant is prepared to improve the road, to do it.
- Councillor Benney made the point that Mr Cutteridge has been before the committee several times in the past year or two and everything he has promised he has delivered. He stated that he would like some assurance about the road improvements but if not this business has been supported and sometimes you have to have faith in people and accept that he has delivered before and he trusts him to do it again. Councillor Benney expressed the opinion that in relation to LP3 this is behind Doddington Hospital that was the centre of the community, with buildings further out on Benwick Road and in relation to LP12 having to bring good character to the area it just changes the character but does not mean it is right, it is open to perception and interpretation. He referred to the comments of David earlier where the delivery of houses does not supersede any policies in the Local Plan which he accepts but to refuse it on LP3 when it is adjacent to land that is part of Doddington he cannot see the justification but that is a difference of opinion and he feels the scheme has merit.
- Councillor Imafidon stated that it is not often that you see an applicant wanting to invest in a public highway and make improvements so on that basis he can support the proposal.
- David Rowen stated the highway improvement works have been discussed in great detail but made the point that if members are minded to approve the application with a condition saying that the highway works need to be carried out there are potential implications in terms of the red line boundary submitted with the application from a legal perspective because if the works required take up land outside the red line boundary and which are in the ownership of a third party then it does post question marks over the validity of the application.
- Councillor Benney stated that this red line in the wrong place has been mentioned right at the end of the debate and he was also under the assumption that ownership of land is not a planning consideration as you do not need to prove ownership to submit an application so he is not sure how this is relevant. David Rowen apologised for raising it at the last minute as it was only something that had come to mind and Councillor Benney is right that land ownership is not a material planning issue, however, as part of a planning application there is the requirement for accurate certificates of ownership to be submitted and it is also potentially permitting development which may stray outside the bounds of the red line boundary so there are legal issues that it would be remiss not to flag. Councillor Benney made the point that he submitted a planning application once which was approved and then it was found the red line was in the wrong place and he had to resubmit but it did not affect the outcome of the application so if this is the case is this an incomplete application and should not be before committee today. Stephen Turnbull responded that in a way the application is incomplete as the Highways Authority is informing the Council that they do

not think the construction of the highway is feasible without further information but Councillor Benney is right that if extra land is needed then the applicant could come back with a new application.

- Councillor Hicks asked in the interest of fair play should the applicant be allowed to come back as he has had such a short time to prepare and bring forward the road improvement report? David Rowen responded that as indicated earlier a deferral brings up a lot of questions which potentially need resolving outside of the planning application process and if members are concerned with regards to this issue he would advise that the application is refused on the basis of the highway recommendation and that issue is pursued separately outside of the application process by the applicant possibly directly with the Highway Authority.
- Councillor Mrs French made the point that there have been several applications down Hospital Road and she does not remember Highways objecting before and asked if they did and why has it objected on this one. David Rowen responded that in the past Highways have expressed concerns about the status of Hospital Road and indicated that they have felt the two extra houses may in themselves not have an adverse impact but now there are 2 houses plus 2 plus the 5 on this application and it has reached a point where the Highway Authority have effectively said this is where a line needs to be drawn and state the road in its current state is not suitable to accommodate further development, therefore, there needs to be some improvement. Councillor Mrs French made the point that Mega Plants is down this road and there could be a 100 cars a day so what is the difference between this and 5 houses?

Proposed by Councillor Marks, seconded by Councillor Benney and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to formulate conditions in consultation with the Chairman.

Members do not support officer's recommendation of refusal of planning permission as they feel that it is not in an elsewhere location as it is surrounded by the Hospital and other properties, it would not be harmful or detrimental to the character of the area feeling it makes a positive contribution, the proposed improvements to road and addition of a footpath would bring community benefit, with Fenland being a rural area where there is the reliance on cars and it is not believed compliance with Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 is relevant or necessary.

(Councillor Connor registered that he knows the applicant, agent and is a customer of Mega Plants but is not pre-determined and will approach the application with an open mind)

(Councillor Connor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a District Councillor for Doddington and attends Doddington Parish Council meetings but takes no part in planning)

(Councillors Mrs French and Marks registered that they use Mega Plants as customers but are not pre-determined and will approach the application with an open mind)

**P10/23 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)**

David Rowen presented the report to members.

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

Members received a presentation, in accordance with the Public Participation Procedure, from John Maxey, the agent. Mr Maxey stated that this application is in accordance with the existing Local Plan policy, it is a limited growth village where there is scope for a sensible amount of development that is in accordance with the village shape and existing built form. He expressed the opinion that it is surrounded, as can be seen by the plans, on three sides by existing development, it is in the heart of the village, within walking distance of the school and all other facilities and entirely in keeping with the form and character of existing development in that area, Well End being primarily linear.

Mr Maxey asked members to make their decision on the current Local Plan, however, as officers have said it is also proposed in the emerging Local Plan for allocation and this means that there has been further additional scrutiny recently that has effectively confirmed that the site is still suitable for development. He made the point that there are no technical objections to it, it is in Flood Zone 1, there have been discussions with Highways through the course of the application and plans have been produced that show that, notwithstanding all matters are reserved, it is possible to achieve a safe and proper access with plenty of parking the dwellings and whilst there are one or two comments about the form of development on whether it should be houses or bungalows this is an outline application for 6 dwellings with all matters reserved and that aspect can be considered and an appropriate design formulated at the Reserved Matters stage.

Members asked questions of Mr Maxey as follows:

- Councillor Mrs French referred to the comments of the Parish Council who object to the proposal and asked if he is aware whether there are school places available? Mr Maxey responded that he believes the school is probably tight but this site is not of a size where there would normally be Section 106 contributions requested and they are effectively objecting to any new development in Friday Bridge not just this site.

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

**P11/23 F/YR23/0160/PIP
LAND SOUTH EAST OF 45 CATTLE DYKE, GOREFIELD
PERMISSION IN PRINCIPLE FOR UP TO 4 X DWELLINGS**

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

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

Members received a presentation, in accordance with the public participation procedure, from George Le Cornu, an objector to the proposal. Mr Le Cornu advised members that he lives at 55 Cattle Dyke and has lived in the Fens for over 14 years, buying this property as his forever home on the understanding that the current Fenland plan and the future emerging Local Plan would prevent any development to the rear of his house. He is requesting that the committee agree with the Planning Officer's recommendation to refuse this application.

Mr Le Cornu expressed the opinion that the proposal is contrary to multiple planning policies by being backland with no road frontage on previously undeveloped land in Flood Zone 3 and he feels the proposal has no merit and should be refused. He expressed the view that development on this site would result in an irreversible loss of habitat with the site being in the Great Crested Newt amber zone and in addition the strip of woodland on the south of the site is home to bats and other protected species and this should not be disturbed.

Mr Le Cornu expressed the opinion that on preparation for this development a water body has been filled in to prevent any requirement for an ecological survey and as a small village only residential infill or use of previously developed land would be suitable for development, with this site meeting none of the criteria for a brownfield site as it has had no previous development. He expressed the view that the agent, Mr Humphrey, has attempted to support the infill criteria by producing a misleading map as part of the application attempting to show a domestic property shown as No.59 but in reality this is an open sided pole barn used for agricultural purposes and No.59 has been invented for this application.

Mr Le Cornu stated that as there is no road frontage this proposal cannot be considered, in his view, as infill, the site has had no previous development and because of this Gorefield Parish Council have also objected, with the site gaining very little support with only one comment of support at the expiry of the consultation period and Mr Humphrey's office was well aware of this as well as the lack of merits of the site and was granted an extension to source and submit a further five letters of support in order to force this application to committee as they were fully aware the Planning Officer would recommend the proposal for refusal. He showed on the presentation screen four of the canvassed responses, all looking the same, not submitted by Gorefield residents but, in his view, by Mr Humphrey's office.

Mr Le Cornu displayed a letter submitted by Mr Humphrey's office under Mrs Parson's name following the same formatting and when Mrs Parson's objected to a previous planning application she was very capable of presenting a well-formulated argument unlike the single sentence as shown on the screen and the single point is that the proposed site would be within easy walking distance of the village facilities despite it being further away than the site Mrs Parson objected to. He expressed the view the site will not be within easy walking distance as there has been no provision for a pavement meaning this development will be separated from the village as the highways agency requires a minimum of 5 metres for vehicle access and if a further 2 metres is provided for a pavement this would result in a ridiculous situation where the majority of No.45's property frontage would be taken up by access down a long narrow lane to the rear of their neighbours properties and the refuse collection to the front of the roadside.

Mr Le Cornu stated that the site is in Flood Zone 3 meaning that a sequential test must be conducted to prove that there are no other sites available for development and the Council has identified 3 sites for development providing the village with a potential 73 new houses all of which are outside Flood Zone 3. He expressed the opinion that Mr Humphrey has himself conducted a sequential test and unilaterally decided that this application passes the test and incorrectly Mr Humphrey's agent concludes that there are no available sites within a lower flood risk zone, showing a screen shot submitted by Mr Humphrey as evidence of this and feels he has somewhat misled the committee as when he states that there no other suitable locations he has limited his search to a quarter of the mile of the village centre and the website even suggests on the lower half that by increasing the search radius to half a mile that it would return with 2 plots for sale.

Mr Le Cornu referred to a report on the presentation screen that was only made available Friday afternoon so he has had limited time to digest it but following a very brief search he has found a further 3 plots of land for sale in the local area all of which are available for development and lie wholly within Flood Zone 1, the lowest risk category. He expressed the opinion that with 73 houses on the horizon there is no demand for more developments in Gorefield and No.43 built less than 15 years ago, a 4-bedroomed 2-storey house, has been on the market for over a year with no offers.

Mr Le Cornu summarised that the land is not residential infill, there is no road frontage available, it would be disconnected from the village, the land is agricultural backland with high levels of biodiversity, the site lies in Flood Zone 3 with other sites available in 1 and 2, there is minimal local support with Gorefield Parish Council objecting, vehicle and pedestrian access is inadequate, there are 73 houses being built in the village and there is currently low demand for this type of housing.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey stated that some people do not have access to computers so yes he does letters but his company does not sign them but it is asked that they are collated at the office so they know how many letters are submitted to the Planning department. He referred to the Council's Ordnance Survey map which shows No.59 and he has not fictitiously added it so he takes offence on these comments.

Mr Humphrey referred to the comments regarding the access stating that you can have 4 properties off a private drive and they do not need to have a footpath. He referred to the reasons for the refusal, one of which is the land is outside the developed footprint but expressed the view that the Council does not have a footprint of Gorefield so therefore the proposal abuts existing dwellings, the site is in a small village for new development which has recently allowed 38 dwellings off Back Road supported by officers and there is also no mention in the officer's report of the appeal decision for No.43A reading point 8 "I accept the Council's contention that the locality mainly features frontage development but that does not necessarily mean that non-frontage development is harmful. In this instance where the development would have no material effect on the street scene and only very limited effect on other views the local distinctiveness of the area would not be eroded by the development", this is for an appeal adjacent to this site.

Mr Humphrey stated that a Flood Risk Assessment has now been submitted and he would contest that there are no sites for 4 plots available within the settlement of Gorefield, those that were shown on the screen were for Parson Drove and villages surrounding. He expressed the opinion, as could be seen on the location plan, there is clearly other backland development and he, therefore, requested that members support the application.

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

- Councillor Marks stated that he has visited the site and is not convinced it stands particularly well where the land is, whether it is infill or whatever, it is behind the properties and does not sit where he would expect it to be sitting.
- Councillor Mrs French referred to the sequential test with it being pointed out by the objector that there is various land available elsewhere but Mr Humphrey says there is not in Gorefield and asked for clarification on this. David Rowen responded that as Mr Humphrey indicated some of the examples that were given by the neighbour relate to other settlements, one in Leverington and another in Parson Drove, so for the purposes of the sequential test these would not normally be taken into account if you are looking at a purely settlement base so from that point of view Mr Humphrey's sequential test is possibly accurate but the issue that officers have with the sequential test is that as this is looking at a level of development over and above that which is set out in the settlement hierarchy officer's view is that the sequential test should be on a wider basis because if you are proposing a scale of development over and above that set out in the settlement hierarchy it is always going to be sequentially acceptable as there are not enough permissions elsewhere in the settlement to outweigh the proposal site.

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

**P12/23 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)**

Danielle Brooke presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from David Mead, the agent. Mr Mead made the point that this is an application for a Permission in Principle, which is to demonstrate the principle of a certain form of residential development is acceptable in a certain location up to a certain size and this case is slightly unusual as this is an allocated site within the built up area within the Broad Concept Plan (BCP) for development to the west of March. He stated that the proposal being suggested is for up to 3 dwellings but this could be 1, 2 or 3 but that is the whole point of Permission in Principle it is just to establish the principle and the only information that needs to be submitted is a red line plan.

Mr Mead stated that the site is half an acre for up to 3 dwellings even allowing for part of the site, but not a significant part, to provide a spine road which is unlikely to be much more than 10 metres wide the frontage of the site itself outlined in red is 50 metres and the depth of the site is another 50 metres and if you take the frontage from the western front corner of the site to the eastern far boundary which is the land up against the bungalow at 181 Burrowmoor Road it is 80 metres to allow for an access road and 3 dwellings. In his view, there is enough information to demonstrate that it can fit and the slide that showed the position of the spine road, accepting it is only indicative on the BCP, also demonstrates that there is room for both.

Mr Mead expressed the opinion that what happens next, if this is approved, is they go to the technical detail stage, which provides all of the details required to demonstrate clearly how the development can take place showing the exact position and layout of any element of the spine road and the position, design, elevations, floor plans and drainage that you would expect in a full application. He reiterated that this application is only asking for the principle and it is nothing else apart from this.

Members asked questions of Mr Mead as follows:

- Councillor Mrs French asked how far away this site is from Cherryholt Farm? Mr Mead responded that the western boundary of the site is approximately 45 metres from the farmhouse.

Members asked questions of officers as follows:

- Councillor Mrs French questioned that as this land has been in the BCP for several years so with the recommendation being for refusal are officers saying, she does not know what is happening with the rest of land with her understanding there are about 25 landowners here and she assumes this landowner wants to go on their own, would it have a detrimental effect on any other land? David Rowen responded that the reason for the recommendation of refusal is that officers have concerns that by granting Permission in Principle to locate houses on this piece of land potentially the northern link to the BCP between Burrowmoor Road and Gaul Road would be prejudiced and this could have an implication on bringing forward development on the wider northern portion of the strategic allocation. Councillor Mrs French made the point that the committee is looking at what is front of them today not what might happen in the future so surely it is up to the other landowners even if it is in the BCP so it could be argued that the other land prejudices this application. David Rowen agreed that you could make the argument that the BCP is impacting on this piece of land and it has done with a couple of previous applications, however, the policies of the Local Plan are clear that when dealing with applications for small parcels of land within the BCP consideration has to be given to the consequences of that and whether by granting those applications there would be a prejudicial effect on delivery of the wider BCP and this could potentially lead to the loss of the access area. Councillor Mrs French expressed the view that this application is only a Permission in Principle so she cannot see, if this was approved, that it would have a detrimental effect and it might make the other landowners come forward as this land has been allocated for many years, she believes over 20 years, and Cherryholt Farm is a Listed Building but is a wreck and for a Listed Building the Council should have taken action years ago as it is only fit now to be demolished.

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

- Councillor Benney made the point that from what the agent said this is a 50 metre square piece of land, there is land around this and as much as this may block a road going through it the landowner could equally say I am not part of it and not sell it, which would equally block it and then they would find a way to go around it. He stated at his first planning committee meeting there was an application for 27 houses in Stow Lane, Wisbech that was in the corner of a BCP and members were told that this would have a detrimental impact on the BCP which members were told was coming forward and committee turned this down, which he voted against and the BCP has never come about and 27 houses have been lost in Wisbech, which would have provided homes for people. Councillor Benney stated that he agrees with Councillor Mrs French, bringing this land forward may result in the other landowners getting their act together and start bringing this forward as every landowner thinks his land is worth a fortune so they hang onto it and that is why the BCPs have not progressed. He does not think the road would stop the BCP coming forward and thinks there is good merit in allowing this application and if nothing else it sends a message to the other landowners.
- Councillor Purser notes what Councillor Benney has said and the fact that it is regarded as being allocated land, but he was led to believe many years ago this piece of land or that area had a very bad history of flooding, which concerns him and he visited the site and the bend where this site is on is deadly as people speed up and down here and you would take your life in your hands coming out of this junction.
- David Rowen stated that he accepts some of the arguments that have been made in terms of the potential delivery of housing on the site and it is within members gift to go against officer's recommendation and grant Permission in Principle but the one issue he would flag for consideration is the delivery of 3 houses versus prejudicing the delivery of a couple of hundred houses.

Proposed by Councillor Purser to support officer's recommendation to refuse planning permission, which did not receive a seconder.

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

Members did not support officer's recommendation of refusal of planning permission as they feel the proposal makes efficient use of land, it is allocated within the BCP and will not be detrimental to the rest of the allocation and it may possibly make the other landowners within the BCP area come forward.

(Councillor Connor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he was a member of March Town Council when this application was considered by the Town Council but took no part in their planning)

(Councillors 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)

P13/23

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)**

David Rowen presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the proposal is for a new dwelling for Mr Thomas who is well known within the local area as being a major employer with at one stage 230 employees with that business having now been sold and Mr Thomas' current enterprise employs approximately 70 people. She expressed the view that over the years Mr Thomas has put a lot into the local community and continues to do so as his health allows but unfortunately in more recent years Mr Thomas has suffered considerably poor health with one of the resulting main issues being reduced mobility and he is struggling to gain proper access in and around his existing dwelling at The Chimneys, with an opportunity presenting itself with the site next door as the Bowls Club is now closed there is a redundant brownfield site next door to his existing dwelling and the redevelopment of a brownfield site as proposed would provide an opportunity for Mr Thomas to design a purpose built dwelling to meet his specific needs, it will allow him to stay within the area that he loves, close to his existing home, family and business.

Mrs Jackson noted the officer's comments with regards to the location but feels there are benefits to be had by redeveloping this parcel of previously developed land, which is something supported by the NPPF and it would also remove a non-conforming leisure use which could attract unlimited numbers of traffic and noise away from a residential dwelling and business. She expressed the opinion that it is argued that the reuse of this previously developed land would result in a site which is sequentially preferable in terms of flood risk, it is important to note that although the site lies within Flood Zone 3 of the Environment Agency's flood maps for planning these maps do not acknowledge local flood defences and taking into account these defences within the area in reality there is actually a low probability of flooding on this site and this position has been set out in the Flood Risk Assessment which has been acknowledged and supported by the Environment Agency and accordingly there are no sustainable objections in terms of flood risk.

Mrs Jackson stated that the application has received 7 letters of support from the local community and no objections from local councillors or statutory consultees and it is considered that there are valid planning reasons to support this application in terms of the benefits of removing a non-conforming use, the reuse of brownfield land and the acceptability on flood risk grounds.

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

- Councillor Mrs French made the point that it is a brownfield site, it is for one single dwelling and is outline, assuming it would be for a bungalow if the applicant has poor health and the only concern she has is regarding flooding but questioned whether the site has ever flooded before.
- Councillor Benney made the point as the agent said all flood risk has been complied with and Fenland is the best drained piece of land in the country with the best drainage system and the water is managed and whether the site itself floods there will not be a problem with it being built and raising the level of the development which is the mitigation measures to resolve building in Flood Zone 3, it would not run off and run into somebody else's garden and it is not proposed to build 20 houses that is going to allow surface water to run off into another housing estate somewhere else and cause problems there which does happen. He stated that planning is about putting all these ideas in a pot and working out which ones are given merit and what the planning committee feel comfortable with, the fact that it is in Flood Zone 3 there are mitigation measures to build which will stop that building from flooding and if the house next door had flooded he is sure there would be problems with the insurance and in which case he would not want to be building a house next door. Councillor Benney stated that it is a brownfield site and brownfield sites should be developed before green sites and agricultural land so, in his view, it is making good use of land.
- Councillor Marks made the point in relation to flooding that the IDB have got no problems with it, he has driven this road on a number of occasions and he has never seen any

flooding, the issue is more with the road being bumpy than flooding and the water is going to sit on the roadside more than it is the land. He feels it surely makes better use, with the Bowls Club gone, to use this land here than try and find a green field site somewhere else and he has no problem supporting this application.

- David Rowen referred to Mrs Jackson's comments about the site being previously developed but looking at the definition of previously developed land within the NPPF it is not quite so certain that it is within that definition and it is quite explicit that this excludes land in built up areas such as residential gardens, parks, recreation grounds and allotments and he feels that a bowling green would come within the definition of a recreation ground. He referred to the issue of flood risk and the comments of Mrs Jackson regarding the existence of flood defences, making the point that the adopted Supplementary Planning Document on Flooding, which is the Cambridgeshire wide document, is quite clear that in applying the sequential test the existence of flood defences should be effectively ignored when undertaking that sequential test so the fact that flood defences exist does not make the site sequentially acceptable.
- Councillor Marks referred to the mention of recreational grounds and asked if this is in public ownership as opposed to private ownership as he would have thought there should be a difference between the two. David Rowen responded that land ownership does not come into it when looking at this definition but the actual land use relative to that definition.

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

Members do not support officer's recommendation of refusal of planning permission as under Policy LP3 developments in small village settlements will be considered on their merit and would normally be limited in nature and scale to residential infill or small opportunities which it is felt that this proposal is, under Policy LP12 this is the reuse of a rural bowling green and it is felt the benefits of the proposal outweigh the requirement for a sequential test.

David Rowen pointed out that the applicant, his background and his contribution to the community are not material planning considerations, the development site is outside the settlement boundary and conflicts with that settlement hierarchy and the delivery of housing does not override this or flood risk so whilst there is a balance a greater weight needs to be given to certain issues than other issues.

(Councillor Marks declared that the applicant is known to him through a previous business but he has not been in contact with him for a long time and therefore he is not pre-determined and would approach the application with an open mind)

P14/23

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)**

David Rowen presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall made the point that the existing site is adjacent residential buildings both to the North and East and there is already a brick building on this site which is to be demolished and immediately adjacent this site there are 6 residential dwellings as was shown on

the presentation screen. He expressed the opinion that this site was part of a larger site that was a commercial farm park for over 6 years that had over 40,000 visitors a year and there are a number of buildings over that site at the time which have since been converted with approval.

Mr Hall stated that in February 2013 in an officer's report to this Planning Committee it confirmed that this site as part of the overall site is on the edge of a sustainable location, Friday Bridge, which would be under Policy LP3. He stated that the site is in Flood Zone 2 and checking throughout this application and even this morning there are no other sites on the market with planning permission in Friday Bridge that are for sale in a lesser flood zone than this site and there is no objection from the Environment Agency to this proposal on a site that already is surrounded by residential properties to the East and North that were granted approval in 2013 when under the previous Local Plan.

Mr Hall stated that the applicant, who is present today, is a member of the local drainage board and has lived at this site for nearly 60 years and there has been no history of flooding in five generations. He advised that the applicant submitted pre-application advice in 2019, which is referred to in the officer's report, and that advice was given under this Local Plan and confirms that this area of the site is suitable for limited residential development and the advice was to reduce the proposal from 2 dwellings to 1 because that would be preferred but in that pre-application advice there is no mention of the sequential test or flood risk.

Mr Hall stated that there are no technical objections to this application from Highways, Environmental Health and the Environment Agency as well as no local objections. He made the point that an application was approved today that was not supported by the Parish Council and had 22 letters of objection but this application does have the support of the Parish Council and also has 18 letters of support from persons in Friday Bridge clearly showing local support for this proposal.

Mr Hall referred to the indicative site plan on the presentation screen, which he feels shows that two plots would round off this development and to the West is open land which is not proposed to be developed and the dwellings could be moved further back if requested. He stated that pre-application in 2019 under this Local Plan confirms that limited residential development on this site would be acceptable, the proposal is for 2 reasonably sized dwellings and would create a third garden area and ample parking using an existing access on a site with no objections from any members of the public or any consultees.

Members asked questions to Mr Hall as follows:

- Councillor Benney questioned the pre-application advice that it would round off the development. Mr Hall responded that it was in 2019 under a different agent and read out the wording "taking all the above factors into consideration I am of the opinion that a scheme for some limited additional development on this site could be supported" making the point that the previous proposal was for 3 plots, one of which was detached from the site, and this proposal is for 2 plots. Councillor Benney made the point that to seek pre-application advice, act on what has been said and then to refuse it does seem to be unfair.
- Councillor Benney asked what in terms of millimetres is the difference between Flood Zone 1 and Flood Zone 2 because if you look at the flood maps there is hardly any Flood Zone 2 in Fenland? Mr Hall responded that he would not know what the difference in levels is off the top of his head.

Members asked questions to officers as follows:

- Councillor Benney asked what is the difference between Flood Zone 1 and 2? David Rowen referred him to the answer provided by Mr Hall.

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

- Councillor Benney made the point that having a pre-application for 2 houses is cost that somebody has incurred and to get an answer back that advises to submit for less so less is submitted and it still being recommended for refusal, whilst he recognises it is not binding, he feels is unfair. He referred to Flood Zone 2 and members went to a site in Friday Bridge several years ago with that the site being in Flood Zone 2 and next door was in Flood Zone 1, which was lower and if you look at the flood maps there is very little Flood Zone 2 in the whole of Fenland and the mitigation is to raise the floor level and for limited development which the pre-application recommended would be approved he feels there is good merit for approving this application.
- Councillor Connor agreed with Councillor Benney and remembers the site he is referring to in Friday Bridge, which did bring a lot of debate and was against officer's recommendation that it was approved.
- David Rowen made the point that in relation to the pre-application advice, it was one from 2019 and all pre-application advise is caveated that it is relevant for one year only because interpretation of policy can move on with appeal decisions, etc so any advice given in 2019 would not be binding upon a decision made in 2023 and unless he is mistaken the advice given was to reduce the level of development in this part of the site down to one dwelling whereas there is now two so effectively the application submitted has ignored the pre-application advice. He stated that in relation to flood risk and the difference in levels between Flood Zones 1, 2 and 3 , it does not really matter it is classified as being in Flood Zone 2 and the Planning Policy requirements in terms of how such a site is considered in respect of that is quite clear which is if there are sequentially preferable sites available then the application should be refused and when applying the sequential test the issue of mitigation and site specific mitigation does not outweigh the sequential issue, the committee need to be satisfied sequentially that the site is acceptable and the issue of mitigation comes along after the sequential test has been passed.

Proposed by Councillor Marks to refuse the application as per officer's recommendation, but no seconder was forthcoming.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the applicant sought pre-application advice, and whilst this was four years ago and is not binding, did state the principle of development and flood risk was acceptable and it is the same Local Plan in existence as four years ago and that the proposal would make a positive contribution to the local distinctiveness of the area.

**P15/23 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)**

David Rowen presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey stated that he does not believe that he has seen such as strong letter of support from a Parish Council, which he read out and there has been one letter of objection, five of support and as the application is for 6 dwellings they would happily take a

planning condition that the dwellings will be either chalet or two-storey. He stated that a traffic survey has been instructed, with the results received this afternoon too late for today's meeting but in any event the Parish Council want to move the speed limit signs so that the whole of High Road is 30mph.

Mr Humphrey expressed the opinion that key to this is the new footpath and referred committee to Paragraph 160 of the NPPF which states that development on the exception test would provide wider sustainable benefits to the community that outweigh the flood risk, which was used by Fenland District Council in its own planning application in Parson Drove. He expressed the view that the development would be safe for its lifetime taking into account the vulnerability of its users without increasing the flood risk elsewhere and where possible will reduce flood risk overall, with this detail being supplied at a technical stage as this is a Permission in Principle (PIP) application.

Mr Humphrey stated that as highlighted by officers within the report Newton Parish Council feel this will allow an appropriate level of growth to ensure the long-term sustainability of the village. He summarised that it is supported strongly by the parish, the Environment Agency has no objection, the footpath will provide community benefit, 6 dwellings is 11 per hectare and officers say this is an acceptable density, the site is acknowledged as infill and the proposed Local plan has one allocation for 6 within the village of Newton so this shows clearly that this development of 6 will be of a similar standing and requested support for the application.

Members asked questions of Mr Humphrey as follows:

- Councillor Mrs French acknowledged that this is only a PIP application but asked if this was approved would the applicant be prepared to contribute towards a footpath and the reduction of the speed limit? Mr Humphrey responded that he has suggested to the client that they will have to do both of these in order to achieve planning permission so one plots value will be used up in putting the footpath along High Road and around the corner into Rectory Road. He stated that they have undertaken a speed survey, which will be passed to the Parish Council and see how they want to take this forward if this is approved.

David Rowen referred to the comments regarding the provision of a footway and also accepting conditions relating to safe refuge in the dwellings or the dwellings to be two-storey and reminded members that this is an application for Permission in Principle, with the Government advice being that you cannot grant a PIP subject to any conditions or any legal agreements it is purely looking at location, use and amount so issues on what can be achieved in terms of delivering footway improvements are not material to this application.

Members asked questions of officers as follows:

- Councillor Mrs French stated that she was not proposing to put on a condition.
- Councillor Benney asked that although committee cannot put a condition on this PIP application when this is submitted as a Full or Outline application a condition could be put on at this time? David Rowen responded that this would be dealing with a separate application at a later stage with a degree of detail to it but the point is at this moment in time those issues cannot be considered as part of the determination of the PIP application.

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

- Councillor Mrs French stated that she has been on committee a long time and she has never heard a Parish Council support something so much, normally Parish Councils do not want anything built and if this application is approved it ticks a lot of boxes for the parish.
- Councillor Benney agreed with the comments of Councillor Mrs French, he had a ride around Newton about a month ago and there are applications just up the road that have been granted, realising that every application is different and judged on its own merits, and there has been development over a long period of time and different types of development so who is to say this is wrong. He feels if he lived in Newton he would be welcoming this application because of the community benefit in completion of the footpath, which he knows

cannot be guaranteed but sometimes there has to be faith in people and he feels that the benefits that this scheme would bring to the wider community outweigh the reasons for refusal.

Proposed by Councillor Benney, seconded by Councillor Imafidon and agreed that the application be GRANTED against officer's recommendation.

Members do not support officer's recommendation of refusal as planning permission as they feel this is good use of land, the site does not lie outside the settlement of Newton-in-the-Isle and is within it, the proposal would not have an adverse impact on the character and appearance of the area and would enhance it and the community benefits of the proposal outweigh the reasons for refusal.

(All members declared that as this applicant is a relative of Councillor Sam Clark that they know Councillor Clark but would approach the application with an open mind)

6.05 pm

Chairman

PLANNING COMMITTEE



WEDNESDAY, 28 JUNE 2023 - 1.00 PM

PRESENT: Councillor I Benney, Councillor Mrs M Davis, Councillor Mrs J French, Councillor P Hicks, Councillor S Imafidon, Councillor C Marks and Councillor S Clark (Substitute).

APOLOGIES: Councillor D Connor (Chairman).

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

P16/23 PREVIOUS MINUTES

The minutes of the meeting of 26 April 2023 were agreed and signed as an accurate record.

P17/23 22/0098/PREAPP ADOPTION OF SOUTH EAST MARCH BROAD CONCEPT PLAN

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

Members received a presentation, in accordance with the public participation procedure, from Will and Andrew Hodgson, the agents. Will Hodgson stated that he is Strategic Land Manager at Barratt David Wilson Peterborough office and is leading on this site. He advised that Barratt David Wilson control 65% of the site and that is via way of option agreement or ownership and two of the other site promoters include Cannon Kirk Developments and March East Developments Ltd and they have been in discussion with both of these promoters throughout the BCP process and both support the principle of development on the site.

Will Hodgson stated from the outset their strategy has been to ensure the whole allocation can be delivered comprehensively in line with policy and, therefore, the BCP has been produced to ensure this is the case. He advised that they have provided access to the whole site and there is a comprehensive drainage strategy for the whole site and the site has been parcelled up in an equitable way to ensure a equitable number of houses can be delivered on each landowners parcel.

Will Hodgson expressed the opinion that going forward it is their intention to submit an Outline application next month for up to 425 dwellings out of the total of 650, just on the land that they control, and it would then lead to other landowners to prepare their own planning applications to deliver their land holdings, which one landowner has already done. He stated that the site would be delivered with both their house building brands, being Barratt and David Wilson, and this combination brings forward a greater house type, variety and choice for their customers as well as enhancing the ability to propose a master plan, different character areas and design traits.

Will Hodgson stated they are committed to delivering the scheme alongside the Council and the proposals set out in the BCP document are deliverable with the land under its control allowing initial phases of the site to be delivered in a timely manner whilst not prejudicing the development on the adjacent land. He feels this is a fantastic opportunity to create a legacy for the growth of March and urged members to support the application.

Andrew Hodgson stated that it is important to get BCP in place but it is also important that they engage with statutory consultees, which they have done and they are also in the process of producing a planning application for the site so have had engagement with the Lead Local Flood Authority and Highways, with the discussions being well advanced and those discussions have been fed into the BCP. He made the point that this is a BCP and the details in relation to technical matters will be in the planning application but they have tried to identify in the BCP what the scheme is going to look like, how it is going to be accessed and how they anticipate the development parcels to look so the planning application should not be too much different to what can be seen in the BCP.

Andrew Hodgson advised that the parcels will be delivered in phases and discussions are on-going with Cannon Kirk and there is already an application for another parcel of land in the BCP area. He stated that Barrett David Wilson have allowed access into all of the parcels across the site so there will be no ransom situations, with there being an application in on the north-west parcel which accesses from Barkers Lane but if that was not to be achieved there is still opportunity to access that parcel through their site and they want to develop the site comprehensively and he is sure the landowners will come together to achieve this.

Members asked questions of Will Hodgson and Andrew Hodgson as follows:

- Councillor Mrs French referred to mention that in a few months time an Outline application will be submitted and asked why only Outline and not Full? Will Hodgson responded that it is mainly a business decision from Barrett's as full applications tend to take a long time and they want to get Outline secured and then carry on with Reserved Matters as soon as Outline permission is received, the way they phase their programme ensures there are no delays and they are already preparing a Reserved Matters in the background.
- Councillor Mrs French stated that as a member of eleven drainage boards she is concerned around drainage in this area and know there are issues in the vicinity, especially Barkers Lane, but is aware of the separate application. She referred to the offer to March Town Council of allotments, which they are unable to take on, and suggested that they talk to Fenland Farmers who are working on a programme of community gardens. Andrew Hodgson responded that they have had that discussion and have now substituted this for a community garden scheme.
- Councillor Mrs Davis referred to a statement made that there is a full drainage plan but in the update members have received it says "in view of the potential impermeable area created it is suggested that the illustrative attenuation ponds shown are too small and in the wrong location" and also "the shape and dimensions of the attenuation pond are a key consideration" so obviously this is going to be part of the Outline application but asked if they are talking to the Lead Local Flood Authority? Andrew Hodgson responded that they have tried to engage with Middle Level Commissioners at an early stage but did not have a response until last week just before the plan came before committee so have not had time to respond to their comments and some of their comments are very specific to the details of the scheme so a letter was submitted to try and address those points but a lot of the points will be picked up at the detailed Outline stage. He advised that they have no objection from the Lead Local Flood Authority and a lot of the Middle Level comments were quite detailed and they need to look at these with their engineers to see if anything needs to be changed.
- Councillor Marks asked when the initial letter was submitted to the drainage board? Will Hodgson responded that the initial letter was in February and there has been various follow ups seeking responses but nothing had been received until the end of the last week to the Council and the note they have sent back to the Council on Monday includes a timeline of events in terms of approaches they have made with Middle Level.

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

- Councillor Mrs French stated that she is pleased to see that something is actually happening, it has been on the cards for many years but she is seriously concerned about flooding, she has spoken to Middle Level and the relevant drainage boards and they will

respond to the applicant accordingly. She made the point that she understands that there are serious upgrades needed by the drainage boards and they do not have the funding so she feels the applicant is going to have to speak to them and see how they can assist as whilst it might not be now it is the impact 25 years down the line.

Proposed by Councillor Mrs French, seconded by Councillor Mrs Davis and agreed that the Broad Concept Plan for South-East March be ADOPTED as per officer's recommendation.

(Councillor Mrs French declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of March Town Council but takes no part in planning)

(Councillor Mrs French declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that March Town Council had received correspondence in relation to this item but regarding access for future applications)

**P18/23 F/YR22/0633/F
HOOK DROVE POULTRY FARM, HOOK DROVE, WIMBLINGTON
ERECT 1 NO DWELLING (3-STOREY, 4-BED AND LIVING
ACCOMMODATION/FARM OFFICE IN ROOF SPACE) WITH DETACHED DOUBLE
GARAGE WITH STORAGE ABOVE, IN ASSOCIATION WITH POULTRY FARM**

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

Members received a presentation, in accordance with the public participation procedure, from Jamie Curston, a supporter. Mr Curston advised members that he is currently the Farm Manager, being a local man and is married to a local lady having a family of 3, who have connections to the District to assist with their childcare so that they can continue to work in the District and support local services and contribute to the local economy. He expressed the view that his family have outgrown the 3-bedroomed house and require a 4-bedroomed dwelling to give the children their own space, being both male and female he believes this is appropriate.

Mr Curston stated that he has spent most of his working life in the poultry industry and progressed through the ranks from a trainee stockman to the current position as manager at Hooks Drove Farm since its first opening 8 years ago and it is one of the biggest and high-profile farms in the country seen as a flagship farm. He expressed the view that they lead the industry in technology to promoting effective farming, produce antibiotic use and implement extremely high bird welfare, which has led to an increase in his responsibilities and an increase in the complexity of running the business including integrating renewable energy and water recycling that requires constant monitoring.

Mr Curston stated that the job is demanding upon his experience and understanding of the ever increasing bird welfare and husbandry, with developing environmental controls and improving health and safety conditions for workers all contributing to ensure the health and successful growth of the birds on the farm. He added that he is also responsible for the welfare of the staff and the health and safety of the farm, with lone working considerably frowned upon and they are trying to eradicate it, which can be overcome by two people working together as there are many dangerous aspects to their work such as working at height, machines jamming, electrical malfunctions, etc and being a livestock farm these need to be dealt with immediately, often out of hours greatly increasing the demands on the labour force.

Mr Curston advised that the farm has 4 full-time workers during normal working times but out of hours there are only 2 living on the farm, emergencies often occur out of hours times and if he or his stockman are on holiday then there is only 1 person to deal with the risks of ½ million birds spread over 11 acres and dealing with the operation and safety of the farm's systems, which, in his

view, is not reasonable as at times someone travelling in from distance would not fulfil the requirements of the birds welfare. He expressed the opinion that at a time of emergency a call for assistance to one of its off-duty staff living off-site, may or may not be successful and may take up to 30 minutes to respond, with the delay possibly causing serious health problems to the flock estimated to be worth £1.5-2 million.

Mr Curston expressed the view that within the industry statutory holidays and part weekends off duty this amounts to 87 days per year for each employee based on their 6 day working week and with only 1 man on site the farm operation is at serious risk and the employees welfare is compromised, the third dwelling now requested is required to allow 3 workers to live on site full time so there will always be a minimum of 2 men enabling 1 man to be absent on annual leave, sickness or for any other reason. He feels the erection of the third dwelling as proposed is in an ideal situation close to the farm entrance and immediately adjacent to the farm buildings and the proposed 4-bedroomed size will provide adequate accommodation for his family and assist his continued management and operation of the farm.

Members asked questions of Mr Curston as follows:

- Councillor Marks referred to bird flu and the recent experienced outbreak and asked if the farm is closed to anybody coming in thereafter and then staff try and live on site? Mr Curston responded that restrictions are in place so visitors are kept to a minimum and it is just essential visitors, such as feed deliveries and staff.
- Councillor Marks asked if the birds are being fed during the night as well on a 24-hour basis? Mr Curston responded that it is a 24-hour production and there is a 6-hour dark period but a 24-hour constant monitoring system to ensure the birds are well looked after.

Members received a presentation, in accordance with the public participation procedure, from Dominic Parker, the applicant, and Derek Salisbury, the agent. Mr Parker expressed the opinion that this application with an officer's recommendation for refusal is largely due to the difference of opinion relating to the agricultural need and he employed Brown & Co to consider the agricultural need relating to an additional residential property, with the author of the report spending time on the farm assessing the factors and interviewing the staff gaining a sound understanding of the complexities for running a large modern flagship poultry farm, with their approach being thorough and their conclusions in favour of the requirement for a third dwelling, in his view, a well justified and well documented need in the 34 page report. He expressed the view that Sanham Agricultural Planning Limited were recommended to the Local Planning Authority by the first-choice planning consultant who withdrew, as a micro company with 1 director, 1 employee and limited resource it could not have the resource available to properly assess this complex application.

Mr Parker expressed the opinion that their report was unsubstantiated with broad sweeping statements that did not reflect the reality on the farm and the author did not accept an offer to visit the farm to understand the justification documented by Brown & Co instead it carried out a desktop assessment with no regard to the scale of the operation or the advancing requirements of bird welfare and it makes no comment on the health and safety issue of lone working as documented by the NFU nor the increasing security concerns of a single man dealing with the potential theft or violence at an isolated farm. He feels the lone voice recommending refusal contradicts the support of the NFU, CLA and numerous experienced members of the poultry industry who understand the operation of a poultry farm thoroughly and they all confirm the need for three dwellings to enable 2 workers to be always available on the farm.

Mr Parker expressed the view that provision of quality housing on an established farm business within the existing farm for a local family would be a positive outcome and the proposed residential dwelling would save car journeys, use the farm's renewable energy and contribute to the water recycling, an added bonus in reducing the farm's carbon footprint. He stated that if it would help the committee assess the scale of the farm, they would welcome a visit but, in his view, the farm scale justifies a minimum of 2 men on duty at any one time and, therefore, 3 dwellings, with the

farm having a value of about £8 million with stock value of around £1.5-2 million so it is a very important part of his business and a big responsibility for his Farm Manager, with the additional dwelling having an agricultural occupancy restriction and he cannot think why anyone would think why he would want to invest and build this property unless he required it.

Mr Parker hoped that the committee could look favourably on this application for his farm business, farm and employees, with a vote in favour of the application being a vote in favour of enhanced bird welfare, enhanced health and safety, enhanced employee welfare, enhanced sustainability and a reduced carbon footprint and a vote for high quality British agriculture.

Mr Salisbury informed members that he is a Chartered Architect and has worked for 17 years with all sorts of farms at the cutting edge of major improvements in animal welfare and farming practice. He expressed the view that the proposal for the third worker cottage is well founded and justified as demonstrated by the forensic appraisal produced by Brown & Co.

Mr Salisbury stated that the application was registered in June 2022 and they have responded to matters raised intermittently resulting in no objection from Environmental Health, the Wildlife Officer, Environment Agency and Highway Authority and have consental support from the Town Council, from neighbours and poultry users, Middle Level Commissioners, National Farmers Union and the Countryside Land Association, with the sole dissenting voice arises from the unsubstantiated desktop study by the Council's advisor. He stated that no response was received to their Flood Risk Assessment when submitted in January until the officer's report and they have submitted an update which considers that if the essential need for the dwelling is accepted then the sequential and exceptions tests are not applicable and reason 2 for refusal falls away and they contest the third reason regarding the relationship of the garage, which they do not think dominates the existing poorly designed bungalow.

Mr Salisbury stated that the proposed dwelling is critical to continuation of the farm as a flagship operation and requested that members approve the application with appropriate conditions.

Members asked questions of Mr Parker and Mr Salisbury as follows:

- Councillor Mrs French asked who the poultry farm supplies to? Mr Parker responded presently the birds are going into Sainsburys and there is a new contract for a higher welfare bird again, which started about 2 months ago and the monitoring involved is onerous.
- Councillor Mrs French asked if CCTV was installed on the farm? Mr Parker responded that there is CCTV installed on the outside of the buildings for security purposes and part of the proposal for the new Sainsbury's contract is that CCTV is going to be placed inside as well so the birds can be monitored.
- Councillor Marks referred to there being an office in the roof space and asked if an office was being removed or is this a new office? Mr Parker responded that this is a new office, the existing farm office will continue but there is a bio security fence which means that when you cross it into the farm you have to carry out security verification and this will enable the Farm Manager when he is off duty or at home to still monitor and work on the flock, it will be connected to the main office but means he does not have to walk in and out all the time if there is an issue breaking the bio security and enhancing the risk of AI.

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

- Councillor Benney expressed the view that this falls into the remit of a grey area, he can see why officers have reached their conclusion and as much as you can get experts to come in and say what is and is not needed the best person to know what is required is the person that runs it and very often the committee have to take what people tell them at face value. He expressed the opinion that this is a serious business and if the people running it say they need 3 people it seems perfectly reasonable, with you not being able to have 1 person working now anyway due to health and safety. Councillor Benney stated he has never kept

chickens but he has helped rear pheasants for pheasant shooting and he knows the work that goes into looking after any bird of any sort and he feels the owner would not be spending money to build a house with agricultural restrictions if he did not have to spend this money. He reiterated that the best person to say whether something is needed for the business is the person running it and he can take this at face value and can see the problems in relation to health and safety, animal welfare and it falls in the grey area where members needs to make a decision about supporting a local business, which the Council is committed to doing, and this business will grow. Councillor Benney expressed the opinion that the reasons for refusal are outweighed by the need for this business and he does not accept this is damaging the landscape or the area, it is not in a built-up area, this is where this enterprise belongs on a farm. He stated that he will be supporting the application.

- Councillor Hicks referred to the site being in Flood Zone 3 and feels a precedent has already been set by allowing other buildings to be built on the land previously so he cannot see this as a valid reason for refusal.
- Councillor Marks referred to the committee passing one very similar for a potato farmer as they had to live on site 24 hours and the security issue with the gliding company near March so he will be supporting this application.
- Councillor Mrs French stated that until she read the report she did not realise there was such a business in the District, she referred to the Council being Open for Business and the owners of this farm should be helped, with it being remarkable that they are prepared to build a house for farm workers, the owners are prepared to provide high quality work and build a high quality home so she will not be supporting the officer's recommendation.
- Councillor Mrs Davis stated that she agrees with the comments of Councillors Benney and Mrs French but made the point that it is difficult when members know what the Local Plan says should be allowed but as Councillor Benney says there is that grey area and, in her view, this proposal falls squarely in this. She feels it has been clearly explained why the owner needs this property, it is not going to be built for the sake of it, it is clearly needed and it is tied to an agricultural condition so she will be going against officer's recommendation.
- Nick Harding reminded members, seeing how the vote is likely to be going, that if minded to approve the development that delegated authority be given to officers to apply appropriate conditions. He stated that in the reasons for going against officer's recommendation that if committee feels there is an essential and functional need for the dwelling it does not agree with officer's conclusion on the impact and appearance of the dwelling in a countryside location and if members feel there is an essential and functional need the flood risk reason falls away.

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

Members do not support officer's recommendation of refusal of planning permission as they feel there is an essential and functional need for the proposal and this is the right location for this type of business, it will not be harmful to the area and as it is considered that there is an essential and functional need this overrides the requirement for a sequential test to be undertaken.

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

(Councillor Mrs French declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that she had been lobbied on this application)

Nikki Carter presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the agent. Mr Gowler stated that the application is for a single plot which would make an ideal single family home or self-build property. He referred to the committee report describing this application as being sub-standard due to it being backland when Eastwood End is primarily linear development and made the point that the existing Rhonda Park is located 150 metres along Eastwood End, which is a development already in depth which was approved some years ago.

Mr Gowler referred to a photo on the presentation screen which shows an application that was recently submitted and approved by the committee of 9 dwellings also in depth, therefore, in his view, the statement of linear development is not as true as it may seem. He expressed the opinion that there has also been recently approved a barn conversion to the west of the site which will also introduce some backland development, although this was given under the Prior Notification system it will introduce that residential feel in a backland situation.

Mr Gowler noted that a further reason for refusal is the effect on neighbours in terms of noise and loss of privacy but made the point that as this is an Outline application the details of this could easily be resolved during the Reserved Matters with careful design of either a single-storey or chalet bungalow to avoid any overlooking. He expressed the view that the site has no effect on the open countryside, is not in the flood zone and with a development of 3 dwellings further to the south is very similar in appearance.

Members asked questions of Mr Gowler as follows:

- Councillor Mrs French asked what is different about this application to the previous one? Mr Gowler responded nothing apart from the fact that the surrounding area has had more growth approved.
- Councillor Imafidon asked for clarification that it is going to be a single family dwelling and has the application been submitted with someone in mind to live there or is it going to be sold. Mr Gowler responded that it is only outline at the moment but the size of the indicative property would be a small family dwelling and his client if given approval is not sure whether he will build it and sell it on the open market or whether he will sell the plot as the plot size makes it an ideal self-build plot but the final design is not set.

Nick Harding made the point that the application is for a market house rather than a self-build.

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

- Councillor Benney stated that he thinks officers have got the recommendation correct on this application, this is backland referring to the sites shown by the agent on the presentation screen, with one being for 9 dwellings and one being passed on appeal, and nothing has changed on this application to the previous one, it was refused before there is nothing new and he feels this should also be refused.
- Councillor Mrs French stated that she cannot see any difference and it was confirmed by the agent there is no difference, there is always talk about consistency so the officers have got this right and committee would, in her view, look foolish to overturn this application when it was previously refused.
- Councillor Mrs Davis stated that it is on record that an application was refused at 30 Eastwood End for a similar scheme being backland development and in the interests of consistency this application should be refused.

- Councillor Mrs French pointed out the comments of the Parish Council and this needs to be taken into serious consideration.

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

(Councillor Marks registered that the applicant is known to him via business and took no part in the discussion and voting thereon. Councillor Mrs Davis chaired this item)

(Councillor Mrs Davis declared, in accordance with Paragraph 14 of the Code of Conduct, that she is Chairman of Wimblington Parish Council, but takes no part in planning)

(Councillor Benney registered that the agent is the brother of a fellow Chatteris Town and Fenland District Councillor but he does not associate with the agent and it will have no bearing on his determination of this application)

**P20/23 F/YR23/0077/O
LAND SOUTH OF FERRY FARM LONDON ROAD AND ACCESSED OFF
STOCKING DROVE, CHATTERIS
ERECT UP TO 6NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater, on behalf of the applicant. Mr Slater stated that members will note from the report that there are no technical or amenity objections to the proposal and the key reason for refusal relates to the officer's interpretation of the strategic settlement hierarchy, Policy LP3. He expressed the opinion that both the application submission and the officer's report address this matter and the issue of the precedent of residential development is established through the recent grant of permissions in the vicinity, with there being 8 plots approved in the vicinity since 2013 and 5 dwellings approved immediately adjacent to the site since 2019.

Mr Slater expressed the view that it is the most recent approvals that are most relevant as they have been approved pursuant to the current Local Plan and more recent editions of the NPPF and he feels it is clear, looking at the planning history, in relation to development around the current application site that the committee has consistently taken a different view to officers in respect to the interpretation of LP3 and the definition of an elsewhere location. He referred to the committee's consideration of all of the recent developments on the adjacent sites and the resultant decision notices notes that "the committee in their consideration of the scheme concluded that the application site was not considered to be an elsewhere location under the terms of policy LP3".

Mr Slater referred to a decision at the March 2023 committee where "Members feel that the proposal complies with LP3 as the site does lie within Chatteris" and feels that with committee taking this consistent position it is clear that members consider that the principle of development in accordance with LP3 is established in this location. He expressed the view that the recent planning decisions by this committee in 2019, 2020, 2021 2022 and 2023 have all been made under the currently adopted Local Plan having complete regard to the wording of and meaning of LP3.

Mr Slater expressed the opinion that in relation to refusal reason 2 it is reiterated that the application is made in Outline with all matters reserved and it is not accepted that the proposal would cause significant harm to the local countryside as the site will be seen as part of the cluster of developments in and around the junction of London Road and Stocking Drove, with the ability of the Local Planning Authority to consider layout, design and landscaping in the Reserved Matters submission providing them with control in terms of appearance and visual impact. He stated that

the application referred to the proposal being possibly for workplace homes as these have been successful forms of economic development within Fenland and it is noted that the emerging Local Plan in Policy LP15 makes reference to “support the growth of small and micro businesses, encourage business start-ups and promote an entrepreneurial culture”.

Mr Slater stated that it is likely that the properties will be self-build properties and this gives the opportunity for bespoke dwellings and workplaces to meet individual needs and of the highest quality to be built. He requested in the interests of good planning and consistent decision making that the committee takes the same approach to the current application as to previous applications and that planning permission is granted.

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

- Councillor Benney stated that this site falls within his ward, he knows the area well and LP3 and the issue of elsewhere location has been discussed on every other application that committee has approved in very close proximity to this one. He stated the Chatteris and Welcome to Fenland sign are at the bottom of Ferry Hill, which is further out of town and there is development in the area, with the committee passing two adjacent to this site and three on London Road opposite the junction and earlier this year a single bungalow was passed which is more or less opposite this site on the opposite side of the road. Councillor Benney expressed the opinion that members need to be consistent in its approach and it has been covered that the committee does not think this is an elsewhere location and he feels there is a difference of interpretation between officers and members but the committee has to be consistent. He referred to the mention of workplace homes and feels there a need, referring to the workplace homes at George and Albert Way in Chatteris which were snapped up and there are businesses running from these properties and he sees no reason why this would not happen here. Councillor Benney stated that he looks at this as a local councillor, he interprets the policy differently, does not accept the refusal reason of LP12A and there is a need for workplace homes.
- Councillor Mrs French stated that she does agree with the comments of Councillor Benney in part but her understanding is there is no policy for workplace homes, it was scrapped in 2009 due to the shambles that occurred at Manea.
- Nick Harding highlighted the statement made by David Rowen that explained the differences between this site and the locations where committee have previously approved development in this location contrary to officer’s recommendation, which is key to the determination of policy. He referred to the agent mentioning that this would be a self-build proposal, that was not what was identified in the application form so if the applicant is now saying that this is a self-build development then that would have to be taken into consideration, ie a Section 106 Agreement would be required in order to secure the units as being self-build. Nick Harding expressed the view on the issue of work units that he would guard against putting any conditions in relation to controlling this as the chances of enforcement are generally quite slim.
- David Rowen stated that whilst Councillor Benney is correct in that there has been a precedent set by the committee over whether this is an elsewhere location or not and members may accept that it is part of Chatteris and, therefore, complies with LP3 there is still a character issue here. He feel from looking at the photos on the screen the site is clearly just open Fen countryside and the application site would take up part of an open field, there are no natural boundaries and the sites that have been granted elsewhere on London Road have generally filled in gaps between existing properties or been within the confines of existing properties there has been no encroachment out into the countryside whereas here there are 6 dwellings on a site of 120 metre length extending out into the countryside with a clear character impact as a consequence.
- Nick Harding asked if clarification could be obtained from the agent as to whether or not this is a self-build planning application or a market housing application as this is important in terms of any resolution the committee may make. Mr Slater responded that they are not specifically self-built plots but would be individual plots sold as bespoke units.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the location is not an elsewhere location under the terms of Policy LP3 and they do not consider under Policy LP12A that it would not be harmful to the existing character and appearance of the countryside.

Councillor Mrs French stated that she would be concerned about a condition regarding workplace homes be placed on the approval. Nick Harding stated that this is noted.

(Councillor Marks registered that the applicant is known to him via business and took no part in the discussion and voting thereon. Councillor Mrs Davis chaired this item)

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

**P21/23 F/YR22/1405/F
LAND SOUTH WEST OF 241 NORTH BRINK, WISBECH
CHANGE OF USE OF LAND FOR THE SITING OF 4 X MOBILE HOMES FOR USE
AS HOLIDAY ACCOMMODATION**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Truswell, an objector. Mr Truswell stated that his objection is largely due to the proximity to his property next door, he lives adjacent at 251 showing on the plan displayed on the screen where his property was, and the negative impact the proposal will have on available daylight and the associated noise pollution. He believes there is a more suitable location away from his boundary but still on land believed to be owned by the applicants, with there being a large expanse of unused land to the north, north-west and north-east, land which is already served by an adequate point of access from the main road.

Mr Truswell stated that there have already been several planning applications for this small piece of land which have been refused and this application in its current form affects 2 households, 6 people, 2 families but if it was to be moved to elsewhere on that land it would not impact any households. He feels the proposed holiday village will have an adverse impact on his quality of life in its current proposed location.

Members asked questions of Mr Truswell as follows:

- Councillor Imafidon asked for clarification on how the proposal affects his property apart from noise pollution. Mr Truswell responded that as they are semi-detached the ground floor light comes in through 4 windows so down the side of the house consists of 75% of their light, the applicant is already growing bushes that are up to 12 feet high which is already affecting his light and he did submit in his objection a side aspect showing, using a telegraph pole at the top of road as a reference point, where the highest point of the static caravan next to his property would impact. He feels it would impact with available light and noise. Councillor Imafidon questioned that he stated that there is already a 12-foot hedge. Mr Truswell responded that it was 10-feet 3 months ago and it is now 12-foot and will be 14-foot imminently. Councillor Imafidon asked if that hedge is already there how will the caravans impact, will they be taller than the hedge? Mr Truswell responded that this is a conversation he plans to have with the applicants as he feels the hedge is now getting too high and affecting their available light.

- Councillor Mrs French asked if he had spoken to his neighbours about the hedge as there is legislation on overgrown hedges and the owners have a statutory duty to keep them under control. Mr Truswell responded that the applicants have been really good up until recently keeping them maintained and he does not think it is noticeable from their aspect but there has been a surge in growth this past few months. Councillor Mrs French asked again if he had tried to speak to the neighbours. Mr Truswell responded not as yet but to be fair he feels slightly aggrieved that the planning application has been applied for and he found out after it had been submitted and he does not feel they are on a friendly chat over the fence footing anymore.
- Councillor Hicks referred to there being a gap between the building and his house so it is not right on his border? Mr Truswell responded that looking from the street scene view it does look closer but he believes there is going to be hot tubs on the ends of these caravans. Councillor Hicks asked how do he know this? Mr Truswell stated that it is in the planning application text and there would be extra noise when there is a massive amount of land over to the north which has no households near it demonstrating this point on an aerial plan of the area shown on the presentation screen.
- Councillor Mrs Davis asked what the workshop on his property is used for? Mr Truswell responded that it keeps his Land Rover Defender away from the rain and he does odd jobs within it as he is a lorry driver by trade.

Members received presentations, in accordance with the public participation, from Beverley Wakefield, the applicant, and a written representation from Alexandra Patrick, the agent. Mrs Wakefield stated that she has lived along North Brink for 20 years and her neighbours at 255 previously provided holiday accommodation for many years but due to their retirement and moving the business has now ceased and people often enquire whether they could use their land for holidays due to its location to the town and declining numbers of hotels available in Wisbech. She expressed the opinion that the sunset and sunrises are amazing which are easily viewed from her property and will also be of benefit to the occupants of the proposed holiday accommodation.

Mrs Wakefield provided details of a particular request they had received and since then they have toyed with the idea of providing hotel accommodation on the land and decided last November to formally submit an application. She stated that they will be available to personally manage the holiday lets and answer any questions or issues that may arise as they have a vested interest in running it peacefully and with the littlest amount of disruption to all concerned.

Mrs Wakefield stated that they also propose to retain as many of the pear trees as possible and will site the holiday lets among them providing fruit for the benefit of the occupants when they are in season, additionally there are blackcurrants, raspberries, gooseberries and rhubarb which will also be freely available for the proposed occupants to help themselves to experience the localised fruit during their stay and enhance their enjoyment of staying in the Fens. She added that they also proposed to put nest boxes around the trees to encourage more wildlife, which she has great pleasure in observing daily and hopes that she can count on members support for her proposal.

Member Services read out the written representation from Alexandra Patrick. Ms Patrick stated that in accordance with the officer recommendation of approval for this application she would naturally like the committee to agree with this recommendation. She expressed the view that within this village and the surrounding villages are a number of holiday let sites, all thriving and bringing business and tourism to the local area and the site fits well within the character of the area with a natural boundary to the front and surrounding perimeter of the site.

Ms Patrick expressed the opinion that foraging the extant fruit trees and an abundance of nature walks supports this development's location and amenities, but the location is not too far away to miss out on the local tourism the Georgian town of Wisbech can provide; Peckover House, Elgoods Brewery and Octavia Hill's Birthplace to name a few. She feels the mobile homes are typical to those in this Fenland locality as seen at Tall Trees caravan and camping park in Guyhirn

and mobile homes at Manor Lodges, Seadyke Bank, Murrow, with the natural screening to the front and position of the holiday lets not being detrimental to the neighbouring properties, no overlooking or overshadowing of any kind given they are single-storey developments.

Ms Patrick made the point that there are 6 letters of support for this application and only 2 negative letters. She acknowledges that the flood zone is a high one in this locality but stated that the site will have evacuation plans and a roof escape window should the committee deem this acceptable and given the recent approval of a bungalow and full-time living accommodation for mobile homes further west along North Brink, a development such as this for tourism and restricted to 10 months of the year seems, in her view, acceptable.

Ms Patrick stated that the holiday accommodation will be managed by the owners of 241 North Brink, given the very few numbers of mobile homes proposed, which should not take away the aesthetics of North Brink.

Members asked questions of Mrs Wakefield as follows:

- Councillor Mrs French referred to the comments of Mr Truswell and asked Mrs Wakefield to tell her about the height of the hedge as she has obviously got a duty to keep it under control and she cannot see anywhere in the report where it says about hot tubs. Mrs Wakefield responded that they always trim the hedges in January/February before the birds nest and whenever they are starting work, especially on that boundary, they send a text message to the neighbours to inform them and they always work on their side so all the rubbish comes their way. She stated that the fence that is there is 1.8 metres so they usually work to this height and they did cut them in February but the new growth is incredible and they will be cut again in October, always undertaking the work twice a year. Mrs Wakefield stated that there are no plans for any hot tubs.
- Councillor Imafidon appreciates that due to the nesting season that the hedges cannot be cut regularly but referred to the mention that they were cut in February. Mrs Wakefield reiterated that they were cut in February before the birds nested and they were cut right back and Mr Truswell was quite happy with the height. She made the point that Mr and Mrs Truswell have lived next door for 7 years and they have never had a problem or a query regarding the hedges until today.

Members asked questions of officers as follows:

- Councillor Mrs French referred to officer's being satisfied that there will be no overlooking and asked if this is correct, as it is contrary to what the objector is saying. David Rowen responded that the report in a couple of places addresses the relationship between the development and the adjacent property and concludes in planning terms that this is acceptable.

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

- Councillor Benney expressed the view that whether the height of the hedge is 8 foot or 15 foot does not make any difference to a planning application as there is a mechanism in place to deal with high hedges, talking to your neighbour being the first thing. He feels that whether it is wanted or elsewhere it is in front of members today and he can see no evidence to say that there is anything contrary to what policy says and cannot see no material planning reasons to refuse this, with every application that is approved being next to someone who may not want it but that is not a reason to refuse, although he acknowledges the concerns of the objector.
- Councillor Mrs French agreed with the comments of Councillor Benney.
- Councillor Imafidon stated that being from Wisbech and knowing that developments are needed in Wisbech for tourism he supports this application. He acknowledges the comments from the objector but Mrs Wakefield has informed members that noise will be minimal and she will continue to maintain the hedges.

- Councillor Hicks referred to noise and queried what age groups would be expected in these caravans? Councillor Marks reminded him that members were now in debate and the question should have been asked earlier.
- Councillor Imafidon asked if it is officer's responsibility to put a condition on noise control? David Rowen responded that no noise conditions are recommended to the committee but if the development occurs and there are noise issues there are controls through the Environmental Health legislation to address those.
- Councillor Mrs Davis asked for clarification that if there are noise complaints Environmental Health could get involved and it could be like on other sites that conditions could be applied such as no vehicle movements after 11pm. David Rowen responded that what would happen if the development was to take place and was to generate a level of noise complaints could be made to the Environmental Health team by local residents, those would be investigated and if it was demonstrated that there was a statutory nuisance created then there are controls which can be applied to address those.
- Councillor Benney made the point that members are looking at a planning application in front of them today and members cannot pre-empt what might happen, with mechanism being in place to deal with possible future issues.

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

P22/23

F/YR22/1137/F

**LAND WEST OF 70-71 SOUTH GREEN AND FRONTING FIELDSIDE, COATES
ERECT SINGLE STOREY 1-BED DWELLING AND FORMATION OF A NEW
ACCESS**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Hall, the agent. Mr Hall stated that there are no technical objections to this application and within the officer's report there are concerns regarding the neighbouring windows overlooking this proposal but expressed the view that those two windows, which are first floor and he believes bedrooms, overlook the garden area of this site at the present time. He expressed the view that with this proposal one of the windows will directly look at the bungalow and by splitting the garden and building this bungalow, in his opinion, it will offer more privacy to the garden of No.75, which is spilt to the rear and front of the property.

Mr Hall stated that in 2017 an application by a different agent was refused, which did have an objection from the neighbour but this revised application by themselves does not have any objections at all. He expressed the view that previously on this site there have been approvals for a dwelling, with an application being rightly refused previously for two-storey and the last application was refused in 2017 which was for a bungalow built on the boundary and also had roof lights, which attracted the neighbouring objection and this proposal has removed the roof lights and showed the bungalow to be set in the site about 1 metre from the boundary.

Mr Hall stated that, since the previous refusal for this site, on the opposite side of this road directly opposite this site planning approval has been given for 8 two-storey houses in July 2020 by the committee. He added the existing property No.75 still retains its parking and still has over half its site area as garden and this proposal is for a 1-bedroom starter home on a site in Flood Zone 1, a third garden area, no overlooking from the proposal, adequate parking, no technical objections and no neighbouring objections.

Members asked questions of Mr Hall as follows:

- Councillor Mrs French referred to 5.2 and the comments of the Definitive Map Team and asked for further explanation and is the proposal going through a public right of way? Mr

Hall responded that the actual access to this site runs at the back of property at the moment and from the deeds that he has seen the applicant does have a right of way onto that public byway, which is used by numerous other properties. Councillor Mrs French requested clarification that it is not going to be blocked off? Mr Hall responded that it was not.

- Councillor Mrs Davis asked what the amenity areas for the two properties would be and do they fall within the normal regulations? Mr Hall responded that if this is approved and built the existing property No.75 still has over half its site area as garden, which is split at the back and a substantial area at the front, and this proposal has a third garden area and there has been no concerns raised by officers in relation to the garden area.

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

- Councillor Mrs French stated that she does have concerns about this proposal as looking at Whittlesey Town Council comments it recommends refusal due to over intensification and it could be detrimental to the health and wellbeing of any occupants. She further expressed concern about public rights of way being blocked off because over years they just seem to disappear.

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

(Councillor Benney declared that he knows the agent for this application and he has undertaken work for him and also worked with him on the Growing Fenland project at Chatteris, but he is not pre-determined and will approach the application with an open mind)

P23/23

F/YR23/0230/O

**LAND SOUTH EAST OF TALL TREES, STATION ROAD, WISBECH ST MARY
ERECT UP TO 3 X DWELLINGS WITH GARAGES (OUTLINE APPLICATION WITH
ALL MATTERS RESERVED)**

David Rowen presented the report to members and drew their attention to the update report that had been circulated. He stated that further comments have been received from the Highway Authority in respect of the revised plan referred to in the update and these comments are still that it has not been demonstrated to their satisfaction that suitable visibility can be achieved.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the proposal seeks outline planning permission for 3 dwellings, with all matters being reserved and, therefore, the drawings are completely indicative. She feels the proposal has raised issue with the principle, visual impact and highway safety and with regards to the principle the site lies within Wisbech St Mary which is identified as a growth village within Policy LP3 of the Local Plan, with growth villages being second on the settlement hierarchy demonstrating that these are the areas where the Council wants to see new housing and, in her view, it is a given that infill development is acceptable in such locations and Policy LP3 specifically states that village extensions may be appropriate.

Mrs Jackson expressed the opinion that the application site is positioned next to the built-up frontage of development to the south and this development extends from the village centre up Station Road with continuous residential development along both sides of the highway. She feels the application site physically adjoins the frontage development on the western side of the highway and there are other dwellings to the immediate north, with it constituting a gap in an otherwise built-up frontage and, therefore, she feels it constitutes infill development, which is supported in policy terms.

Mrs Jackson expressed the view that if it was considered that the development did not constitute infill development the scheme would compromise of 3 new dwellings which are attached to the existing built form and as such the proposal would be a village extension and this would comply

with Policy LP3. In her view, any interpretation of the site is supported in principle in planning policy terms.

Mrs Jackson referred to the issues with regard to visual impact and feels they are a misnomer as the scheme is submitted in outline only and, therefore, the specific appearance of the development is currently unknown. She feels that as the principle of development is acceptable in policy terms the physical development of this area is a given and, therefore, the second proposed reason for refusal in terms of urbanisation falls away.

Mrs Jackson referred to the update which includes a further plan demonstrating that the development can be achieved using a single point of access taken from the existing access point and shared across the 3 properties and she feels that as the existing access serves agricultural land it is capable of accommodating any number of vehicles, at any scale and at any time, therefore, it is considered that the access is capable of safely accommodating the movements associated with 3 dwellings. She acknowledged that the County Highways have requested visibility splays associated with speeds of 60mph, but, in her view, given the proximity of the site to the existing 30mph speed limit and given the junction at Volmary and Garden Lane it is unlikely that speeds of 60mph will actually take place, this is referenced as Leverington Common which is to the north of the site is a 50mph highway.

Mrs Jackson referred to Highways asking for visibility splays of 2.4 x 250 metres, which can be achieved to the north and to the south 150 metres can be achieved, which is 110 metres over what is required for a 30mph area and she feels that safe access be achieved. She made the point that there are no technical concerns with the development and the scheme is before committee with support from the Parish Council and local residents and she hoped that members would be able to grant planning permission.

Members asked questions of officers as follows:

- Councillor Benney referred to the report stating that the safe access cannot be proven and asked if this is still correct? David Rowen responded that the advice of the Highway Authority is that it has not been demonstrated to their satisfaction that the visibility splays that Mrs Jackson referred to are appropriate and they are saying to accept a lower standard of visibility there would need to be a speed survey, which has not been undertaken.
- Councillor Mrs French made the point that speeding is a problem right across the District and asked if it is possible that this application could be deferred until the speed survey is undertaken? Nick Harding responded that technically this could be done but he would counter against this because with minor applications there is the approach whereby one round of amendments is permissible with development proposals and if the problems identified by officers are not resolved after one attempt then they invite the application to be withdrawn or alternatively a decision is made on the application. He stated that a deferment is usually used to get clarification on a particular issue whereas in this instance it could be some time before the speed survey could be undertaken, verified by the County Council and the junction redesigned as may be appropriate. Councillor Mrs French questioned that officers are saying this application is not complete without the survey. Nick Harding clarified that the application is not approvable in its current state.
- Councillor Marks asked for clarification that this is the second time the access has been questioned and there is a verbal response this time as someone has gone back to ask questions. David Rowen responded that Highways have provided a written response and his understanding is that initially comments were made by Highways setting out their concerns with regards to the lack of visibility splays, a drawing has then been submitted by the applicant demonstrating a lower standard of visibility splay and Highways have then said these splays are not adequate and to justify them they would require a speed survey, a further drawing has then been submitted which has sought to change the indicative layout from 3 access points to 1 shared access point and the further advice from Highways is that it still has not been demonstrated that these lower standard visibility splays are adequate as

there is no speed survey.

- Nick Harding added that the slide on the presentation screen shows that there is clearly not continuous development from the main part of the settlement, there are clear gaps between development along Station Road so he finds it difficult to agree with the comments made by the agent, it is outside the settlement and it is not an infill proposal as outlined in the Local Plan.
- Councillor Clark asked if there is a development on-going currently on the opposite side of the road? David Rowen responded that there is a single dwelling that is being built on the opposite side of the road, which was a committee overturn and went against a previous appeal decision on that site.

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

- Councillor Benney expressed concerns over the access and visibility splays but made the point that there are 3 reasons for refusal and committee should look at what grounds it turns the application down. He believes it should be refused on highway grounds but are all 3 grounds relevant, should reasons 1 and 2 be discussed because it is only reason 3 that is of concern to him. Councillor Benney expressed the view that Wisbech St Mary is a growth village, there is building on both sides of this site so it could be said that it is infill, with it being a difference of interpretation and he could have a difference of interpretation on refusal reasons 1 and 2 but reason 3 does need resolving and he does not think it can be deferred.
- Councillor Mrs French agreed with the comments of Councillor Benney and that members need to be looking at Parish Council views and they have no concerns knowing the site well.
- Councillor Mrs Davis referred to 1.3 of the officer's report where it says in relation to LP3 and LP12 "an argument that is supported by conclusions drawn by the Planning Inspector in a previous appeal decision approximately 100 metres closer to Wisbech St Mary than the current application site" and she feels it does fail on the other reasons for refusal.
- David Rowen reiterated that from the aerial photograph he is not sure how this site can be considered to be part of the continuous built form of Wisbech St Mary given the significant green gaps that are on that photo. He referred to the comments of the agent on consideration of appearance being a misnomer, which he feels is incorrect, the issue is not one of the design of the properties but the impact of the development on the character and appearance of the area being a matter of consideration by committee today and putting 3 dwellings on what is a green paddock or field and removing the front hedge is going to have an impact on character and appearance, with the officer view that this is unacceptable and committee are entitled to come to a different conclusion.

Proposed by Councillor Mrs Davis, seconded by Councillor Hicks to support the officer's recommendation, which was not supported on a vote by the majority of members.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be REFUSED on refusal reason 3 only in that it has not been substantiated that a suitable and safe access to the development can be provided.

Members do not support officer's recommendation to refuse the application in relation to reasons 1 and 2 as they feel Wisbech St Mary is a growth village and the proposal is infill as it has buildings either side of the site so it does comply with Policy LP3 and the proposal would not be detrimental to or harm the character and appearance of the area so would not be contrary to Policies LP12 and LP16(d).

P24/23

F/YR23/0310/O

LAND SOUTH WEST OF THE HOLLIES, HOSPITAL ROAD, DODDINGTON

ERECT UP TO 3 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

This item had been withdrawn.

3.20 pm

Chairman

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F/YR21/0885/F

Applicant: ALDI Stores Ltd

**Agent : Mr Rob Scadding
Planning Potential Ltd**

1-3 Hostmoor And 1 Martin Avenue, March, Cambridgeshire

Erect a retail food store (Class E(a)) with accompanying car park, formation of a new access and associated highway works, and landscaping scheme to include erecting 6 x 6.0m high column mounted lights; involving the demolition of existing storage buildings (Class B8)

Officer recommendation: Grant

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks planning permission for the erection of a retail food store comprising 1,804sqm of gross internal floorspace, with a net sales area of 1,315sqm and associated car park. The development will require the demolition of the existing buildings on the site and a new access arrangement off Hostmoor Avenue, restricted to a left-turn only exit from the site (so traffic wishing to join the A141 will u-turn at the 'Tesco roundabout' on Hostmoor Avenue. Crossing points are being provided at the 'Tesco roundabout' (with refuges) and also at the store access on Hostmoor Avenue.
- 1.2 A signal-controlled arrangement at the A141/ Hostmoor Avenue junction is proposed, to mitigate the impacts of the development on the highway network. This follows prior engagement with the Local Highways Authority. This junction will provide for pedestrian crossing points. Subject to progress on the MATS A141 / Hostmoor junction scheme being prepared by CCC and the CPCA in relation to the implementation of the proposed store, it may be the case that a financial contribution (£250k) is made in lieu of the signalised scheme so that the former can be implemented (or a scheme similar to it).
- 1.3 In terms of the economic and social objectives of sustainable development, the proposal would contribute towards economic growth, including job creation through creating 40 to 50 posts, without undue adverse impacts upon vitality of March Town Centre. The proposal would also assist in retaining convenience expenditure within March, assisting the local economy, whilst providing consumers with increased shopping choice. As such, whilst the proposal would lead to a loss of a B class site, the site itself has been found less attractive for such uses given the changed character of the area and development of the site for the use proposed would bring forward economic, social and environmental benefits in accordance with the objectives of sustainable development as outlined within the NPPF, and the site is considered sequentially acceptable from the retail perspective.

- 1.4 In terms of the environmental dimension of sustainable development, the proposal offers opportunity for the incorporation of energy efficiency measures as well as the inclusion of ecological enhancement measures, with potential to deliver net gains in biodiversity. The visual impacts of the development are considered to be acceptable, and the proposal would make a positive contribution to character and appearance of the area. The residual cumulative impacts on the road network would not be severe, and the proposal would accommodate the use of sustainable transport modes. There are no other adverse environmental impacts arising which cannot be addressed, nor adverse impacts upon surrounding land uses and adequate drainage has been demonstrated.
- 1.5 In terms of the combined (comparison and convenience) retail impact of the proposal (in combination with the impact of the consented or yet to be determined Westry Retail scheme) it is not considered to be unacceptable.
- 1.6 The development provides the necessary car, cycle and servicing space. In relation to transportation impacts, with the proposed junction improvements, satisfactory provision has been made for pedestrians and whilst the traffic impacts are not completely mitigated, the impact will not be severe, and it will be no worse than with the present junction arrangement (if the development and the Westry Retail Park and McDonalds schemes did not go ahead).
- 1.7 The recommendation is therefore to grant the application.

2 SITE DESCRIPTION

- 2.1 The site comprises c.0.93Ha of brownfield land located at the north-west of March within the March Trading Estate area. The site is occupied within its southern half by 2 buildings used by Manor Packaging (formerly Brimur packaging) and is understood to have been mainly operating as warehousing for a number of years, with some office accommodation within the eastern building. The northern part of the site is occupied by a single building used for the storage of vehicles, machinery and plant equipment associated with a civil engineering company.
- 2.2 The site frontage is accessed via Hostmoor Avenue and is located approximately 100m east of the A141 highway. A separate access to the northern section of the site also exists off Martin Avenue, accessed by a roundabout on Hostmoor Avenue.
- 2.3 The site lies on the corner of Hostmoor Avenue and Martin Avenue and abuts land occupied by Cobblestones Public House and KFC restaurant and takeaway (west) and Alpine Health Club Fitness Centre (North). A Tesco petrol station occupies land directly south, accessed via a roundabout on Hostmoor Avenue, with further access from this to the associated supermarket. A B&M retail store is located due east along Martin Avenue and sits adjacent to a Ridgeons Builders' Merchants. To the west of the site, beyond the A141 an extant planning permission exists for a large retail park.
- 2.4 The site lies in Flood Zone 1 and outside of any identified surface water flood risk areas.

3 PROPOSAL

- 3.1 The application seeks planning permission for the erection of a retail food store comprising 1,804sqm of gross internal floorspace, with a net sales area of 1,315sqm and associated car park. The development will require the demolition of the existing buildings on the site and a new access arrangement off Hostmoor Avenue, restricted to a left-turn only exit from the site (so traffic wishing to join the A141 will u-turn at the 'Tesco roundabout' on Hostmoor Avenue. Crossing points are being provided at the 'Tesco roundabout' (with refuges) and also at the store access on Hostmoor Avenue.
- 3.2 A signal-controlled arrangement at the A141/ Hostmoor Avenue junction is proposed, to mitigate the impacts of the development on the highway network. This follows prior engagement with the Local Highways Authority. This junction will provide for pedestrian crossing points. Subject to progress on the MATS A141 / Hostmoor junction scheme being prepared by CCC and the CPCA in relation to the implementation of the proposed store, it may be the case that a financial contribution (£250k) is made in lieu of the signalised scheme so that the former can be implemented (or a scheme similar to it).
- 3.3 The store building occupies a footprint of 1,881 sqm and is proposed to be located along the eastern boundary, with its principal elevation facing westwards, back toward the A141, with the car park laid out in front and accessed directly via Hostmoor Avenue.
- 3.4 The store building measures c.8.4m from existing ground levels and includes a warehousing area, offices, toilets, meeting room and welfare area along the eastern side. The roof is mono-pitched and incorporates air intake and exhaust ducts at its north-eastern end. The building is proposed to be finished externally in a palette of materials typical of the brand of supermarket, comprising a mixture of grey cladding for the walls and roof, with high-level glazing across the frontage, with the exception of a glazed entrance lobby.
- 3.5 The car park will accommodate 102 parking spaces including 4 electric vehicle charging points, 6 disabled spaces and 10 parent and child spaces. Deliveries will take place at the northern end of the building where a loading ramp is proposed, adjacent to an external plant area and bin store.
- 3.6 The car park is proposed to be surfaced in black tarmac with parking spaces and pedestrian crossing points annotated with painted lines. Various trees and hedgerow are proposed to be removed around the perimeter of the site, mostly along the eastern and southern extents, with some localised removal of vegetation and a tree along the western boundary where it encroaches onto the proposed car park area. The remaining belt of trees along the western boundary is proposed to be retained, as are a number of more substantial trees around the aforementioned perimeters and these areas are proposed to be bolstered with additional formal hedge planting, maintained at 1.5m, with ornamental shrub planting along the site's northern boundary and site frontage.
- 3.7 Behind this frontage hedge, an area of wildflower is proposed which will also feature the surface water drainage swale. The swale is proposed to capture the run-off from the roof before discharging in the Anglian Water surface sewer, via an underground attenuation tank under the car park.

- 3.8 A signal-controlled arrangement at the A141/ Hostmoor Avenue junction is also proposed, to mitigate the impacts of the development on the highway network. This follows prior engagement with the Local Highways Authority. This junction will provide for pedestrian crossing points. Subject to progress on the MATS A141 / Hostmoor junction scheme being prepared by CCC and the CPCA in relation to the implementation of the proposed store, it may be the case that a cash contribution (£250k) is made in lieu of the signalised scheme so that the former can be implemented (or a scheme similar to it).
- 3.9 Full plans and associated documents for this application can be found at:

[F/YR21/0885/F | Erect a retail food store \(Class E\(a\)\) with accompanying car park, formation of a new access and associated highway works, and landscaping scheme to include erecting 6 x 6.0m high column mounted lights; involving the demolition of existing storage buildings \(Class B8\) | 1-3 Hostmoor And 1 Martin Avenue March Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/planning/permissions/F/YR21/0885/F)

4 SITE PLANNING HISTORY

The site benefits from various planning permissions for industrial use dating back to the 1980's. The most recent, relevant history is as follows.

F/YR20/0920/SC	Screening opinion: Erect a food store involving the demolition of existing buildings	Considered not EIA development
F/YR16/0525/F	Erection of a building and refurbishment of building for B8 with trade/counter use and refurbishment of 1no building for use as builders' merchants and erection of a 2.4-metre-high fencing involving the demolition of 1no building; closure of existing vehicular access off Hostmoor Avenue and the upgrading of existing vehicular access from Martin Avenue with associated car parking, and secure storage area	Granted 9/9/2016
F/YR01/0589/F	Erection of extension	Granted 22/8/2001
F/95/0424/F	Erection of an industrial building for storage and distribution (B8) use	Granted 23/11/1995

5 CONSULTATIONS

5.1 March Town Council

Recommend approval subject to the following point: It is requested that that the entrance / exit features are installed prior to construction works commencing (or other measures are instituted) to ensure that no construction vehicles have to cross from one side of Hostmoor Avenue to the other.

5.2 FDC 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 or be affected by ground contamination.

With regard to noise, I acknowledge and am satisfied with the methodology and findings of the Environmental Noise Assessment undertaken by Sharps Redmore Acoustic Consultants as detailed in their report (Project No: 2019649).

With no specifics yet known on the exact fixed plant/machinery to be installed in the event that planning consent is granted, section 4.4 of the aforementioned report suggests a condition to ensure compliance with relevant standards as defined in section 4.3.

"No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 45 dBA between 0700 and 2300 hours and 34 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014."

I concur that the above would be a sensible condition to impose in the interests of protecting the amenity of the nearest noise sensitive dwellings, despite them being a considerable distance to the north-west.

The issue of potential disturbance to the nearest residents from delivery associated noise during anti-social hours remains a slight concern. That said, if a suitable and sufficient noise management plan is incorporated by the premises that includes factors such as those suggested in section 6.13 of the report, then this would likely mitigate the noise effectively enough so as to comply with the relevant standards at the nearest noise sensitive dwellings. The report does suggest that predicated levels will however comply with relevant World Health Organisation guidelines anyway.

Whilst I am satisfied with the details of the Geo-Environmental Assessment Report (AT/C4324/9589) provided by Brownfield Solutions Ltd that confirms amongst other conclusions that the risks to human health from the identified sources of contamination are considered to be low, it does give mention to the necessity for a demolition asbestos survey.

Given the scale of the proposed development, the issues that will be of primary concern to this service during the demolition and construction phases are the potential for noise and dust to adversely impact on the amenity of the occupiers at the nearest residential properties.

Therefore, a Construction Management Plan will be required (alongside a demolition asbestos survey) that considers the following: -

- Demolition phase (noise/control of dust/disposal of building materials by licensed contractors)*
- □ Site preparation (use of equipment and machinery including mobile plant/potential smoke pollution/general noise control)*

- Construction phase (noise control of vehicular activity, machinery and equipment/siting of skips and waste disposal arrangements/dust suppression)
- Complaint response and investigation procedures

I have observed the External Lighting Lux Levels plan (Drawing 2909-CHE-111E) provided by Building Management Technology and from data provided, this implies that the lighting scheme will comply with the relevant industry standards. In the event that complaints are subsequently received, this service does have the ability to investigate and determine whether the complaint is substantiated and thereby potentially constituting a statutory light nuisance.

5.3 FDC Business & Economy

The Business and Economy Team supports the proposed development as it provides a wider choice of retail opportunities for residents and employment opportunities.

5.4 FDC Arboricultural Officer

The application is to erect a food store (Class E(a)) with accompanying car park and associated infrastructure. The site is an existing commercial premises with boundary planting including shrubs and trees providing screening to the site.

The applicant has submitted an AIA/AMS detailing the condition of the trees on site, the likely impacts on the tree population from the proposed development and a methodology for the protection of retained trees throughout the construction phase.

The submitted arboricultural reports are comprehensive and are a fair representation of the tree population. I do not consider the trees noted for removal to be worthy of a TPO and their removal may allow for better development of the retained individuals.

Detail within the submitted 'Manual for Managing Trees on Development Sites' must be adhered to by the developer particularly the later phases i.e., Landscaping, as a number of operations will be carried out within the RPAs of the retained trees.

The applicant has submitted a Landscape Plan and I have no objection to the proposed species or size of plants as indicated on drawing 2909-VL L01 REV D.

5.5 PCC Wildlife Officer

Recommendation: No objection subject to conditions.

Pre-commencement conditions –

1. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Summary of potentially damaging activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided

as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.

- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.*
 - f) Responsible persons and lines of communication.*
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
 - h) Use of protective fences, exclusion barriers and warning signs.*
- 2. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

Reason: To ensure that the recommended mitigation and compensation suggested in section 5 of the PEA (Ecology Solutions, 2020) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan.

3. The development hereby permitted shall not be occupied until at least 2 bird boxes and 2 bat boxes have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds and Bat Conservation Trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority.

Reason: to secure the long-term protection of the nesting bird potential.

Compliance conditions –

4.. All ecological measures and/or works shall be carried out in accordance with the details contained in the PEA (Ecology Solutions, 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: Protected species are a material concern for Local Planning Authorities as per the National Planning Policy Framework and Fenland Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981.

Comment:

The Preliminary Ecological Appraisal provides suitable evidence that the material concerns of negative impacts on the protected species and biodiversity of the proposal can be discounted with the recommended mitigation and compensation.

The condition for the CEMP will provide assurances to the LPA that all recommendations made within the PEA will be completed and monitored by a competent person. The bird and bat boxes will compensate for any lost potential for the surrounding area to support bats and nesting birds.

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

5.6 CCC Highways (Development Management)

No objection raised. The proposed access with Hostmoor has satisfactory visibility and vehicle tracking is acceptable. The car park was changed, and this has overcome the risk of vehicles queuing onto the public highway. On site tracking is satisfactory. The Stage 1 Road Safety Audit has not raised any significant concerns that could not be resolved at the detailed design stage / through the Stage 2 Road Safety Audit. The junction improvements should be in place prior to store opening. Standard conditions relating to construction, drainage and gates are recommended together with the standard 'works in the public highway' informative'.

5.7 CCC Highways (Transport Assessment Team)

No objection raised subject to appropriate conditions and a Section 106 being in place to secure the provision of infrastructure improvements. The following elements of the TA were found to be acceptable:

- *Trips in related from developments with planning permission*
- *Signal LinSig models*
- *Site access junction capacity*

- *Peas Hill roundabout capacity. Whilst it will operate over capacity in 2027 it will not cause severe detriment.*
- *The proposed signalled junction at A141 / Hostmoor Ave. Whilst it will operate above the normal 90% degree of saturation it will operate with more capacity when compared to the existing junction. Also, whilst there will be queue lengths along Hostmoor of 20 plus vehicles the junction will operate with greater capacity than would be the case with no development taking place.*
- *The proposed mitigation (signal-controlled junction with pedestrian crossing facility, access into site with pedestrian crossing facility) - to be secured by condition / Section 106 agreement.*

A travel plan should be secured by condition.

The Section 106 should make provision for the use of a cash contribution in lieu of the signalised junction to provide the proposed MATS roundabout scheme or alternative proposal as approved by CCC. [provided that the MATS scheme has an appropriate level of certainty to its implementation].

In relation to the financial contribution scenario, the County Council has stated that a period of up to 2 years of non-mitigated impact on the network from the scheduled opening of the Aldi store till the completion of the MATS scheme would be acceptable. Given the current programmes of the Aldi development and MATS scheme outlined above, the anticipated period of such impact is expected to be less than this. Consequently, the County Council considered that there would be more severe disruption to the travelling public and local residents of March if there were two sets of works to be undertaken in quick succession (to deliver the Aldi signal scheme and then the MATS scheme), than there would be should the County Council wait to install just the MATS scheme. It is the role of the Highway Authority to manage the road network as it sees fit and minimise disruption to the public as best possible.

5.8 CCC Archaeology

No comments received

5.9 CCC Lead Local Flood Authority

No objection. We have reviewed the following documents:

- *Sustainable Drainage Strategy, Stirling Maynard Consulting Engineers, 3272 313, November 2021*

The applicant has addressed all our previous concerns, and based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of a SuDS system, which connects into the existing surface water drainage network discharging to the Anglian Water public surface water sewer.

We request the imposition of the following standard conditions:

Condition

Prior to any site works, a drainage survey of the retained existing drainage network should be carried out to confirm its presence and suitability for use within the proposed drainage strategy. This should demonstrate the existing pipe network is

of suitable condition to continue accepting flows from the site and has a positive connection to the Anglian water public sewer.

Reason: To ensure that the proposed outfall connection has capacity and is of a suitable state to receive flows from the site without increasing the risk of flooding to any surrounding land or property.

Condition

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Sustainable Drainage Strategy, Stirling Maynard Consulting Engineers, 3272 313, November 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

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

Condition

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

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

Condition

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

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

Informatives:

Pollution Control

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

5.10 Anglian Water

Section 1 - Assets Affected

No objection. There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

No objection. The foul drainage from this development is in the catchment of March Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

No objection. This response has been based on the following submitted documents: Sustainable Drainage Strategy April 2021. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

No objection. 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 documents (Sustainable Drainage Strategy April 2021) and can confirm that these are acceptable to us with discharge at a maximum of 5l/s. We require these documents to be listed as approved plans/documents if permission is granted.

5.11 Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species, or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision-making process.

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at:

<https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

5.12 Cambridgeshire Police – Designing Out Crime Team

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime.

I have no comment or objections at this time and support this application.

5.13 Local Residents/Interested Parties

Objectors

18 Objections (including those received during the most recent consultation) have been received from 13 individuals based on the following matters (summarised).

- Amenity
- Transport / Access:
- The proposed new signal junction at Hostmoor / A141 will be unsafe for vehicles leaving the 'old Wisbech Road'
- There is a Traffic Regulation Order that limits the ability to improve 'old Wisbech Road' to make the junction safe

- The swept path / tracking of vehicles does not appear to be safe
- The proposed pedestrian crossing facility at the signalised junction should be 'straight through' rather than 'staggered' in order to give priority and if the staggered design is to be retained it should not be a reverse stagger.
- Deflection on southbound carriageway at the proposed signalised junction is unsafe
- It is not evident that the access into the site from Hostmoor has passed the road safety audit or that it took into account the proposed McDonalds entrance. The junction design has not been drawn against a site survey base plan and so is inaccurate. Re the Hostmoor entrance into the site It is unclear whether or not the swept path of vehicles is safe and that the ghost islands and right turn pockets are not encroached upon during turning movements
- Regarding the signalled junction proposal, it is unclear whether this has been tracked to confirm the design is acceptable.
- Inconvenience during the junction works and having 2 sets of work at different times would worsen the issue.
- A common access solution would be preferable
- The size and design of the existing A141 roundabout was not designed for significant u-turn movements and the implications have not been considered
- Regarding the Tesco roundabout, this is being modified but it is unclear whether a swept path analysis has been undertaken (to cater for buses and petrol tankers) and also the roundabout was not design for U turns.
- The proposed crossing facilities for people moving between the Tesco Side of Hostmoor Ave and the Aldi side (and vice versa) are unsafe especially at night.
- With regard to base traffic flows:
 - Pre-pandemic flows have been used with only some post pandemic checks and there is doubt over whether the timing of these was appropriate and no data has been provided
 - Friday pm peak flows should have been used in order to give the worst-case position
 - Flows are 40% below expected and so not accurate
 - Queue length data should have been provided
- With regard to Forecast Flows:
 - Friday pm peak has not been assessed
 - Trip distribution is focussed on too lower proportion of new trips, it should be 30% rather than 10%
 - Trip rates and assignment to the network have been underestimated
 - County should not have accepted TRICS for factoring in McDonalds traffic
 - Future year selected for the assessment is inappropriate resulting in underestimate of impacts
 - Traffic flows from proposed McDonalds have been underestimated
- Pedestrian flows have been underestimated putting into question the appropriateness of the crossing design
- With regard to Committed Development Flows, the flow associated with the proposed McDonalds development have been underestimated.
- With regard to Capacity Analysis
 - The proposed Aldi access will have right turning traffic backing up blocking straight ahead movements

- With the proposed signalised junction, traffic queuing on Hostmoor join the A141 will back up and impact on right turning traffic into Aldi and go on as far as the Tesco roundabout
- The proposed traffic signals means that the junction will be over theoretical capacity and close to absolute capacity
- The proposed MATS roundabout will operate over capacity at an early stage in the lifetime of the junction
- With regard to the Peas Hill roundabout, queuing on the A141 and Wisbech Rd arms are not represented in the modelling
- The model has not been calibrated appropriately due to questions over the baseflows and queue lengths
- They are underestimates in the committed development flow and new trip figures and also in the primary and secondary trip generation & assignment which brings the capacity analysis into question
- If the multitude of identified errors are corrected, then the proposed junction will be significantly over capacity 5 years after store opening with severe impacts on the A141
- Impact on Peas Hill roundabout has been underestimated and there has been no assessment of whether mitigation there is required
- The A141 junction is free flowing for north / south traffic and the introduction of signals will change with contrary to national policy
- The applicant is wrong to suggest the signal junction is only temporary as there is no guarantee the MATS scheme will be implemented
- The existing congestion situation at the following junctions: Hostmoor/A141, Peas Hill Roundabout, Tesco/Hostmoor is classed as 'severe' by the County Council. Any new development should mitigate its own impact but in relation to the proposed development:
 - The improvement to the Hostmoor /A141 to the MATS scheme design would involve third party land.
 - There is little prospect of Aldi being able to contribute to the implementation of the Hostmoor/ A141 MATS scheme (as an alternative to doing their own lesser scheme) due to the third-party land and timing of the scheme in relation to the intended opening date of Aldi.
 - The extant Westry scheme only needs to build a 45m roundabout whereas County are now suggesting a 60m one is required so this impacts on design / costs etc.
 - The lesser improvement to the Hostmoor / A141 proposed by Aldi does not provide the Highway authority desired full MATS scheme as so is a wasted scheme which does not fully mitigate the impact of the scheme.
 - It is suggested that the CPCA forward funds the 60m junction improvement and that contributions are obtained from subsequent developments that benefit.
- The Section 106 proposal is unclear. Mention is made of the MATS roundabout being 3 arms, but it is 4 arms. If the Aldi scheme is to contribute to part of the cost of the MATS roundabout, then there is the risk of the store trading for a period with no highway improvements being in place. Therefore, Aldi should not be allowed to trade until the improvements are all operational.
- The possibility of the Aldi scheme making a cash contribution towards the implementation of the MATS junction improvement is not appropriate

because of the degree of doubt over its deliverability (design, third party land, safety, funding)

- Design/Appearance
- Environmental Concerns
- Local services/schools - unable to cope
- Parking arrangements
- Highway safety
- Fails to comply with the key retail tests of impact and sequential approach.
- Brewin Oak site closer to the town centre is of an appropriate size (sequentially preferable) and there is also the proposed local centre on the West March allocation. The consented Westry retail site has also been overlooked.
- The Aldi retail case relies on clawing back expenditure leaking from outside the district i.e. those that already shop at Aldi in Chatteris. This need is already met by the consented Westry scheme.
- The retail assessment fails to recognise the impact the proposed March store would have on the Chatteris Store (note the community consultation had 33% of respondents shopping at the Chatteris Aldi)
- Aldi's case is also about the delivery of more choice for North March, but the choice is already there in the committed Westry scheme
- Use was made of the retail base used by the Westry application and this is not appropriate, and a new household survey should have been undertaken
- The retail impact analysis information has used and presented conflicting and inconsistent figures
- Wisbech and Chatteris should have been included in the assessment
- The assessment has failed to present the impacts of the Aldi store in combination for both convenience & comparison and just convenience
- The 19.8% combined impact on March Town Centre is significant and double the impact of the Westry scheme
- Aldi should not have used the as yet undetermined revised Westry scheme when assessing the impact of the Aldi store. The consent scheme should have been used and it has a bigger convenience floor space and so the combined impact would be greater than Aldi are stating.
- Aldi have not factored in the proposed local centre for West March in its assessment and if they did the impacts would be even greater
- If the Aldi scheme is approved and implemented, then the Westry scheme will not be implemented and the delivery of the better roundabout junction on the A141 would be thwarted
- The FDC retail consultant is accepting of a cumulative 11.1% impact (based on the as yet unapproved revised Westry scheme) and a solus impact of 3.5%. based on both convenience and comparison goods. However, no advice is given on the scale of impact for convenience goods only. So, the consultant has not given full advice to the Council.
- Aldi has subsequently in 2023 produced an impact report which assesses the scheme in relation to BOTH the extant AND the as yet undetermined retail schemes at Westry. The company behind these latter schemes made the following objections (given in full in Appendix 1):
- A worse case impact of 19.5% is of concern.
- The impact is understated as it is for convenience impact only and should have included comparison goods too.
- Given the level of impact, the Council's consultant should not be advising the Council that the impact is acceptable.

- The extant permission at Westry is to be implemented and terms and leases have been drafted with operators and will lead to a proposed further planning application to expand the development. The as yet undetermined application at Westry will set a precedent for this.
- Legal advice is being taken on whether there would be a basis for challenging any decision to approve the Aldi application that Fenland Council may make.
- The number of retail units specified is not accurate.
- The fall in the number of vacant units is likely to be a result of changes of use to non-retail uses.
- No weight should be given to the possible implementation of the yet to be consented Westry retail scheme and the impact assessment should assume the consented scheme will be implemented.
- A recent nearby scheme was refused planning permission on the grounds of retail impact and so it should follow that the Aldi scheme should be refused.
- A retail scheme in Downham Market was successfully legally challenged on the basis of a 13.1% retail impact.
- Contrary to Policy LP6 – which seeks to protect employment land. Site has not appropriately marketed at a realistic price. Has been interest in it previously but excessive price has meant sale has not gone through

Cllr Count also objects to the proposed development. The increase in traffic on Peas Hill roundabout will be unacceptable as junction has existing issues. It would be better to have the proposed signalised MATS A141 / Hostmoor junction as it provides for right turning movements on to the A141 from Hostmoor Ave. However, the land for this is not within the control of the LHA.

Supporters

84 individual representations of support (including those received during the most recent consultation) received based on the following matters.

- Other supermarkets need competition
- Will generate employment
- Design/ Appearance
- Would reduce commuting for those that prefer to shop at Aldi
- Increase choice of goods
- Asset to the community
- Good location
- Will support the growth of March
- Will keep shoppers in March
- Regenerate a brownfield site
- Electric charging points are included
- Will improve the town
- Served by public transport
- May result in wider highway improvements
- Would offer little or no noise pollution to the surrounding area
- Will encourage investment in the town
- Close to other retailers
- Will not cause light pollution

Some letters of support did also raise concerns over the development as follows.

- Impact on highway and road surface due to additional vehicle movements
- Traffic management

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) and the March Neighbourhood Plan (2017).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Chapter 6: Building a strong, competitive economy

Chapter 7: Ensuring the vitality of town centres

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed places

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

Chapter 15: Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2019

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

Homes and Buildings

Resources

Lifespan

Fenland Local Plan 2014 ('FLP')

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP6 – Employment, Tourism, Community Facilities and Retail

LP9 – March

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

March Neighbourhood Plan 2017

TC1 – Primary Shopping Frontages

Supplementary Planning Documents/ Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)

- Cambridgeshire Flood & Water SPD (2016)

8 KEY ISSUES

- Principle of Development
- Highways
- Layout, Scale, Appearance, Trees and Landscaping
- Flood Risk and Drainage
- Biodiversity
- Amenity
- Crime and Disorder
- Environmental Impact Assessment

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP3 sets out the spatial strategy for the district's growth and seeks to direct the majority of growth to the 4 market towns: March, Wisbech, Whittlesey and Chatteris, seen to be the most sustainable of all Fenland's settlements.
- 9.2 Policy LP6 sets out the strategy for increasing employment, tourism, community facilities and retail, identifying an ambition to achieve 85Ha of employment land within the plan period. The policy sets out a criteria-based approach to delivering employment proposals – setting out 9 criteria to ensure, amongst other matters that it; meets with the spatial strategy, can be sustainably accessed and served by necessary infrastructure, is suitable having regard to any site constraints and nearby heritage assets and would be compatible in its surroundings.
- 9.3 LP6 also sets out that it will seek to retain high quality land and premises for B1/B2/B8 employment purposes unless it can be demonstrated through a marketing exercise that there is no reasonable prospect of the site being used for these purposes.
- 9.4 Furthermore, in respect of retail development, LP6 sets out a strong 'town centre' first message, seeking to direct retail uses firstly to Primary Shopping Frontages and primary Shopping Areas, then to town centre locations before being required to then follow a sequential approach as set out in para. 87 of the NPPF - which sets out that only if there are no suitable sites available within the town centre or edge of centre, that out of centre sites can be considered. LP6 sets out that where retail development of over 500sq.m gross floor space is proposed out of town centre, an impact assessment will also be required to be undertaken, to ensure that the vitality and viability of the town centre is protected. This is also a requirement of policy TC1 of the March Neighbourhood Plan

Spatial Strategy & Site Constraints

- 9.5 As identified, the site lies within the settlement of March but is outside of the town centre. It is located within an established employment area, and within a Broad Location for Growth (March Trading Estate) as set out under FLP policy LP9, where future expansion to the north of Hostmoor Avenue and Thorby Avenue is targeted to be predominantly or entirely business uses.
- 9.6 The site lies in Flood Zone 1 and has no identified flood risk issues. Furthermore, there are no heritage assets adjacent or nearby, nor sites of significant biodiversity. The site is also well-connected to the existing highway network, with footpaths leading to the town centre and other services and facilities in March. It is considered that in the first instance, the site meets the spatial requirements set out under LP3 and LP6.

Loss of B Class Land

- 9.7 The site currently serves a B8 storage use, which has been established for around 40 years, albeit understood to have been a relatively low-level use in recent years. The applicant has not provided any sound evidence to demonstrate that any marketing exercise has been undertaken, to otherwise demonstrate that the site is no longer required for the B class use.
- 9.8 In this regard an objection has been received from Contour Planning - the agent acting on behalf of the Westry Retail Park scheme, on the basis that the site has not been appropriately marketed and that the company Screwfix still has a requirement for March.
- 9.9 Notwithstanding this however, the policy sets out that the requirement for such demonstration applies where the land / premises is considered to be 'high quality' B-class land, which is considered as follows.
- 9.10 As identified, the site lies amongst established retail, leisure and food and drink premises, with the only other sole B1/B2/B8 Class uses nearby being March Foods (c.140m north) and the DPD site (c.190m east). Whilst the Ridgeons Builders Merchants (c.50m northeast) can technically be classed as a B8 operation with ancillary retail, this now incorporates a showroom and caters for members of the public, thereby not solely a B-class use. These nearest B Class uses are separated by the aforementioned retail, leisure and food and drink businesses and the site is therefore isolated from other B Class uses and the site itself has no apparent ability to expand in the future due to the proximity of adjacent non-B class buildings. The site therefore is an island of B Class development in a pond of retail, food and drink and leisure uses. Furthermore, the character of the site – by virtue of its appearance (quality of the design and materials used for the buildings and quality of the landscape setting) and use is at odds with the surrounding developments and uses, notwithstanding the Retail Park permitted and implemented on the western side of the A141 opposite the Hostmoor Avenue junction. As a result, the site is no longer considered to be high quality B Class land / premises and therefore the requirements for the marketing exercise under LP6 do not apply.
- 9.11 Reference is made by an objector to Screwfix looking for a presence in March. The company now occupies a unit in the Meadowlands Retail Park, March. Whilst it is not considered that the site meets the criteria for needing to be marketed under Policy LP6 (because of its absence of sufficient quality as previously stated), the site / premises have obviously been marketed prior to Aldi's interest (albeit insufficient to satisfy policy LP6 were the site to require marketing under this policy) and there has been no take up, although it is recognised that the value of a retail interest in the site is likely to be greater than that of a class B user.
- 9.12 NPPF paragraph 122 gives advice to planning authorities considering applications for alternative uses on allocated sites. Where there is no reasonable prospect of an application coming forward for the use allocated in the plan, applications for alternative uses should be supported where they would contribute to meeting an unmet need for development in the area. The PPG gives guidance on the evidence to help determine whether land should be reallocated for a more deliverable use. This includes evidence of marketing. The PPG also states that where alternative uses for an allocated site are proposed, it will also be relevant to consider the extent to which the proposed use would meet an unmet need, and the

implications for the wider planning strategy for the area and other development plan policies. With regard to the question of unmet need, it could be said that the proposal would meet the quantitative need arising as result of planned increase in population of March - Strategic allocations for 3,100 new homes in March. Furthermore, the application has identified that 33% of respondents to Aldi's pre-app consultation are currently travelling out of March to shop at an Aldi store, with a high proportion of these travelling to Chatteris - an approx 24km round-trip. This identifies a qualitative deficiency, whilst the store has the potential to encourage more sustainable shopping trips - reduction in car miles / CO2 emissions.

- 9.13 Officers note that the NPPF and PPG do not include a requirement that land or premises be of high quality for marketing to be relevant evidence. It is also noted that policy LP6 could be interpreted as applying the "high quality" criterion to land only, rather than premises currently or last used for B1/B2/B8 purposes. If this interpretation were followed, then since the premises are currently in B class use, the policy would mean that the Council will seek to retain them for B1/B2/B8 purposes unless a marketing exercise demonstrated that there is no reasonable prospect of them being used for these purposes. On this interpretation the absence of adequate marketing would mean that the policy is breached.
- 9.14 The loss of this B8 site is not anticipated to significantly reduce the overall ability of the Council to achieve its employment land growth ambitions as set out under LP6, having regard to the FLP's strategic areas of employment land growth and committed developments. The site in question represents less than 2% of the area covered by the trading estate and so in the context of the district wide supply of employment land the loss would be negligible. In terms of the latter, it should be noted that the land identified north of the existing trading estate remains available for development as does much of the land at South Wisbech, Whittlesey and South Chatteris.
- 9.15 Notwithstanding this, the main driver under LP6 is to increase employment and the supporting Planning Statement indicates such stores typically employ around 40 to 50 staff. The East of England Forecasting Model 2015 (Oxford Economics – Table 7.2: Employment Densities – industry, warehousing and office (GIA)) sets out a predicted average of 1 full time employee per 67m² of B8 floor area. The cumulative footprint total of buildings on the site is approximately 2,000m², which equates to around 30 employees. As such, the proposal would likely generate a greater number of employees than the existing use which can be given positive weight, having regard to the key vision for Fenland under LP6. It should be noted however the situation described above does not equate to the proposal being compliant with Policy LP6 as the policy itself does not make any reference to employment generation from non-B class uses.
- 9.16 With regard to the Broad Location for Growth (BLG), this does not presume the redevelopment of the existing development to the north of Hostmoor Avenue nor does it safeguard any land for the purpose of implementing the allocation. As such the proposal does not prevent by default the realisation of the BLG.
- 9.17 In conclusion, the proposal is in accordance with Policy LP3 as it represents retail growth in the Primary Market Town of March. In relation to Policy LP6, it is considered the premises subject to the application does not represent a quality site and therefore is not subject to the requirement for marketing. Be that as it may, the site has been subject to some marketing in the past (prior to Aldi interest) without take up by an B class employment user. Whilst the proposal will not result

in 'class B' jobs as envisaged by the plan policy, the number of jobs created by the development would be significant. Whilst the proposal would result in the loss of premises with a lawful class B use, the quantum would not be significant either in the context of the trading estate or the wider district supply.

- 9.18 In the context of the above, and even if marketing were required by policy LP6 for this site, because it is currently in B class use, it could not be said that the development would result in harm to any policy objectives. In officers' view, even if this part of the policy is breached the factors referred to above would mean that the breach was acceptable.

The Sequential Test

- 9.19 Paragraph 87 of the NPPF advises that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. This is echoed in FLP policy LP6.

- 9.20 The sequential test sets out that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. In summary, the Sequential Approach test gives strong preference to locating new main town centre / retail uses within town centres, but if no suitable sites are available, it then allows consideration of such development firstly on edge of centre sites, and then - in sequence - on out of centre sites that are, or can be made, accessible and well connected to the town centre. The sequential approach is intended to achieve two important outcomes:

- To locate main town centre uses generating many trips inside centres (or failing that well connected edge of centre sites). These locations are likely to be the easiest locations to access by non-car means of transport and will be centrally located to the catchments established centres serve, thereby reducing the need to travel.
- To accommodate these uses in centres whenever possible in order to enable people to undertake linked trips, which enable increased competition and customer choice.

- 9.21 The applicant undertook a review of available sites which may otherwise accommodate the development (including the operational requirements) within the town centre or edge of centre as part of the (see Planning, Retail & Economic Statement (July 2021)). The scope agreed by the Local Planning Authority captured the urban area of March and the surrounding area and considered the following sites.

Land West of High Street

- 9.22 The applicant had regard to the proposal under March Neighbourhood Plan to redevelop this area for a retail-led mixed use scheme and to the Fenland District Retail Study Update (2009), and considered that the site constraints which includes historic buildings making it difficult to tie the site into the High Street frontage, and businesses (and possibly some residential) may need to relocate to accommodate the redevelopment, notwithstanding access constraints and that the site is in multiple ownership.

Land south of Station Road

- 9.23 The applicant concluded that the site at 0.07Ha was too small to accommodate the proposal, notwithstanding an extant permission for a mixed-use scheme.

Land North of Centenary Church

- 9.24 The applicant concluded that the site at 0.12Ha was too small to accommodate the proposal, notwithstanding an extant permission for a dwelling on part of the site which would further reduce the site area.

West March Strategic Allocation

- 9.25 The applicant also considered the West March Strategic allocation which is proposed to accommodate around 2,000 homes and a local centre with retail offering (it was not envisaged that a main food store operator would occupy the space on the development). However, this was discounted on the basis that the timing for it to come forward is not yet known – with no planning permission yet secured for the local centre and it being identified to be only 0.5Ha in area which would not accommodate the store.

Westry Retail Park

- 9.26 The Westry Retail Park was also considered, as this benefits from an extant permission (Ref: F/YR15/0640/F) and includes 1,719 sqm Gross internal area for a convenience food store. However, the applicant has questioned the timing of delivery of this site, which relies on substantial transport mitigation. Furthermore, this site is also subject to a revised planning application (Ref: F/YR18/0566/F) which proposes a smaller convenience food store (697sqm) and therefore considers that there are doubts over its ability to come forward in a reasonable period of time, referring to paragraph 87 of the NPPF which requires that sites are available (or expected to become available within reasonable period). This is also notwithstanding the site is close to the application site and is also an out of centre site in any case.

Other Sites

- 9.27 The applicant also advises that they undertook a further desk-top review in early 2021 – however identified that the largest available site was only around 280sqm of floorspace and therefore not suitable in scale.

Review of the sequential assessment

- 9.28 The Council commissioned a review of the assessment – undertaken by Stantec. In respect of the scope of the sequential test, Stantec concurred that given the location of the application site, to the northwest of March town centre, they agree that the majority of the food store's trade will be drawn from residents in and around March, with trade beyond this area more limited due to the proximity of other food stores.
- 9.29 In respect of the sites identified by the applicant, Stantec concludes that they are not aware of any other sites available. They did however comment that the applicant's key considerations for site suitability should be more flexible, for example, by willing to accommodate car parking on levels other than 'at grade' and that a visible location should be a 'nice to have' rather than a 'must have', as the majority of the food store's trade will likely be drawn from local residents who know the location of the store rather than 'passers-by'. Notwithstanding this, Stantec concurs with the applicant's assessment in respect of site suitability of the sites identified.

9.30 Following this, an objection was raised by Contour Planning, the agent acting on behalf of Brossman Mills Ltd, the applicant for the Westry Retail Park application. Within the objection was a challenge to the scope of the sequential test which they considered failed to include some other key sites which they consider would be sequentially preferable as follows.

- Brewin Oaks – 1.67 acres which benefits from outline permission for 8 dwellings. Edge of centre.
- The local centre under the West March strategic allocation which they consider will be bought forward in a reasonable period of time.
- Westry Retail Park

9.31 The applicant sought to address these concerns through an update to the sequential assessment and considered the sites identified by Contour planning as follows.

Brewin Oaks

9.32 The applicant considers this site is unsuitable as it is c 20% smaller than the application site and has access constraints and conflicts with existing users of the access. They also consider it is unlikely to be available for the proposed use.

Local Centre – West March Strategic Allocation

9.33 The applicant points out that this was already considered in their initial assessment.

Westry Retail Park

9.34 The applicant points out that this was already considered in their initial assessment.

9.35 The Local Planning Authority again sought advice from Stantec on this. Stantec concluded in their opinion that the above three sites are not suitable and / or available for the development proposed for the reasons as set out by the applicant, and therefore that the sequential test is passed. Having regard to this advice, it is considered that the requirements of NPPF paragraph 87 and the relevant part of FLP policy LP6 have been satisfied.

Retail Impact Assessment

9.36 Paragraph 90 of the NPPF advises that applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, should be subject to an impact assessment. It states that:

"When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)".

9.37 In the case of the Local Plan, this threshold is set to 500sqm and therefore the impact test is required. The application is accompanied by a retail impact assessment as part of the Planning, Retail & Economic Statement (July 2021).

9.38 The Local Planning Authority appointed Stantec to also undertake a review of this assessment and provide advice on the predicted impacts of the proposal having regard to the criterion under NPPF paragraph 90. Their advice had regard to the following:

- The suitability of the catchment area identified by the applicant, taking account of the retail uses proposed.
- The robustness of the applicant's estimated retail turnover of the application scheme.
- An assessment of the assumed patterns of trade diversion and estimated levels of impact.
- The significance of estimated trade impacts on the vitality and viability of town centres within the catchment area of the proposed development, and in-centre investment.
- Conclusions in terms of compliance with relevant local and national planning policies specifically in relation to the retail impact test.

In summary, Stantec concluded the following.

Household Survey

9.39 Objectors thought that new surveys should have been undertaken in order to assess trade draw. The FDC retail consultant stated that whilst the survey used is old, shopping patterns have been and continue to be in state of considerable flux and so undertaking a new survey would not have been advantageous.

Retail Turnover of the Proposed Food store

9.40 The FDC retail consultant advised that the sales density, turnover assumptions and convenience / comparison split is acceptable and appropriate. The comparison retail floorspace of the proposed food store comprises a small proportion of the proposed food store's total floorspace. Because the comparison goods turnover of the food store is so low relative to the size of the food store, the impact of the comparison goods element of the food store is not considered any further, as its impact on March town centre will be de minimis.

Trade Diversion / Impact

9.41 March town centre is the main centre within the defined catchment area that will be impacted by the proposed food store. Appendix 7 ('March Town Centre Health Check') provides a basic health check assessment of March town centre. Whilst the applicant did not originally reach any conclusions re the overall health of March Town Centre, the FDC retail consultant advised that it appears that March town centre is performing reasonably well, and it is on this basis that the consultant has formed the opinion on retail impact.

9.42 The FDC retail consultant noted that the health check was updated in April 2022 commenting that:

- The signs are positive re post pandemic improvement
- Declining vacancies
- Good representation of convenience outlets
- Lower than average national outlet comparison representation but a good mix of multiples and independents

- 9.43 The FDC consultant advised that whilst the applicant may have overstated the inflow assumptions, this does not impact on the trade diversions figures to any significant degree.
- 9.44 The applicant's trade diversion figures are broadly agreed - that the proposed food store will divert the majority of its trade from the Tesco food store at Hostmoor Avenue, due to its location, close to the application site and its scale, then secondly the Lidl store at Dartford Road, thirdly the Sainsbury's store at Mill View.
- 9.45 The applicant has over-estimated the likely impact as they have included the Lidl store which is not located in the town centre to be consistent with the analysis undertaken in respect of the Westry Retail Park applications.
- 9.46 There was criticism that the catchment area assessed was too small. The FDC retail consultant advised that the assessed area was appropriate given the proximity of other food stores.
- 9.47 There was criticism by objectors that the consented Westry Retail Park scheme should have been used in the assessment of impact rather than the as yet unconsented revised scheme. It is the view of the FDC retail consultant that the undetermined scheme is the one more likely to be implemented as the applicant would not have sought to make the application if it was intended to implement the consented scheme. In any event, and despite this advice, the impact of the Aldi application in combination with the approved Westry development and the currently unconsented revised scheme has been assessed (see below).
- 9.48 There was criticism that the impact of the Aldi scheme on the Westry development proposals and the emerging West March scheme should have been assessed. The retail consultant for FDC advised that the NPPF does not require this.
- 9.49 In their updated May 2022 analysis, the applicant has forecast that, combined, £1.7m of trade will be diverted from town centre convenience destinations to the proposed food store. This means that the proposed food store will lead to a solus convenience impact of 7.8 per cent on March town centre in 2024. When the overall impact (convenience and comparison) on March town centre is considered, the applicant has forecast a 3.5% solus impact figure. Assuming that March town centre is performing reasonably well, it is considered a solus impact of 3.5% on the town centre is unlikely to constitute a significant adverse impact. As such, this element of the impact test is passed.
- 9.50 In terms of cumulative impact with the Westry retail park development, the applicant's May 2022 analysis identified a 11.1% overall impact figure on March town centre.

Impact on Centres and In-Centre Investment

- 9.51 Noting that Fenland District Council has been successful in receiving £6.5m to improve the high street in March town centre, via the Future High Streets Fund ('FHSF') which includes the following proposals:
- Transforming Broad Street to include much more pedestrian space and reduce traffic and opening up the underused riverside areas, providing improved access and seating.

- Redeveloping the historic Market Place to make it more of a community space.
- Regenerating the Acre Road area.
- Bringing vacant buildings back into use.

9.52 It is considered the development of an out-of-centre Aldi food store will not have a significant adverse impact on the FHSF proposals in March town centre and it is expected that the FHSF proposals would take place in the event that the Aldi food store is approved and implemented. There is no information on of any other investment in March town centre. As such, Stantec (the Council's retail consultant) was satisfied that the proposed food store would not have a significant adverse impact on any existing, committed and planned public and private investment in March.

Updated impact assessment

9.53 In January 2023 the applicant submitted updated impact tables containing a sensitivity analysis which assesses cumulative retail impacts of the proposed Aldi store in combination with the retail park scheme approved in 2016 (LPA ref. F/YR15/0640/F). In addition, an updated town centre health check was submitted. This was in recognition that the health check information was getting old and that the applicant for the Westry retail development was concerned about the impact of the Aldi not being tested against the 2015 Westry application which it said was going to be implemented instead of the as yet undetermined 2018 Westry application (members are referred to the representation reproduced at appendix 1 to this report). The updated applicant's retail impact table is below:

Table 8A: Overall March Town Centre Impact

Location	2026 Turnover (£m)	Westry RP Diversion (£m)	Westry Park Impact (%)	Aldi Diversion (£m)	Aldi Impact (%)	Combined Diversion (£m)	Combined Impact (%)
March Town Centre							
Convenience	19.8	2.1	10.8	1.7	8.7	3.9	19.5
Comparison	57.4	1.4	2.5	0.4	0.6	1.8	3.1
Total	77.3	3.6	4.6	2.1	2.7	5.7	7.3

9.54 When the proposed impact of the store was assessed in combination with the as yet undetermined Westry development, the combined impact was assessed as being 13.7% but if it is assumed the smaller 2015 Westry scheme is implemented, the estimated overall impact on March town centre impact falls to 7.3%.

9.55 With regard to the updated Health Check this is reproduced in full in Appendix 2, but in summary it was reported that:

- There are fewer vacancies than before
- The vacancy rate is below the national average
- There is a good mix of independent and chain stores
- There is a diversity to the offer

And on this basis, it was concluded that the town centre was in a healthy condition.

9.56 The Council's retail consultant reviewed the material and advised as follows:

a) *Impact Test*

The applicant's updated impact tables contain a sensitivity analysis which assesses cumulative retail impacts of the proposed Aldi store in combination with the retail park scheme approved in 2016 (LPA ref. F/YR15/0640/F). There is disagreement between the applicant's and an objector's retail consultant regarding the likelihood of the 2016 permission being delivered. For ease of reference this is what we said in our advice dated 27 September 2022:

'As previously advised by Stantec, one can consider the Westry Retail Park figures in two ways. Firstly, that the committed scheme has planning permission and can be built out. Secondly, that the current application at Westry Retail Park does not currently have planning permission, but is more likely to be built out, otherwise why make such an application in the first place. On the basis that the current Westry Retail Park planning application is the one more likely to be built out (assuming planning permission is granted), we are comfortable with the applicant using the figures from the current Westry Retail Park planning application.'

Against the background outlined above, whilst the applicant identifies a worst-case combined convenience impact on March Town Centre of 19.5 per cent – higher than the corresponding impact figure of 15.2 per cent which was previously identified in May 2022 – that is based on delivery of the 2015 application as envisaged at the time of that application. For the reasons that we have already outlined, we regard such an outcome as unlikely.

b) *Health Check*

The Applicant's updated health check suggests that there has been a reduction in the town centre's vacancy rate, from 18.1 per cent in October 2021, to 14.5 per cent in April 2022 and to 12.9 per cent in January 2023. Coupled with the good representation of convenience retailers, the applicant concludes that the town centre is vital and viable. The objector takes issue with the applicant's updated health check and questions the claimed vacancy rate on the basis that the town centre contains two units fewer than the 179 suggested by the applicant. We note that if the number of units within the town centre was 177, the 23 vacant units stated by the applicant would equate to a vacancy rate of around 13 per cent, which is still below the UK average for all centres. The applicant refers to proposals for food stores in other parts of the country. As we have previously advised, however, the Council needs to consider the impact of the current application proposal on the health of March Town Centre. Furthermore, the objector comments that there has been no known increase in national multiples within the town centre for several years, but that is the same for most town centres and does not mean that March Town Centre is unhealthy.

c) *Conclusion*

Overall, we conclude that, assuming March Town Centre is performing reasonably well, the solus impact calculated on the town centre cannot, in our professional opinion, be described as a significant adverse impact.

The combined convenience retail impact figure of 19.5 per cent is ostensibly of concern, but we regard that outcome as unlikely, for the reasons we have outlined. We therefore remain of the view that the impact test in relation to town centre vitality and viability is passed. Other matters Contour Planning refers to a recent application (LPA ref. F/YR22/0337/F) for seven commercial units in March, which was refused in January 2023, and asserts that ‘the Council’s retail consultants have taken a contradictory view of the Aldi application.’ In response, we note that the officer report (dated 21 December 2022) to the Planning Committee advised that the applicant in that case had failed to provide information/evidence in relation to the impact and sequential tests. The officer report recommended refusal on that basis, and various other reasons including inadequate car parking provision and loss of employment land. In conclusion we remain satisfied that the application proposals have passed the sequential and impact retail tests and that there is no retail planning reason to refuse the application.

9.57 Whilst the points raised within the letters of objection received on behalf of Brossman Mills, with regards to the impacts the development would have upon town centre vitality and viability are noted, independent retail advice on behalf of the Council has been sought from Stantec and the impacts arising from the development fully assessed.

9.58 The overall impact of the proposed Aldi store is lower in the situation in which the F/YR15/0640/F Westry permission is taken into account (7.3%) compared to if the yet to be determined alternative F/YR18/0566/F Westry scheme is taken into account (11.1%).

	Convenience Impact	Comparison Impact	Combined Impact
When the 2015 Consented Westry Scheme is accounted for	19.5%	3.1 %	7.3 %
When the undetermined 2018 Westry proposal is accounted for	15.2%	9.4 %	11.1%

9.59 The objector associated with the Westry retail development has stated that it is the 2015 application which is going to be implemented and not the 2018 application (if approved). However, there must be some doubt about this as:

1. this 'news' seems only to have come about following the receipt of the Aldi planning application.
2. the 2018 Westry application was submitted for the following reason stated by the applicant:

“The proposal is seeking an additional quantum of retail floorspace from that previously granted planning permission, in a format and configuration that is agreeable to the proposed occupiers. It is of sufficient quality and size to encourage these national multiple retailers to the Town Centre of March, with the express purposes of retaining expenditure and stemming the outflow of trade currently leaking from the town and outside of the district”.

and the applicant has not advised that the needs / desires of the proposed occupiers have now reverted to the consented scheme.

3. the 2018 application has not been withdrawn and the applicant is continuing to invest in progressing the application. The Council's retail consultant expresses doubt that the 2015 Westry permission will be implemented.

9.60 Notwithstanding the lack of certainty over which Westry application will be implemented, the Aldi application should be determined with the consented scheme in mind. The combined convenience retail impact of 19.5% is recognised as being high and of potential concern. However, it is recognised that there is no defined threshold figure above which there would be a certain tipping point and that the 19.5% impact relates to the impact on convenience only and that when the impact on convenience and comparison is taken together, the impact is only 7.3 %. In the context of this wider consideration of retail impact, there being no evidence that the proposal would impact on any Town Centre investment (it should be noted that the town centre future high street improvements have commenced) and there being no current concerns as to the health of March Town Centre, it is not considered the impact of the development would be unacceptable. It would be the same situation if it were assumed the undetermined 2018 Westry application was approved and implemented. In this case the impact on convenience would be less (15.2% instead of 19.5%), the impact on comparison would be greater (9.4 % instead of 3.1%) and the combined impact would be 11.1% rather than 7.3%. This overall impact (11.1%) is considered (for the same reasons as per the 7.3% combined impact situation) to be within acceptable limits.

9.61 It is arguable that the location of the proposed Aldi store is more accessible than if it were located on the Westry site given the additional distance that it is from the majority of built development in March and the 'barrier to access' that the A141 represents to cyclists and pedestrians.

9.62 It has been demonstrated that the proposed development would satisfy each of the criterion of Adopted Local Plan Policies LP3 and LP6 (retail) of the Fenland Local Plan, as well as Chapter 7 of the NPPF. In addition, the proposal would not be contrary to the March Neighbourhood Plan Policy TC1. As such, 'in principle' support for the proposed development is acknowledged.

Highways

9.63 The development proposes a new access arrangement off Hostmoor Avenue, restricted to a left-turn only exit from the site (so traffic wishing to join the A141 will u-turn at the 'Tesco roundabout' on Hostmoor Avenue). Crossing points are being provided at the 'Tesco roundabout' (with refuges) and also at the store access on Hostmoor Avenue.

9.64 A signal-controlled arrangement at the A141/ Hostmoor Avenue junction is proposed, to mitigate the impacts of the development on the highway network. This follows prior engagement with the Local Highways Authority. This junction will provide for pedestrian crossing points. Subject to progress on the MATS A141 / Hostmoor junction scheme being prepared by CCC and the CPCA in relation to the implementation of the proposed store, it may be the case that a cash contribution (£250k) is made in lieu of the signalised scheme so that the former can be implemented (or a scheme similar to it).

9.65 Objectors have stated that there is a lack of certainty regarding the implementation of the MATS scheme variously due to some of the land being in third party ownership and uncertainty as to when the scheme might be implemented. And so, this points to either:

a) The £250k contribution being paid, the MATS scheme not being implemented in a timely way and so the Aldi Store impacting unreasonably on the road network making the existing congestion worse OR

b) The lesser signal control junction improvement being implemented which would represent a wasted opportunity in the event that the MATS scheme does get implemented.

[the term 'lesser' relates to the proposed Aldi signalised junction but it should be noted that this DOES mitigate the traffic impacts of the proposed scheme]

9.66 In terms of the circumstances in which Aldi is requested to pay £250k towards the MATS scheme in lieu of the implementation of the lesser signalised junction, it will be necessary for the County to demonstrate that there is certainty of delivery of MATS in terms of land, design, budget and timescale. Whilst the lesser scheme would represent a 'wasted' investment in the event that the MATS scheme is eventually implemented, this would not be a reasonable reason for refusing the planning application as the MATS scheme is not a committed one.

9.67 The County Council has confirmed the following:

1. *That the transportation assessment has taken into consideration all the relevant committed developments*
2. *That the design of the proposed signalised junctions is appropriate*
3. *That LinSig traffic modelling has been used to assess the capacity of proposed signalised junction and the design has been shown to be appropriate*
4. *The proposed Hostmoor junction into the application site has been shown to operate appropriately into the future*
5. *The Tesco roundabout has been shown to operate appropriately into the future*
6. *Whilst the Peas Hill roundabout will be over capacity in 2027 it is not anticipated that there will be severe detriment to capacity at the junction as the increase in the Ratio of Flow to Capacity (RFC) values and queue lengths will be a maximum 0.3 RFC and 4 vehicles on the Retail Park arm and by 0.04 RFC and 2 vehicles on the A141 (S) arm between the 2027 Base (No Westry Retail Park) and the 2027 Base (No Westry Retail Park) + Aldi + McDonald's future year scenarios, and by 0.3 RFC and 2 vehicles on the Retail Park arm and by 0.03 RFC and 7 vehicles on the A141 (S) arm between the 2027 Base + Westry Retail Park and the 2027 Base + Westry Retail Park + Aldi + McDonald's future year scenarios.*
7. *With regard to the proposed signal scheme at A141 / Hostmoor, the junction capacity assessments for the Weekday AM, PM, and Saturday peaks show that whilst the A141/Hostmoor Avenue signal junction scheme is anticipated to operate at 97.7 % saturation (so above the usual 90% standard) on the A141 Southbound Ahead/Left arm in the Weekday PM peak, the A141/Hostmoor Avenue junction as a signal junction is anticipated to operate with more available capacity in the 2027 Base (No Westry Retail Park) + Aldi + McDonald's scenario compared to the existing layout of the junction in the 2027 Base (No Westry Retail Park) scenario.[and so the impact is deemed not to be severe]*

8. *During the Weekday PM and Saturday peaks of the 2027 Base (No Westry RP) + Aldi + McDonald's scenario, it is noted worst-case queues comprising 20+ vehicles are anticipated to extend backwards from the Hostmoor Avenue approach of the signal junction. Given the length of a typical car is c6m and the stretch of Hostmoor Avenue between the proposed signal junction and the Tesco Access roundabout is c130m in length, the signal junction with development traffic is anticipated to result in vehicles backing up onto the Tesco Access roundabout. This in turn will cause capacity pressures at the Tesco Access roundabout which would not have been picked up in the modelling as the junctions have been modelled separately. That said, comparison of the proposed signal scheme during the 2027 Base (No Westry RP) + Aldi + McDonald's scenario in comparison to the 2027 Base (No Westry RP) scenario demonstrates that the Hostmoor Avenue approach with the Aldi development and signal scheme in place will operate with much greater capacity than the existing junction layout with no development. The proposed signal scheme is therefore anticipated to perform better than the existing junction layout.*

- 9.68 In the instance where rather than implement the Aldi signalised junction, the County requests the contribution, it would be the case that the MATS scheme would be completed within 2 years for the retail store opening. The County Council has looked at the implications of this on the highway network and consider the impacts would be acceptable as if the Aldi junction was installed and then the MATS scheme was then implemented, the network would be disrupted by 2 sets of highways works within a short space of time.
- 9.69 In summary the County Council has concluded that in terms of the proposed lesser signalised highway improvement, the access to/from the site from Hostmoor Avenue and the revisions to the Tesco roundabout adequately mitigates the traffic impacts of the proposed retail store. The impacts of the development on the network cannot be said to be severe.
- 9.70 If the Westry Retail Park scheme progresses then the design of the A141 / Hostmoor Ave junction would have to be altered to a roundabout design (as approved in principle under the planning permission for the Retail Park development).
- 9.71 With regard to the turning movements from Old Wisbech Rd at the proposed signalised junction, whilst the arrangement is not ideal, tracking has shown that it is sufficiently adequate and an objection highway safety could not be sustained. The County Council is satisfied.
- 9.72 In respect of the development contributing towards the MATS roundabout in lieu of the proposed signalised junction, the County Council would only request this contribution in the event that it was satisfied that the roundabout would be delivered with certainty and in a timely way. This being so, although the retail store would be trading prior to the junction improvement being in place, the impact on the network would only be temporary and relatively short lived. It should also be noted that the installation works associated with the MATS junction would themselves impact on the operation of the network.
- 9.73 The proposal is therefore in accordance with Adopted Local Plan Policy LP15 and NPPF Paragraph 88 of the NPPF sets out that:

"When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre".

- 9.74 Likewise, a criterion of FLP policy LP6 is that employment proposals should be accessible by public transport services and policy LP15 seeks to increase options for modes of travel – in particular non-car modes of travel. This is consistent with the aims of NPPF Chapter in promoting sustainable transport.
- 9.75 In terms of accessibility and connections to March Town Centre, the application site is located in an area with good pedestrian and cycle links to the town in southerly and easterly directions, with the town centre approximately 1.8km southeast of the site. The north of March is accessible via a footpath from Hostmoor Avenue approximately 950m east of the proposed site access.
- 9.76 Pedestrian access into the site will be from the existing footway on the north side of Hostmoor Avenue via the proposed access junction. As part of proposals, the existing traffic island on the Hostmoor Avenue (west) arm of the Tesco Access Roundabout will be upgraded to a pedestrian refuge island with dropped kerbs and tactile paving.
- 9.77 Hostmoor Avenue is flanked on both sides by continuous footways and can be crossed via a refuge island with dropped kerbs on the A141 / Hostmoor Avenue Priority Junction approximately 80m west of the proposed site access junction. As part of proposals, the existing pedestrian facilities on Hostmoor Avenue at the A141 / Hostmoor Avenue Priority Junction will be improved with staggered signal-controlled crossings and tactile paving.
- 9.78 With regards to cycle routes, the site lies within a 5km cycle catchment of the main built-up area of March. This also captures the northern parts of Wimblington, and southern extent of Westry. Precise details of cycle parking are required and can be reasonably secured via planning condition.
- 9.79 The nearest bus stop to the site is located in the forecourt of the Tesco Superstore approximately 260m walking distance from the southern boundary of the proposal site. The bus stop benefits from a shelter with timetable information. This is served by good pedestrian infrastructure including crossing points at the east of the site on Hostmoor Avenue. The bus stop serves the 33 routes, providing northbound and southbound services between March and Peterborough every two hours on weekdays and Saturdays. As well as March and Peterborough, other destinations on the 33 routes include Whittlesey, Chatteris, Doddington, and Wimblington. An additional bus stop exists, c.400m north of the site, adjacent to St Marys Church along the A141, which serves southbound services of the 33 and 46 routes. The 46 route provides weekday and Saturday services every 1.5 hours between Wisbech and Town End. Other destinations include March, Guyhirn and Murrow. A local charity run transport service, FACT also operates in the area covering surrounding villages and the main area of March.
- 9.80 Overall, whilst the site constitutes an out of centre location, in the context of paragraph 87 of the NPPF (2018), the site is considered to be relatively well connected to the town centre with opportunities for the site to be accessed by residents of March on foot, by cycle or using public transport.

- 9.81 In conclusion, whilst the site constitutes an out of centre location, it is well-served by multiple transport options, with opportunities for the site to be accessed on foot, by cycle or using public transport, incorporating the potential for linked trips with the town centre and providing opportunities to encourage non-car modes of travel in-line with the aims of FLP policy LP15 and NPPF Chapter 9.
- 9.82 The transport mitigation proposed – mainly the signalised junction arrangement has been reviewed and safety audited by the Local Highways Authority and considered to be satisfactory in mitigating the impacts of the development, also having regard to the existing committed and proposed developments in the locality. Whilst concerns raised in respect of the access arrangements and general transport impacts have been considered, these concerns are not reflected in the LHA's assessment of the proposal and therefore a refusal on this basis could not be sustained having regard to the tests laid out under NPPF paragraph 111.

Layout, Scale, Appearance, Trees & and Landscaping

- 9.83 The food store building proposed is a modern single-storey rectangular building with mono-pitch roof which also incorporates solar PV panels having regard to the aims of FLP policy LP14. The elevations of the building are consistent with similar food stores found elsewhere in the district (Chatteris and Wisbech) and would not look out of character with the surroundings, given the mixture of styles and scales of built form in the vicinity. It is considered that a consolidated building on the site with the additional landscaping proposed would enhance the physical appearance of the site and would assist in distinguishing this part of Hostmoor Avenue, with the more generic industrial type buildings further on – where the main employment land growth is allocated. Therefore, the appearance would add to the distinctiveness (retail, leisure and dining) of this part of Hostmoor Avenue.
- 9.84 As such, in visual impact terms, the overall appearance of the development would comply with the aims of Adopted Local Plan Policies FLP policy LP6 and LP16(d).
- 9.85 The layout again is consistent with similar convenience food stores in the area and includes adequate circulation for shoppers and delivery vehicles. Above policy-levels of car parking is proposed (having regard to Appendix A of the FLP which indicates 93 spaces for this scheme) and includes 4No. electric vehicle charging points, again having regard to the aims of FLP policy LP14. The scheme would also incorporate 8 cycle parking spaces close to the entrance of the store and demonstrates the inclusion of appropriate footways within the site, such to link with the existing footpaths along Hostmoor Avenue and then the A141, or eastwards toward Hundred Road.
- 9.86 The tree survey has shown that there are only 2 trees of significant quality on the site, and these are being incorporated into the scheme. Whilst the remainder of the trees are not of significant quality, a good proportion of these are being retained and incorporated into the development.
- 9.87 The landscaping scheme has been designed to complement and strengthen the existing landscaping, including the retention of trees (as previously mentioned), along the eastern and western boundary of the site. The new landscaping consists of additional shrub and tree planting around the perimeters of the site which would soften the overall appearance of the development and align with the landscaping to other commercial sites within the area. It is considered that the proposed soft landscaping scheme is acceptable, and the mix of plant species identified would provide sufficient visual interest and be appropriate to the planting locations

proposed. It is however considered that a landscape management plan should be secured by condition; such to satisfactorily accommodate the planting proposed and support the long-term maintenance of the soft landscaping proposed. A condition is also recommended requiring the existing trees to be protected during the construction process; in accordance with the submitted Arboricultural Assessment & Method Statement and Manual for Managing Trees on Development Sites by Barrell Tree Consultancy.

- 9.88 Overall, subject to the imposition of conditions, it is considered that the proposed development would not have a significant detrimental impact upon visual amenity but would make a positive contribution towards the character of the area through the development of this site. In this regard, the proposed development is considered to be compliant with Policy LP16 of the Adopted Local Plan with the aims of the NPPF and the FLP.

Flood Risk and Drainage

- 9.89 The site lies in Flood Zone 1 and not within an area known to be at risk of surface water flooding. As such it is considered to be at low risk of flooding. Notwithstanding, the application is supported by a flood risk assessment and surface water drainage strategy, the latter of which has undergone revision following discussions with the Lead Local Flood Authority. It sets out that the development is proposed to utilise the existing connections into the public sewers for both foul and surface water.
- 9.90 It is understood that the site currently discharges surface water unattenuated and unrestricted, into the Anglian Water surface water sewer system at a predicted rate of 127l/s in a 1 in 100-year rainfall event. The proposed scheme, which incorporates filter drains and a SuDS feature (swale) at the front of the site then to an underground attenuation tank before discharging into the same sewer, is anticipated to reduce this rate to 5l/s. The majority of the car park will be drained via permeable paving located with parking bays.
- 9.91 Anglian Water has confirmed that they will have capacity to accept the proposed flows for the development. The Lead Local Flood Authority has agreed the principles of the drainage strategy and seek confirmation that it is deliverable through a drainage survey of the retained existing drainage network which should demonstrate the existing pipe network is of a suitable condition to continue to accept flows from the site and has a positive connection to the Anglian water public sewer. A final detailed drainage surface water strategy is required thereafter. Details of how the Suds will be maintained for the lifetime of the development and how surface water flows during the construction period will be managed is also required, to ensure that adequate drainage measures are in place at the start of the development. It is considered that the above requirements are necessary to make the development acceptable and can be reasonably secured via planning conditions.
- 9.92 In summary and subject to the acceptable details of the future drainage measures, the development is not expected to result in unacceptable impacts in terms of flooding and can be served by a suitable drainage network in accordance with FLP Policy LP14 and NPPF Chapter 14

Biodiversity

- 9.93 The proposal was supported by a preliminary ecological appraisal (PEA) which assessed the ecological interest of the site as a whole and evaluated the

importance of the habitats within it. This was updated in May 2023 with the original assessment's conclusions still accurate. The site is not part of or adjacent to a statutory nature conservation designation. The closest such sites are Rings End Local Nature Reserve (c.2.7Km north), Nene Washes SAC, SPA, Ramsar and SSSI (c. 4.3km north-west). In view of the latter, the site does fall within a SSSI Impact Risk Zone.

- 9.94 In respect of the risk of impact to the SSSI, the appraisal concludes that given the scale and type of the development and their location within an existing urban area, it is not considered likely that any direct or indirect effects would occur.
- 9.95 The appraisal assesses the likely habitats and impacts of the development on Bats, Badgers, Hedgehogs, Birds, Reptiles, Amphibians and Invertebrates. It also assesses the presence of invasive species, identifying 2 species present on the site which need to be managed to prevent further spread.
- 9.96 The PEA concludes that *“the majority of the habitats present on site are of limited intrinsic nature conservation value, including the buildings, hardstanding and amenity grassland. The trees and areas of scrub are considered to be of some ecological interest for the foraging and nest-building opportunities they offer faunal species, as opposed to any significant intrinsic ecological value.”*, and *“subject to appropriate mitigation, there is not considered to be any insurmountable ecological reasons the site could not come forward for development.”*
- 9.97 The Council's Wildlife Officer has assessed the proposal and PEA and has concluded that it provides suitable evidence that the material concerns of negative impacts on the protected species and biodiversity of the proposal can be discounted with the recommended mitigation and compensation. In order to ensure that the mitigation is secured, the Wildlife Officer has recommended planning conditions to secure a Construction Environmental Management Plan (CEMP: Biodiversity); the inclusion of Bird and Bat boxes within the development; and, that all works follow the recommendations as laid out within the PEA. It is considered that the above requirements are necessary to make the development acceptable and can be reasonably secured via planning conditions.
- 9.98 In summary and subject to acceptable mitigation measures coming forward the development is not expected to result in unacceptable impacts on biodiversity in accordance with Adopted Local Plan FLP Policy LP16(b) and LP19 and NPPF Chapter 15.

Amenity

- 9.99 The site's position within an established employment area is not anticipated to result in any severe harm to amenity. It is recognised that the nearest dwellings are c.110m northwest of the site, with views partially interrupted by the KFC outlet. Therefore, given the separation distances to neighbouring properties and based on the proposed layout of the proposed food store and various associated ancillary structures, it is considered that the proposed development would not have an unacceptably overbearing or oppressive effect on neighbouring properties. In addition, given the layout and scale of the development it considered that the proposed development would not have a significant detrimental impact upon the amenities of neighbouring properties through overshadowing or loss of light. In terms of light impacts, the Council's Environmental Health (EH) Team has reviewed the submitted 'External Lighting Lux Levels' plan (Drawing 2909-CHE-111E) and raises no objection – acknowledging that notwithstanding that the plan

indicates that lighting levels will comply with industry standards, they still have powers to investigate and intervene where statutory light nuisance is concerned.

- 9.100 The EH team has advised that the potential for disturbance to the nearest dwellings from deliveries to the store is a slight concern. In this regard however, they consider that a suitable noise management plan may overcome these concerns. This could be reasonably secured via planning condition. In addition, the applicant has suggested a planning condition which secures specific details of the fixed plant and/or machinery associated with the development, to be agreed with the Local Planning Authority and which is restricted to specific noise levels at certain periods of the day. The EH team has indicated their agreement with this approach.
- 9.101 The matter of construction impacts is also considered necessary to mitigate – in particular noise and dust arising through the demolition element and site preparation. In this regard, it is considered necessary to secure a Construction Management Plan via planning condition. This should also address concerns raised by the Town Council in respect of construction access.
- 9.102 The EH team has also suggested that a demolition asbestos survey is also secured, given that the demolition element will involve removal of buildings which may incorporate asbestos. In this regard, the removal of such material is controlled under license via the Health and Safety Executive and the developer would be expected to contract specialists in its removal. Therefore, as this is regulated under separate legislation, this is not a matter that the planning system should seek control.
- 9.103 The proposal is in accordance with Adopted Local Plan Policy LP2 and LP16.

Crime & Disorder

- 9.104 The development will not create an unsafe environment or increase the risk of crime and disorder and so has been found to comply with the Adopted Local Plan Policy LP17

Environmental Impact Assessment

- 9.105 The application was preceded by a request to assess the Environmental impacts of the development (application ref: F/YR20/0920/SC) whereupon the Council considered that the proposal would not constitute EIA development. Having regard to the proposal in comparison to the EIA enquiry, it is concluded that the Council's opinion is that the development is not EIA development.

10 CONCLUSIONS

- 10.1 The NPPF (2018) has at its heart the presumption in favour of sustainable development. To be sustainable, development must, as noted in paragraph 8 of the NPPF, strike a satisfactory balance between the economic, environmental and social considerations.
- 10.2 In terms of the economic and social objectives of sustainable development, the proposal would contribute towards economic growth, including job creation through creating 40 to 50 posts, without undue adverse impacts upon vitality of March Town Centre. The proposal would also assist in retaining convenience expenditure within March, assisting the local economy, whilst providing consumers with increased shopping choice. As such, whilst the proposal would lead to a loss of a B class site, the site itself has been found less attractive for such uses given the

changed character of the area and development of the site for the use proposed would bring forward economic, social and environmental benefits in accordance with the objectives of sustainable development as outlined within the NPPF.

- 10.3 In terms of the environmental dimension of sustainable development, the proposal offers opportunity for the incorporation of energy efficiency measures as well as the inclusion of ecological enhancement measures, with potential to deliver net gains in biodiversity. The visual impacts of the development are considered to be acceptable, and the proposal would make a positive contribution to character and appearance of the area. The residual cumulative impacts on the road network would not be severe, and the proposal would accommodate the use of sustainable transport modes. Impacts arising from the development could be made acceptable through the imposition of construction management and noise management plans.
- 10.4 With regard to whether there are sites better located in or adjacent to March Town Centre where the development could be located, it has been demonstrated that there are no suitable sites available. The sequential test has therefore been passed.
- 10.5 In terms of the combined (comparison and convenience) retail impact of the proposal (in combination with the impact of the consented or yet to be determined Westry Retail scheme) it is not considered to be unacceptable.
- 10.6 The development provides the necessary car, cycle and servicing space. In relation to transportation impacts, with the proposed junction improvements, satisfactory provision has been made for pedestrians and whilst the traffic impacts are not completely mitigated, the impact will not be severe, and it will be no worse than with the present junction arrangement (if the development and the Westry Retail Park and McDonalds schemes did not go ahead).
- 10.7 The site is not at flood risk, and it has been demonstrated that the development can be adequately drained.
- 10.8 The proposed development will not result in the loss of significant biodiversity and some satisfactory safeguards / enhancements are proposed.
- 10.9 The trees of significant quality are being retained by the scheme as are a good number of other lower quality trees. The retained trees are being supplemented by additional tree and landscape planting (controlled by condition).
- 10.10 The site has a low risk in relation to contaminated land and the impacts of demolition in respect of any onsite asbestos can be controlled by condition.
- 10.11 The development has some potential to cause noise impact (from the service yard) on a nearby residential property, but this can be adequately mitigated through a management condition.
- 10.12 The proposed lighting scheme has been demonstrated not to be detrimental to residential amenity.
- 10.13 The building itself is of a satisfactory and appropriate design for its setting and will not result in a loss of amenity for any adjacent land uses.

10.14 For these reasons, when considered in the round, the proposal would contribute significantly to the economic, environmental and social dimensions of sustainability. As such the proposal is considered to constitute sustainable development and accords with the Development Plan.

11 RECOMMENDATION

Grant subject to the following conditions and the signing of a S106 legal agreement in respect of the £250 k contribution towards the implementation of the MATS junction [in the event that there is demonstrable certainty that it will be completed within 2 years of store opening] as an alternative to the implementation of Aldi's own signalised junction design;

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to any site works, a drainage survey of the retained existing drainage network should be carried out to confirm its presence and suitability for use within the proposed drainage strategy. This should demonstrate the existing pipe network is of suitable condition to continue accepting flows from the site and has a positive connection to the Anglian Water public sewer. If the flows cannot be accepted, then an alternative scheme shall be submitted to and approved by the LPA and the development shall be implemented in accordance with it.

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

3. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Sustainable Drainage Strategy, Stirling Maynard Consulting Engineers, 3272 313, November 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to first occupation.

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

4. Measures to deal with any additional surface water run-off from the site during the construction works shall be implemented so as to prevent any surface water flooding off site.

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. To accord with Adopted Local Plan Policy LP14.

5. Prior to occupation of the development, the developer shall deliver the improved access into the site including the provision of the pedestrian refuge

island with dropped kerbs and tactile paving across the site access junction as shown indicatively in drawing no. 19126-010 Rev C.

Reason: In the interest of highway safety in accordance with Adopted Local Plan Policy LP15.

Note: The identified plan is indicative only and a detailed scheme will have to be submitted to and approved by the highway authority under a Section 278 agreement and it is this design that must be implemented.

6. Prior to occupation of the development, the developer shall upgrade the existing traffic island on the Hostmoor Avenue (west) arm of the Tesco Access roundabout to comprise a pedestrian refuge island with dropped kerbs and tactile paving as shown in principle in drawing no. 19126-010 Rev C.

Reason: In the interest of highway safety in accordance with Adopted Local Plan Policy LP15.

Note: The identified plan is indicative only and a detailed scheme will have to be submitted to and approved by the highway authority under a Section 278 agreement and it is this design that must be implemented.

7. 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 shall include suitable measures and incentives to promote sustainable travel to the site. The development shall be implemented in accordance with the approved Travel Plan.

Reason: In the interest of sustainable travel in accordance with Adopted Local Plan Policy LP15.

8. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 45 dBA between 0700 and 2300 hours and 34 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014

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

9. Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved by the LPA. The CPM will be required to address the following:
 - Site preparation (use of equipment and machinery including mobile plant/potential smoke & dust pollution/general noise control)
 - Construction phase (noise control of vehicular activity, machinery and equipment/siting of skips and waste disposal arrangements/dust suppression)
 - Complaint response and investigation procedures
 - Hours of construction

- Measures to keep the highway free of mud and debris which would otherwise make the highway unsafe.
- The method to be used to remove any asbestos from the site.
- Site compounds for parking, storage / delivery of materials

and the CMP shall be implemented as approved.

Reason: In the interests of safe operation of the highway and protection of general residential amenity in accordance with policy LP15 and LP16 of the Fenland Local Plan.

10. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Summary of potentially damaging activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To ensure that the recommended mitigation and compensation suggested in section 5 of the PEA (Ecology Solutions, 2020) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan.

11. The development shall only be carried out in accordance with all of the ecological measures and/or works shall be carried out in accordance with the details contained in the PEA (Ecology Solutions, 2023) and the invasive species present on site should be eradicated in accordance with best practice.

Reason: In the interest of the protection and enhancement of ecology / biodiversity in accordance with Adopted Local Plan Policy LP16.

12. The development hereby permitted shall not be occupied until at least 2 bird boxes and 2 bat boxes have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds and the Bat Conservation Trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority.

Reason: To secure the provision of long-term nesting / roosting opportunities.

13. No removal of nests in building, hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or building disturbed 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.

Reason: Protected species are a material concern for Local Planning Authorities as per the National Planning Policy Framework and Fenland Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981 20 The development hereby permitted shall be carried out in accordance with the following approved plans and documents.

14. The landscaping scheme as listed below, shall be implemented in full within 6 months of the store hereby approved first trading.

Reason: In the interest of the appearance of the development and to accord with Adopted Local Plan Policy LP16.

15. Prior to the commencement of development, the tree protection measures as given in the tree protection plan shall be in situ and shall remain in place until all construction works on the site have been completed.

Reason: In the interest of the appearance of the development and to accord with Adopted Local Plan Policy LP16.

16. Approved Plans

APPENDIX 1 – 9TH March Objection from Cambridge Property Group

I am writing further to your recent exchange of emails with Bernard Greep, of Stantec and his letter to you of 2nd March, where he is further advising your Council on the Aldi application (LPA ref: F/YR21/0885/F). This further advice addressed Contour Planning's challenge that the Stantec's advice was fundamentally flawed because they had not previously undertaken a 'combined convenience only' and 'combined convenience and comparison' retail impact assessment. We acknowledge that this has now been undertaken, by Aldi's consultant, Planning Potential.

However, this assessment shows a combined convenience only retail impact on March Town Centre of 19.5%, which would be an unacceptable, significantly adverse retail impact on the vitality and viability of March Town Centre.

In his email of 20th February at 7:00pm, Bernard Greep wrote:

"Planning Potential's submissions do not necessarily present the strongest case that could have been presented, and the 19.5 per cent convenience retail impact is a concern."

In his letter of 2nd March Bernard Greep made the following comment:

"There is a disagreement between Planning Potential [agent for Aldi] and Contour Planning [agent for CPG] regarding the likelihood of the 2016 permission being delivered as anticipated at the time of that application.

For ease of reference this is what we said in our advice of 27 September 2022:

As previously advised by Stantec, one can consider the Westry Retail Park figures in two ways. Firstly, that the committed scheme has planning permission and can be built out. Secondly, that the current application at Westry Retail Park does not currently have planning permission, but is more likely to be built out, otherwise why make such an application in the first place. On the basis that the current Westry Retail Park planning application is the more likely to be built out (assuming planning permission is granted), we are comfortable with the applicant using the figures from the current Westry Retail Park application.

Against the background outlined above, whilst Planning Potential identifies a worst-case convenience impact on March Town Centre of 19.5% per cent higher than the corresponding impact figure of 15.2 per cent which Planning Potential identified in May 2022 – that is based on delivery of the 2016

permission as envisaged at the time of that application. For the reasons that we have already outlined, we regard such an outcome unlikely.”

It is therefore staggering that the Council could still support this application on retail impact grounds, particularly when their own retail consultants confirm that the combined convenience retail impact of 19.5% is “ostensibly of concern”. Particularly when we have confirmed the intention to progress with the 2016 permission.

Tesco’s consultant’s objection letter of 1st March 2022 said:

“It is not appropriate for the Council’s advisor, Stantec, to second guess whether the revised scheme might be approved, or to assume that the consented proposals will not proceed. Taking a worst-case approach is on any event, a usual and sensible convention that should be adopted in this case.”

This is the view of an independent, professional third party. This is further substantiated within the letter to the Council dated 3rd October 2022 in which CPG’s agent confirmed terms had been agreed with operators and provided a letter from their lawyer confirming leases where currently being drafted for the scheme permitted under F/YR15/0640/F. I would also like to remind you of the email exchanges that place between us, where CPG stated in their email to you of 17th June 2022 timed at 12:15, that

” I would like to confirm, for any avoidance of doubt, that it is the committed development planning reference F/YR15/0640/F which will be built out.”

and in your email from you to me dated 1st August 2022 you confirmed:

“Please note that in terms of retail impact we not made any assumptions in relation to either of the Westry schemes other than to assume that one or the other may come forward.”

Let me unequivocally state to you again that CPG will be building out the committed development F/YR15/0640/F. Contour Planning reiterated this in their letter to the Council of 13 February 2023 stating:

“The 2016 planning permission has not come forward earlier due to the three and a half years it taken the Council to determine the reserved matters application, which was only granted planning permission on 01.12.2022.”

In relation to the 2018 application, a lot has changed in the retail markets since the revised larger scheme was submitted in 2018 due to Covid and the current cost of living’ crisis, consequently the 2015 scheme is the most commercially appropriate scheme to bring forward at this time. The main anchor tenant on the 2018 scheme withdrew, meaning a reduction in footfall, thus lessening the demand for the larger scheme. Whereas CPG has been able to secure an anchor tenant for the food store permitted under the 2015 scheme which has resulted in agreements being reached with other multiple comparison goods

operators. It is for these very sound commercial reasons that F/YR15/0640/F will be built out.

It is CPG's intention is to build out F/YR15/0640/F as a first phase and then apply for an enlargement of the retail park at the appropriate time. This is the only reason that F/YR18/0566/F remains a 'live' application, as providing that this application obtains a planning permission it will set a precedent for a larger retail park and hopefully make the path easier when the time comes to apply for an expansion of F/YR15/0640/F. In addition, a lot of time, resources and funds have been afforded on the 2018 application, so even though it is not commercially appropriate to deliver this development at this time, it is better for the application to run its course for the reasons set out above.

However, given the content of Stantec's letter of 2nd March 2023, despite having categorically set out to you that we will not be bringing forward the 2018 application and will be delivering the 2015 scheme as well as providing our reasoning for doing so, CPG are currently seeking an opinion from King's Counsel as to whether the 'live' application, LPA ref: F/YR18/0566/F should be withdrawn and whether the acknowledgement by Stantec of their concerns over the level of combined convenience impact should be sufficient grounds to challenge this decision, should the Council still be considering supporting this development on retail grounds.

It is clear that too much weight is been given to an assumption and there appears to be very little consideration of the fact that the 2015 scheme is permitted and therefore capable of coming forward, as opposed to the 2018 scheme which is does not even have a planning consent therefore currently not capable of coming forward.

Stantec have advised the worst-case scenario, but this is the only scenario. However, at a 19.5% convenience retail impact on March's Town Centre, Stantec have already confirmed this "is a concern". This significant adverse impact on March Town Centre's vitality and viability is the reason this application fails the retail impact test required by Para. 90 of the NPPF, and in accordance with Para. 91 of the NPPF, should be refused planning permission.

APPENDIX 2 – APPLICANT’S 2023 TOWN CENTRE HEALTH CHECK

Aldi Stores Ltd.

January 2023

March Town Centre Health Check Assessment



Introduction

The town of March is a historic market town, which is well-connected by road and benefits from a railway station with direct links to Cambridge and East Anglia, Peterborough and the Midlands. The 2014 Local Plan described March *‘as a relatively healthy town centre which has an historic urban form and attractive riverside setting’*. The town is centrally located in the Fenland district and is the second largest town after Wisbech.

This January 2023 Health Check represents an update to two previous assessments undertaken by Planning Potential in order Fenland District Council have an up-to-date assessment in respect of March town centre’s vitality and viability. The first health check was undertaken in February 2021 (undertaken during the pandemic) and was included within our Planning & Retail Statement (July 2021) submitted in support of Aldi’s planning application. For robustness, and to provide an update to the original Health Check we visited the town centre and provided a second Health Check in April 2022.

A list of criteria to be used to assess the health of a centre is not provided in the National Planning Policy Framework (NPPF), however indicators for such an assessment can be found in the Government’s Planning Practice Guidance (PPG).

The Health Check outlined below ensures that the information presented on the vitality and viability of March Town Centre provides a full and robust assessment, in order to inform the assessment of retail impact and assist the Council in their decision making.

The town centre for the purpose of this Health Check is that defined by Experian Goad Ltd. Whilst the Goad plan for the town is largely reflective of area defined by the town centre boundary in the adopted Local Plan, it is noted that the Lidl store and its surrounds are identified as being outside of the town centre in terms of policy.

Health Check Assessment

Centre March Town Centre

Example Images of the Town Centre



Diversity of Uses

The National Planning Practice Guidance (NPPG) recognises that diversity of uses within a centre makes an important contribution to overall vitality and viability, ensuring that town centres are attractive destinations throughout the day and evening.

Figure 1 below utilises both the latest Experian Goad Ltd data and the findings of Planning Potentials site visits from April 2022 and January 2023; we provide a breakdown of the diversity of uses in March town centre at these times, and set against the national average.

Sector	Goad (Surveyed October 2021)		Planning Potential (April 2022)		Planning Potential (January 2023)		UK Average
	No. of Units	%	No. of Units	%	No. of Units	%	%
Convenience	14	7.9	13	7.3	14	7.8	9.2
Comparison	35	19.8	40	22.3	41	22.9	27.1
Retail Services	38	21.5	43	24.0	42	23.5	15.6
Professional Services	17	9.6	17	9.5	19	10.6	9.1
Leisure Services	41	23.2	40	22.3	40	22.3	24.6
Vacant	32	18.1	26	14.5	23	12.9	14.2
Total	177	-	179	-	179	-	-

Source: Experian Goad Ltd and Planning Potential Research

Retailer Representation and Intentions to Change Representation The current number of convenience units (14 no.) is lower than the UK national average, but the town centre is relatively well represented with a range of different convenience retailers.

The main store within the town centre is a Sainsbury's supermarket, with Lidl representing an edge of centre location outside of the defined town centre boundary and primary shopping area. The centre is also served by several smaller stores in the form of Tesco Express, Iceland and a Heron Food. The town has a local butchers, bakers and newsagent as well as several smaller convenience offerings, including a health food shop.

The Sainsbury's is the largest single retail unit in the town centre. The store has a net area of 1,858 sqm and sells a wider of convenience and comparison goods. When visited in January 2023 the store was trading well.

March town centre has a relatively small comparison retail offer and these are mainly independent businesses, with only a limited range of national multiple retailers. The largest sector representation of multiple retailers are charity shops, Clarks, M&Co, WH Smith, Boots, Superdrug and Specsavers are also represented.

Balance Between Independent and Multiple Stores During the site visit it was noted that March town centre has a mix of multiple national retailers and independent operators. With the exception of the national convenience retailers on the edge of the centre, many national multiple stores are focused on Broad Street, the centre's main shopping street, examples of which include Holland & Barrett, Boots, Nationwide, Dominios.

Whilst Broad Street also has a mix of independent businesses, these are more prevalent in the secondary areas of High Street and Station Road.

Proportion of Vacant Street Level Property Vacancy rates provide a useful indicator of the relative health of a town centre and should be taken into account when assessing vitality and viability of a town centre. It should be noted that a small level of vacant units is considered appropriate as it allows for natural change in retailers and availability of floorspace for new entries.

As can be seen in the table above, our visit to March in January 2023 identified 23 vacant units. This is below the current national average, and also shows an improvement when compared to the figure following our visit in April

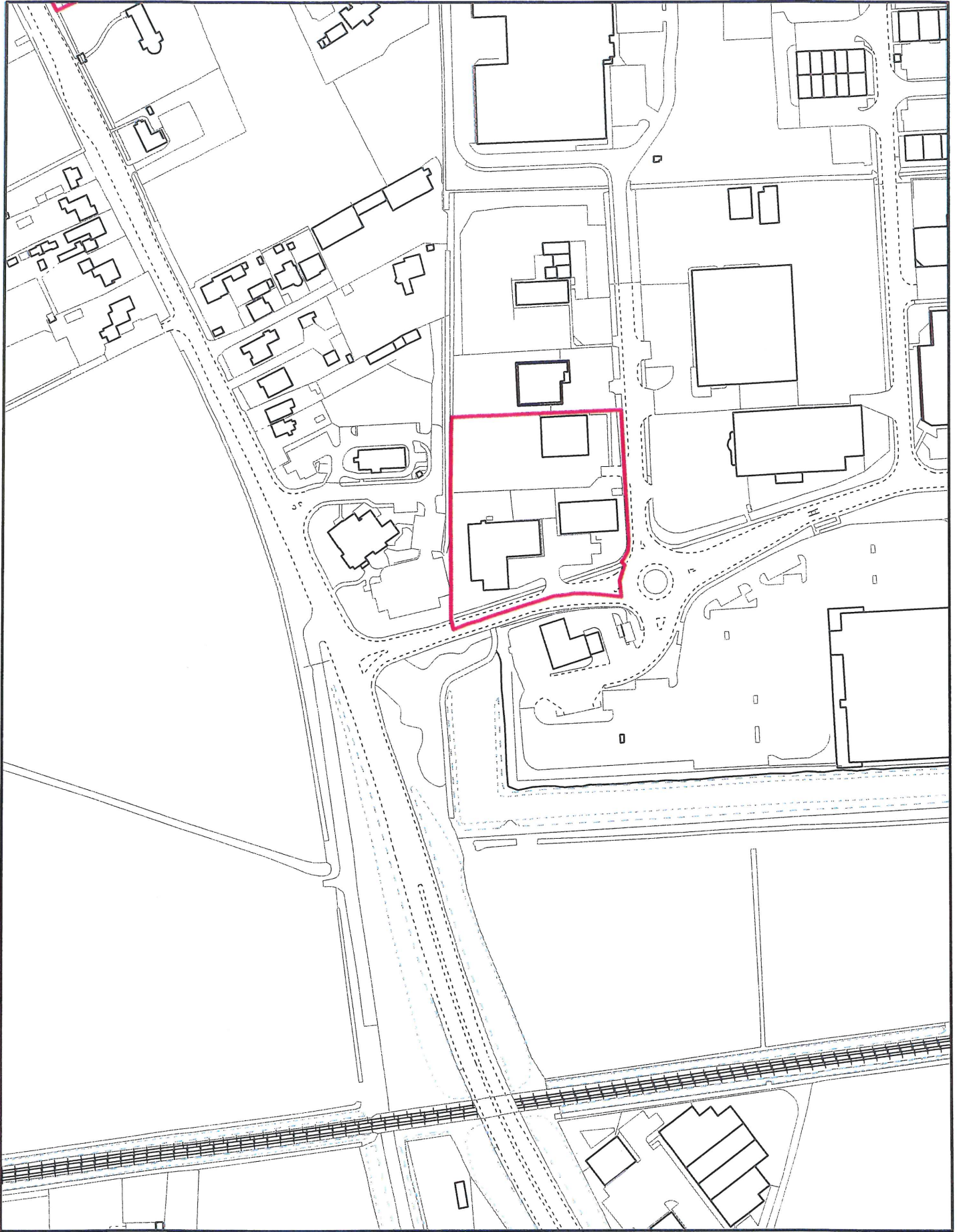
	<p>2022. This decrease is most likely attributed to continued post pandemic recovery and indicates the centre is improving.</p>
Extent to which there is Evidence of Barriers to New Businesses Opening and Existing Businesses Expanding	<p>There are several vacant units throughout the centre which were noted as being advertised as either to let or for sale. From this assessment there does not appear to be any evidence of significant barriers to new business opening and existing business expanding, particularly due to the observed variety of vacant units available and the evident reduction in vacant units since our last assessment.</p>
Opening Hours / Availability / Extent to Which There is an Evening and Night Time Economy Offer	<p>As recorded by the GOAD assessment in 2021 and Planning Potential's subsequent updates, March town centre contains a a broad range of leisure services. Although Planning Potential's survey was conducted in the daytime (12:00-15:00), there appeared to be evidence of an evening economy offering in the centre, including a selection of public houses and restaurants located on the Primary Shopping Frontage, however the proportion of leisure services is lower than the national average.</p>
Pedestrian Flows	<p>During Planning Potential's visit in January 2023, the footfall and pedestrian activity across the town centre was observed. Pedestrian flows were considered to be relatively busy at the time of Planning Potential's visit, with the greatest flows being at the High Street and Market Place and along Broad Street.</p> <p>The town centre suffers from traffic congestion, particularly at the north of the High Street and along Broad Street, with most issues occurring at the traffic light junction at the north of the High Street. The on-street car parking at Market Street creates additional traffic congestion, impacting on safe and convenient pedestrian access around this part of the centre, one of March's prime retail areas.</p> <p>Further, pathways are relatively narrow along the High Street which has high traffic flows. Also, pedestrian access to both the town centre's main car parks to the High Street are not well defined and of limited environmental quality.</p>
Accessibility	<p>March town centre is accessible by a range of means of transport, including public transport, private car and also by pedestrians. Whilst not within the town centre, the train station is within walking distance and has regular services to a number of towns within the region.</p> <p>The bus links from the town centre are good with regular buses providing access from the town centre to the wider urban area and surrounding towns, including Chatteris and Wisbech.</p> <p>There is an on-road cycle route that runs through the town centre which provides a link to the surrounding residential areas.</p> <p>Further details of the accessibility of the town are provided within the accompanying Transport Assessment.</p>
Perception of Safety and Occurrence of Crime	<p>The centre appeared to give an overall sense of safety. Throughout the Primary Shopping Frontage there were fairly consistent pedestrian flows, supported by retail units in the centre having active frontages. All this contributed to positive surveillance giving an impression of safety. Certain areas were, however, noted to have in-active frontages where natural surveillance was poor, which was due to derelict / underutilised land to the west of the High Street.</p> <p>There was no obvious indication of anti-social behaviour in the centre such as graffiti or littering further supporting that the centre gave an overall impression of safety.</p>
State of Town Centre Environmental Quality	<p>Most of the defined town centre is designated as a Conservation Area reflecting the market town history. The centre is overall a pleasant environment and has the benefit of the river setting which flows through the town centre.</p> <p>The adopted Local Plan does not identify any development sites in the town centre, but there has been relatively recent development and investment in the form of the library scheme to the west of High Street and the West End DIY/garden centre at the southern end of the High Street.</p> <p>However, the March Neighbourhood Plan recognises that a large part of the town centre has derelict and underutilised backland that could be regenerated to the wider benefit of the town centre. There is therefore potential within the town centre to improve its overall offer and appearance in the future. Given the lower representation of</p>

comparison shopping, this would potentially represent a suitable retail use to improve the town's retail offer in this respect.

Summary

As with previous assessments, our January 2023 Health Check Assessment identifies March Town Centre as a vital and viable town centre. The centre continues to have a good retail offering and diversity of uses, with a large proportion of independent alongside a selection of multiple national retailers. The number of vacant units in the centre has reduced since our last visit in April 2022 and is now comfortably below the UK national average, indicating continued recovery and improvement the local economy post-Covid19.

Our survey also identified healthy pedestrian flows and activity in central areas, with low instances of anti-social behaviour and an overall pleasant town centre environment.



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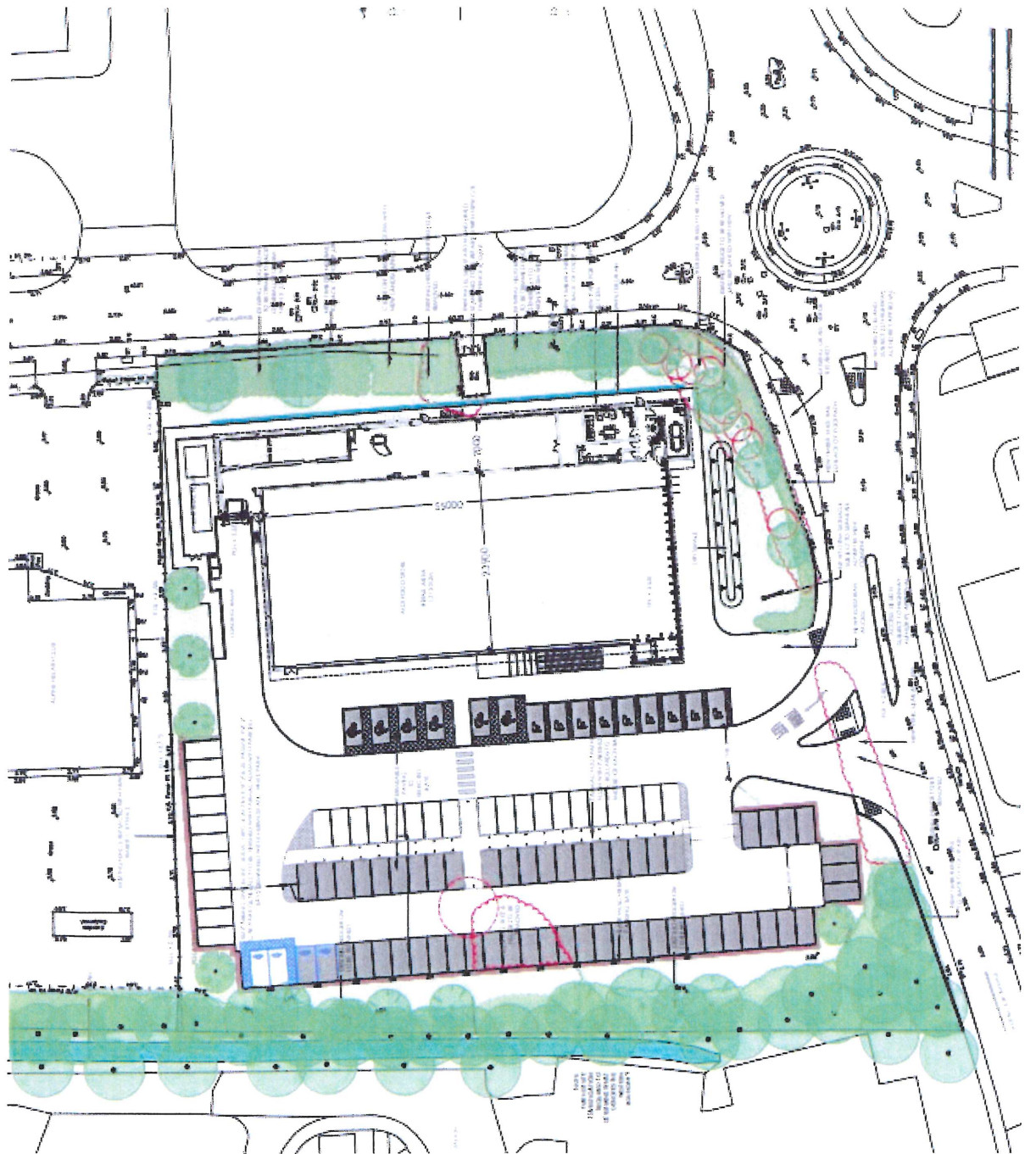
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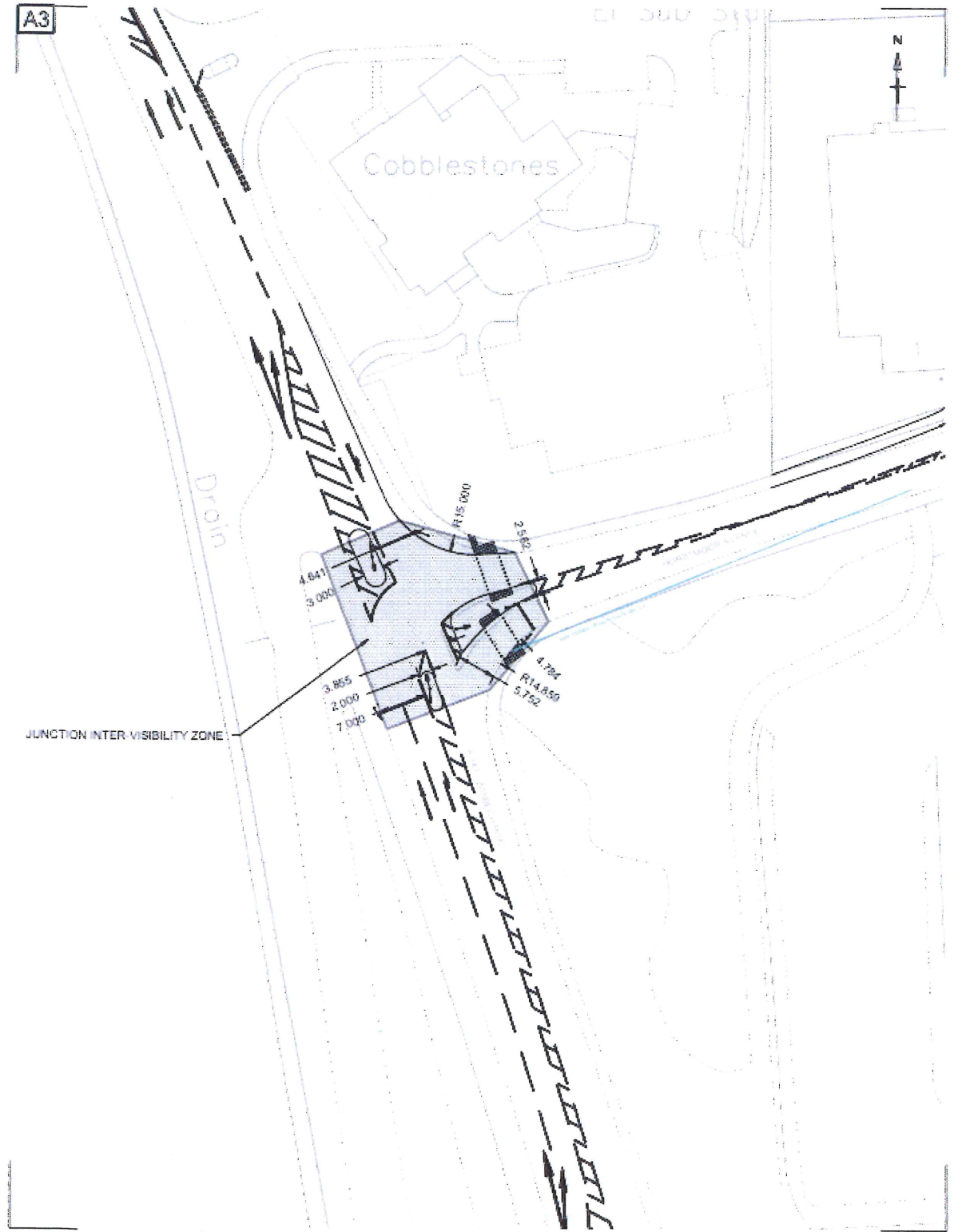
PROPOSED LAYOUT



VISUALISATIONS



PROPOSED JUNCTION IMPROVEMENT A141 / HOSTMOOR AVE JUNCTION



F/YR22/0873/F

Applicant: Mr Stuart Deadman

**Agent: Mr Nigel Cooper
Norwich Architects Ltd**

6 North Brink, Wisbech, Cambridgeshire, PE13 1JR

Change of use of existing building from dwelling, chiropractic surgery and beauty treatment rooms to create 7 x flats (6 x 1-bed and 1 x 2-bed) involving the erection of a single-storey rear extension (part retrospective)

F/YR22/0874/LB

Internal and external works to a listed building to enable a change of use of existing building from dwelling, chiropractic surgery and beauty treatment rooms to create 7 x flats (6 x 1-bed and 1 x 2-bed) involving the erection of a single-storey rear extension

Officer recommendation: Grant

Reason for Committee: Number of representations contrary to officer recommendation

1 EXECUTIVE SUMMARY

- | |
|--|
| <p>1.1. This application proposes the change of use of a listed building situated within the Wisbech Conservation Area. It will deliver a residential scheme providing a total of 7 units of residential accommodation facilitated by the erection of a single-storey rear extension.</p> <p>1.2. Whilst the comments of some consultees and local residents are noted and acknowledged and officers have some sympathy with the points made, so much so that they endeavoured to secure scheme revisions in this regard. It must be noted that there would be no policy basis to withhold consent, noting the absence of significant harm arising by virtue of the proposals. Furthermore, when giving weight to the continued use of this prominent heritage asset and noting the absence of any other material considerations which would indicate that the scheme should be resisted, matters of 'amount' must fall away.</p> <p>1.3. The application is recommended for approval as set out in the body of the report below having due regard to the duty in law under S16 Planning (Listed Buildings and Conservation Areas) Act 1990 and also the requirements of the National Planning Policy Framework 2021 and Policy LP18 of the Fenland Local Plan 2014.</p> <p>1.4. Matters of flood risk, highways, residential amenity, security and servicing have also been considered alongside heritage and character considerations, with the Conservation Officer having also inputted into the latest iteration of</p> |
|--|

the scheme and their suggestions incorporated.

- 1.5. It is considered that the scheme on balance aligns with the relevant policy framework and may be favourably recommended with appropriate conditions.

2 SITE DESCRIPTION

- 2.1. No.6 North Brink Wisbech is a Grade II* listed building, first designated on 17th July 1951 and amended on 31st October 1983. The property is an early 18th century house, originally of 3 storeys, with service basement and raised to four storeys in the first half of the 19th century. This town house has been variously used as offices, residential, and commercial use with flats above and is located within the Wisbech Conservation Area on one of Wisbech's principal Georgian river fronting streets with the historic core of the town.
- 2.2. Current use of the property is a Chiropractic Surgery and Beauty Treatment Rooms with flats above.

3 PROPOSAL

- 3.1. The proposal seeks full planning permission for the change of use of the existing building from dwelling, chiropractic surgery and beauty treatment rooms to create 6 x 1-bed and 1 x 2-bed flats (totalling 7) involving the erection of a single-storey rear extension, and listed building consent for the internal and external works to facilitate the change of use.
- 3.2. The submitted schedule of works on the proposed plan (NB-W-C-05H) outline the proposed alterations; including removal and erection of internal walls; creation of an internal refuse store; removal of unauthorised staircase; erection of rear extension (total rear extension to be approx. 13.8m long by 2.8m wide maximum); party wall sound/fire proofing; and other minor alterations.
- 3.3. Full plans and associated documents for these applications can be found at:

[F/YR22/0873/F | Change of use of existing of building from dwelling, chiropractic surgery and beauty treatment rooms to create 7 x flats \(6 x 1-bed and 1 x 2-bed\) involving the erection of a single-storey rear extension \(part retrospective\) | 6 North Brink Wisbech Cambridgeshire PE13 1JR \(fenland.gov.uk\)](#)

and

[F/YR22/0874/LB | Internal and external to a listed building to enable a change of use of existing of building from dwelling, chiropractic surgery and beauty treatment rooms to create 7 x flats \(6 x 1-bed and 1 x 2-bed\) involving the erection of a single-storey rear extension | 6 North Brink Wisbech Cambridgeshire PE13 1JR \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

F/YR21/0750/LB	Internal and external alterations to a listed building, including replacement of stud wall, removal of internal window, and insertion of window to rear elevation	Granted 04.05.2022
F/YR21/0749/F	Installation of a window to rear of existing building	Granted 04.05.2022
F/YR10/0722/LB	Internal works including addition of a new staircase (retrospective)	Refused 17.11.2010
11/00023/REF		Appeal Dismissed 06.03.2012
F/YR10/0721/F	Change of use of first-floor from residential to Chiropractic Surgery and Beauty Treatment Rooms	Granted 26.01.2011
F/YR00/0125/LB	Internal alterations including installation of escape ladder, nullifire to front office walls; partition at rear; fire doors/smoke detectors; window keeps, anti-vac traps, extractor fans	Granted 04.05.2000
ENF/370/10/UWLB	Unauthorised staircase, and creation of additional self-contained residential unit.	Notice Issued 01/07/2011
11/00019/ENFAPP		Appeal Dismissed 06.03.2012

5 CONSULTATIONS

5.1 The below consultation responses are those most recent comments from consultees in response to consultation/reconsultation listed in order of receipt. It should be noted that full reconsultations of all statutory consultees (and neighbours) were undertaken on 10.01.2023 and 30.03.2023, hence any comments dated prior to these dates had no follow-up reconsultation response. Any earlier comments can be viewed on public access and hence earlier comments received are omitted for brevity.

5.2 North Level Internal Drainage Board – 18.08.22

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

5.3 The National Trust – 23.08.22

We have carefully reviewed the application documents and wish to provide the following comments regarding car parking provision and waste disposal and collection.

The documents provided within this application do not consider waste disposal except in the application form which states that the plans incorporate an area to store and aid the collection of waste by 'Wheelie Bins' and that arrangements have been made for the separate storage and collection of recyclable waste by 'Recyclable Wheelie Bins'. The National Trust would question whether this information is sufficient to assess the suitability of this method of waste collection given that it is not included in the Site Plan, Design and Access Statement or other application documents. We are concerned that if it is not feasible to provide and store wheelie bins for the residents of seven flats and therefore a number of bin bags may be

placed on the street prior to waste collection day, which detracts from the aesthetic qualities of the area, including for National Trust visitors who walk down this route. North Brink is included within the Wisbech Conservation Area. The Wisbech Conservation Area Management Plan (2016) notes in Chapter 2.1 that Pevsner described North Brink “as one of the finest Georgian brick streets in England”. Furthermore, in the Wisbech Conservation Area Appraisal (2016), North Brink is noted as a key view and vista within the conservation area: “The view from, and towards, the Town Bridge up and down the River Nene, taking in the grandeur of North Brink and its assembled high quality town houses and civic buildings” is important for understanding and appreciating the town’s architectural special interest and its history. Prior to the determination of this application by the Local Planning Authority (LPA), the National Trust would request that the LPA satisfy themselves that sufficient details have been provided by the applicant in regard to waste collection and disposal and that the method of waste collection and disposal will not have a detrimental impact on the Conservation Area or heritage assets nearby.

Furthermore, there is no provision for car parking within the proposed change of use application. Within the Fenland District Council Local Plan (2014), appendix A sets out car parking standards for various developments. This appendix does state that “where a site has good public transport links, such as in a central area of a market town, a reduction in car parking provision may be negotiated and, in special circumstances, nil parking provision may be appropriate”. The National Trust would question whether the applicant has provided sufficient evidence to assess whether this development could be considered under these special circumstances, given that it has not been addressed within the Design and Access Statement. Currently there is limited parking available to residents on the North Brink and the Trust would request that the LPA satisfy themselves that sufficient parking is available to accommodate a number of additional flats without designated parking, prior to the determination of this application.

5.4 Environment Agency – 24.08.22

Thank you for your consultation dated 10 August 2022 for the above application. We have reviewed the documents as submitted and we have no objections to the development proposed subject to the condition outlined below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. Further information for the developer is provided below.

Flood Risk

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment prepared by Evans Rivers And Coastal, Ref: 2937/RE/05-22/01 dated May 2022 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment prepared by Evans Rivers And Coastal, Ref: 2937/RE/05-

22/01 dated May 2022 and the mitigation measures detailed within the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

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

5.5 National Amenity Societies – The Georgian Group – 30.08.22

... The applicant proposes to convert the building into a house of multiple occupation involving the loss of internal fabric, the erosion of its historic planform, the construction of an addition, the removal of a staircase, and the partial remodelling of the basement section of the principal elevation. Unfortunately, the heritage statement provided fails to adequately explain either the age, or the significance of the fabric affected. Applicants are required within paragraph 194 of the NPPF to provide an adequate assessment of the significance of any historic fabric which is to be removed or altered. The assessment of the significance of the internal fabric which would be lost is in this case inadequate, and the impact of the proposed works on the building's historic planform, fixtures and fittings and decorative plasterwork therefore difficult to assess. This is of particular concern as the extensive removal of fabric is proposed within what would have been once the house's principal reception and bedrooms.

The documentation also suggests that the proposals are partially retrospective, but no effort has been made to clarify what work has already been undertaken without listed building consent, or its impact on the building's significance. This was an issue also raised by the Group in our letter of 8th of August 2021 relating to your ref F/YR21/0750/LB and it is a matter of considerable concern that this information has once again not been provided.

NPPF (2021), paragraph 200 makes clear that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.' No attempt has been made however to provide a justification for the proposed alterations to the house's principal façade or for the substantial works of demolition and alteration proposed within.

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.

The Georgian Group recommends that the applicant withdraws this application until such time as they can address the serious issues raised in this email. If the applicant is unwilling to do so, then listed building consent and planning permission should be firmly refused.

5.6 The Wisbech Society – 31.08.22

With reference to the above Planning Application, 6 North Brink, Wisbech. The Wisbech Society & Preservation Trust Limited, STRONGLY OBJECTS to this application to convert the property into a flats, for the following reasons:

- 1. The property is an important heritage asset on the North Brink of Wisbech, identified by the antiquarian, Pevsner, as one of the finest Georgian brick built streets in England. It is a Grade 2* listed building, ref. 1279135, and was listed on 17th July 1951 - an early example of a Listing, which reflects its importance both internally and externally.*

The Listing states:

"Early C18 house originally three storeys with service basement raised to four storeys c.1820-1840. Local brown brick with red brick quoins and window jambs. Slate roof with end stacks. Shallow parapet with stone copings. Four 'bays'. Four, third floor six-paned hung sash windows in red gauged brick arches and stone cills. First and second floor windows similar with twelve-panes. Two segmental bay windows to west of entrance and one twelve-pane window to east. Bands between floors. Wooden Doric doorcase with enriched triangular pediment; eight-panelled door Stone steps with railings to forecourt and entry to basement. Interior has very fine late C18 chimney piece to left hand ground floor room, and two good second floor doorcases; some original doors and panelling. Early C19 staircase with canted and free flying flights rising to attic floor. VCH Cambs, p.242. Pevsner, Buildings in England, p.500. A. Peckover, watercolour, 1827, W. & F. Mus. Photographs and prints, C18 and C19, W. & F. Mus"

- 2. It appears that some alterations may have already been made to the property without planning consent, which if true, breaches the conditions of the Listed status of the property, which as the Grade 2* provides protection to all internal and external features and historic fabric, and would require its full re-instatement.*
- 3. The application provides for the alteration and removal of historic fabric, including walls, doorcases, etc, and the installation of new features using inappropriate modern materials, such as plasterboards. This will greatly damage the character of the building resulting in historic loss. The UK Govt National Planning Policy Framework (NPPF), Paragraph 194, states that, "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected". However, the applicants Heritage Statement, seems to imply that the removal of historic features are of 'no importance'. This is clearly wrong, as these details are clearly referenced in the Grade 2* Listing.*

4. NPPF, Para 195, states that, "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)".

Not only does this application affect the property, but also the setting of the historic North Brink, as it would impact on waste disposal and car parking in an already congested area of the town where household waste is collected by means of plastic bags placed in the street. It is not acceptable that the applicants agent postures that the new residents would have no need for a car!

5. NPPF, Para 199, states that, when considering potential impacts, the local authorities should, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In addition, Para 200 states, "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification" and goes on to state that "assets of the highest significance, notably grade I and II* listed buildings, should be wholly exceptional."

6. The application's plans imply that the basement is already in residential use. However, the photographs clearly show it is in a semi derelict state and use as a store. Basement living so close to the river is unsuitable as there will likely be ingress of damp/water. This can only be solved by using 'tanking' methods which will inevitably lead to damp rising and mould within the building and the further deterioration of historic fabric. This argument by Wisbech Society was accepted by FDC Planning in a recent decision to REJECT an application for 10 Market Street, Wisbech.

In conclusion, it is clear that the proposed development would severely impact this important Grade 2 Listed Building, its historic fabric and the setting of North Brink (car parking, household waste, additional noise, sewerage). The early listing of the property demonstrates its importance and all means should be used to maintain its protected status.*

5.7 Historic England – most recent comments 04.04.23

Thank you for your letter of 30 March 2023 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

5.8 FDC Conservation Consultant (East Cambs District Council) – 05.04.23

The layout revisions shown on dwg no NB-W-C-05 H have - finally - addressed the principal heritage concerns, There are no further objections.

Recommendation: no objection.

5.9 FDC Environment & Health Services – 05.04.23

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

5.10 FDC Private Sector Housing – 12.04.23

Further to our response (10th Feb 23) to the original proposed plans, I note the revised plan has addressed our concerns relating to fire safety within the proposed units.

Therefore, there are no objections from our team.

5.11 Wisbech Town Council – 18.04.23

That the application be supported - subject to the proposed works according with the professional opinion of FDC's Conservation Officer.

5.12 CCC Highways Authority – 25.04.23

...in consideration of the location, site history and FDC parking policy, it would be difficult to defend an objection. On balance, I think the proposals are acceptable.

5.13 Society for the Protection of Ancient Buildings – 17.05.23

Thank you for notifying the SPAB of the further revisions to this application for listed building consent. ... We were pleased to see that further substantial changes have been made to the proposals which very largely allay the concerns raised by the statutory consultees and your own officers. The only issue that remains to our mind is the siting of the bin store to the front of the ground floor, directly adjacent to the front door. A more appropriate location elsewhere than on the primary elevation of the building would be preferable, and it is unclear how the window would be adapted if at all to support this use.

These comments apart, we have no further objection to the application.

5.14 FDC Environmental Services – most recent comments 06.07.23

I note the refuse collection strategy provided along with the additional plan indicating the refuse store to the rear of the property. I have a number of concerns in relation to how waste collection will operate using the alternate weekly service provided.

- 1) The refuse strategy refers to the main collection point at the front of the property however the location of this is not indicated, the bin store at the front of the property is not large enough and the narrow footpath at the would not be acceptable as this would cause an obstruction (see pic below).*
- 2) From the plans I cannot see a practical way in which the bins could be moved from the rear bin store through the property to an unknown collection point.*
- 3) The Refuse strategy states that bins could easily be manoeuvred to and from the bin store however the ground floor plan including the bin store does not demonstrate this.*

The only practical way for waste collection to work would be for a bin store of sufficient size to be located at the front of the property which could be accessed on collection days via key code access.

5.15 **Local Residents/Interested Parties**

The planning application has received 17 letters of objection from local residents, both from within the ward and from adjacent wards. In addition, the listed building application received 23 letters of objection (some duplicates from the full application, with a few additional comments).

In the interest of brevity, the general matters of concern raised for both applications are summarised below:

- Object to the conversion of the building into a house of multiple occupation (HMO).
- Waste generation concerns;
- Parking and highways concerns;
- Heritage impacts in respect of the building itself and the conservation area;
- Out of character with the area;
- Intensification of use will cause amenity issues;
- Overdevelopment;
- Would set a precedent for similar conversions;
- Likelihood of anti-social behaviour;
- Concerns over damp (and damp proofing methods) in basement;
- Suggestions of fewer flats or reversion to a single townhouse dwelling would be preferred;

6 STATUTORY DUTY

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

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

6.3 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para 8 – make provision for a sufficient range and number of homes, fostering well-designed places, protecting and enhancing the natural, built and historic environment and making the effective use of land

Para 47 – Applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise;
Para 86 (f) – recognising the role of appropriate housing in town centres contributing to their vitality

Chapter 9 – Promoting sustainable transport

Para 124 – Supporting efficient use of land, taking into account the: (d) desirability of maintaining an areas prevailing character and setting; and (e) the importance of securing well-designed, attractive and healthy places.

Para 126 – Achieving well-designed places. Good design is a key aspect of sustainable development: Creates better places in which to live and work and helps make development acceptable to communities

Para 130 – Design – Should function well, be visually attractive as a result of good architecture and attractive landscaping and be sympathetic to local character and history and establish or maintain a strong sense of place

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

Chapter 16 – Conserving and enhancing the historic environment.

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

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

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

Context C1 – Relationship with local and wider context; C2 – Value heritage, local history and culture

Identity I1 – Respond to existing local character and identity; I2 – Well-designed, high quality and attractive

Built form B1 – Compact form of development; B2 – Appropriate building types and forms

Movement M3 – well-considered parking, servicing and utilities infrastructure for all users

Homes and Buildings H1 – Healthy, comfortable and safe internal and external environment, H3 – Attention to detail; storage, waste, servicing and utilities

Resources R3 – maximise resilience

Lifespan L3 – A sense of ownership

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP6 – Employment, Tourism, Community Facilities and Retail

LP14 – Responding to Climate Change and Managing the Risk of Flooding
LP15 – Facilitating the Creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments
LP18 – The Historic Environment

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
LP15 – Employment
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP32 – Flood and Water Management

7.6 Supplementary Planning Documents/Guidance

Cambridgeshire Flood and Water SPD
Flood Risk Sequential Test Methodology (28 February 2018)
Wisbech Level 2 SFRA
Delivering and Protecting High Quality Environments (2014)
The Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste and Management Design Guide SPD

8 KEY ISSUES

- **Principle of Development**
- **Loss of commercial premises**
- **Character and heritage**
- **Residential amenity**
- **Parking and highways**
- **Flood risk**
- **Other matters**

9 BACKGROUND

9.1 In addition to works to facilitate the proposed change of use, the scheme seeks to remove and regularise earlier unauthorised works that were matters of earlier dismissed appeals relating to a refused listed building consent application (F/YR10/0722/LB; APP/D0515/E/11/2152394) and a subsequently issued enforcement notice (ENF/370/10/UWLB;

APP/D0515/F/11/2154194. The unauthorised ground floor to first floor staircase is due to be removed as part of the scheme considered herein. In addition, whilst the residential use on the second and third floors was permitted most recently under F/YR10/0721/F, the current arrangement of the self-contained residential units on these floors are unauthorised. This application seeks to regularise the self-contained residential units, along with proposing some internal changes to their layouts. Finally, additional units are proposed to be created within the building as part of the current application.

- 9.2 Following initial concerns raised by the FDC Conservation Consultant and various National Amenity Societies in respect of the impact on the listed building from the proposed works, the original scheme submitted was altered (following reconsultation) to address these concerns.
- 9.3 The final revised scheme as submitted is considered in the below assessment.

10. ASSESSMENT

Principle of Development

- 10.1 The building is located within Wisbech town centre boundary, one of the primary market towns within Fenland and is therefore identified as an area which should be the focus for new housing, employment growth, retail growth and wider service provision.
- 10.2 The scheme proposes to create a total of 7 apartments within the building and will retain a listed building in active use, with any heritage impacts to be assessed in accordance with the NPPF and Policy LP18 of the Fenland Local Plan.
- 10.3 Matters of flood risk, access and servicing must also be considered in accordance with Policies LP14, LP15 and LP16 of the FLP.
- 10.4 Subject to the scheme according with the relevant policy framework the principle of development is considered to be acceptable in the instance.

Loss of Commercial Premises

- 10.5 Policy LP6 embraces a strong 'town centre first' message in respect of retaining commercial development in towns. The application site was originally a residential dwelling; the site history suggests that, most recently, the property was permitted a change of use from residential to its current status of a chiropractic surgery and beauty treatment rooms in 2011. The proposal seeks the revert the building back to full residential use within the entire building through the conversion of the building into 7 apartments.
- 10.6 The site lies within the Town Centre Boundary but outside the designated Primary Shopping Area and Primary Shopping Frontage of Wisbech (as detailed within the Development Plan). North Brink is currently characterised by a mix of both commercial and residential properties, and as such the scheme would not be out of character as either residential or commercial (or a mix of each) in this location.

10.7 Ultimately, the loss of this commercial premises at the site, given their nature and scale, is unlikely to detrimentally impact the vitality and viability of the centre as a whole in this context, and certainly not to any degree which would warrant the refusal of planning permission.

Character and heritage

10.8 Consultation responses from the FDC Conservation Consultant and National Amenity Societies directed certain changes to the scheme layout and concluded that the development is, on balance, acceptable as now presented. The proposed extension to the rear of the property will be entirely obscured from view within the street scene, and the front elevation visible within the street scene includes no notable alterations. As such, the internal and external changes proposed would result in limited impacts to the character of the building and conservation area.

10.9 Early consultation responses included concerns over the previously unauthorised works that have taken place within the building, such as the inclusion of a staircase between the ground and first floors. Secondary staircases (including the unauthorised staircase in question) are due to be removed between the basement and first floor, reinstating the original central stairs as the main point of access between these floors. This is a welcome alteration to rectify the earlier unauthorised works at the site.

10.10 The currently unauthorised flats on the second and third floors of the building are sought to be regularised by this application, with only minor internal partitions erected to ensure these units meet fire regulations.

10.11 Other alterations were considered acceptable in respect of the most recent submitted floor plans/schedule of works (Drawing NB-W-C-05H) as they were considered to suitably address the main heritage concerns from earlier iterations of the scheme.

10.12 Reservations in respect of the scheme in respect of bin collection/storage provision are noted. The ground floor bin store, proposed within in a vestibule formed to the right of the main access/lobby is a regrettable addition as it will result in some impact on character. However, given the 'land-locked' nature of the building, this solution is considered to remain as the only practical way to ensure waste storage is contained within the building footprint and not on the public footpath to the front of the building, which arguably would create more of an eyesore in the public realm. It is noted that the bin store area includes a ground floor front elevation window that is due to remain, however the application does not include details of if/how this window may be altered to obscure views into the bin stores to preserve character and street scene. Notwithstanding, such detail can be secured by condition.

10.13 As such, it is considered that, subject to appropriate conditions, the scheme complies with Policy LP18 and the NPPF in terms of the impact on character and heritage.

Residential amenity

- 10.14 The proposed apartments provide sufficient internal floor space and bedroom space to meet the required Technical Space Standards. Initial concerns raised from the FDC Private Sector Housing Team in respect of suitable escape routes and fire safety provisions were alleviated with revisions to the original scheme. No concerns were raised in respect of space standards, light ingress, or residential amenity by the Private Sector Housing Team in respect of the original or revised layouts proposed.
- 10.15 Habitable rooms within the proposed apartments offer a suitable level of natural light and ventilation opportunity. The units will offer a reasonable level of residential amenity for the occupants and whilst some of the units are relatively small, they are well located to the town centre and will contribute to the housing mix of the town.
- 10.16 There is no requirement for provision of amenity space to support the development as per Policy LP16(h) and the site location is such that there are opportunities for outdoor recreation within walking distance. Notwithstanding, there is a rear courtyard area that could provide some informal outdoor space for occupants, as well as the amenities of the town centre.
- 10.17 It is noted that the location of the proposed bin store to the front of the building may result in impacts to amenity by way of odour generation, however this is sufficiently separated from residential units by way of dividing doors, and will be externally ventilated with a filtration system. No objections were raised in respect of the location of the bin stores by the FDC Environmental Health team or Private Sector Housing team in respect of amenity impacts from the proposed bin stores.
- 10.18 In terms of the relationship of the property to adjoining premises no amenity issues or impacts are identified.
- 10.19 Given the above, it is considered that, on balance, the scheme achieves compliance with Policies LP2 & LP16 of the Fenland Local Plan (2014).

Parking and highways

- 10.20 The proposal includes provision for cycle parking but none for cars due to its town centre location. There is cycle storage available in a cycle store within the rear courtyard of the building at ground floor level. It should be noted that the Development Plan does not contain cycle parking standards, however it is noted that 7 stands (one per unit) are shown within the rear cycle stores.
- 10.21 This a town centre site and as such is considered to be a sustainable location; albeit the scheme comes forward with a nil parking provision. Comments regarding the lack of provided parking and highway safety issues from representations are noted.
- 10.22 Appendix A of the Fenland Local Plan allows for a reduced car parking provision and in special circumstances a nil parking provision where sites are centrally located within Market towns and benefit from good public transport links.

- 10.23 The 'special circumstances' in this case are in respect of the site's town centre location and, moreover, the existing use at the site. Consideration must be paid to the reduced trip generation and parking requirements for the proposed residential development in comparison to the current use of the site as a chiropractic surgery, with beauty treatment rooms and existing residential units. Given that the commercial use would have required parking availability for both staff and visiting patrons at the site, it is likely that this would have generated more vehicular traffic and potentially a higher requirement of parking spaces than the proposed residential development.
- 10.24 Concerns over parking and highways arrangements were discussed at length with the Highway Authority, and it was considered that given the existing versus proposed circumstances, it would be unreasonable to justify a refusal of the scheme on the grounds of nil parking provision or highway safety. As such, there are no matters to reconcile with regard to parking or accessibility; the scheme is therefore considered compliant with Policies LP15 and LP16 of the FLP (2014).

Flood risk

- 10.25 The site falls within Flood Zone 3 (high risk). Flooding is considered an identified risk to both people and property. Both national and local policy seeks to steer new development to areas with lesser flood risk, where appropriate, to ensure areas at lower risk of flooding are developed before those at a higher risk. The NPPF advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas of lower risk of flooding (paragraph 158). Accordingly, there are other sites within Wisbech which are located within lower flood risk areas and therefore it is unlikely that the proposal would pass the sequential test.
- 10.26 Notwithstanding, as a change of use submission there is no requirement for the scheme to satisfy the sequential test however the exceptions test must be met. Paragraph 048 of the PPG on Flood Risk and Coastal Change states that '*A Change of Use may involve an increase in flood risk if the vulnerability classification of the development is changed. In such cases, the applicant will need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime.*' Thus, in line with national and local planning policy the application was supported by a site specific Flood Risk Assessment (FRA). The FRA outlined the likely maximum flood depths, which confirm through the use of EA Breach Hazard mapping, that the site will not be a risk of flooding during a 1000yr CC event and would allow for safe refuge (supported by the findings in the Wisbech Level 2 SFRA). Notwithstanding, the FRA outlined that occupants should consider what to do during flood events and recommended occupants register for the EA's Flood Warning Service.
- 10.27 Comments in respect of the possibility of flooding or damp ingress to the basement are noted, however the above evidence suggests that the site would not be at risk during a 1000yr CC event and that safe refuge would be available, and as such the proposed basement accommodation would not be

at risk in this circumstance. Matters in respect of appropriate methods of damp proofing for the basement can be secured by condition.

- 10.28 Consultation with the Environment Agency returned no objection to the scheme, subject to adherence with the submitted FRA, secured by condition. Therefore, it is considered that the proposed change of use will not result in an increase in flood risk to the site or to others, and thus is considered acceptable with regard to Policy LP14, subject to conditions.

Other matters

House of Multiple Occupation (HMO)

- 10.29 Several representations referred to the submission as an HMO. However, the submitted details indicate the scheme as proposing 7 separate market dwellings within the confines of the building supplemented by the erection of an enlarged rear extension. Each apartment will have its own separate access, living room, bedroom(s), kitchen and bathroom with no shared facilities save for the bin stores, cycle stores, and rear courtyard space; as such the scheme has not been considered as an HMO. Whilst representations received may have inaccurately described the proposal as an HMO, the relevant material planning considerations raised in relation to the scheme proposed more generally are discussed within the corresponding sections of this assessment report.

Refuse Collection

- 10.30 Matters in respect of refuse storage/collection have been of concern to officers and local residents, particularly in response to the operational capacity within the proposed bin stores and management of collections.
- 10.31** The site is currently utilised as a mixed commercial and residential unit, and has no current bin store arrangements for the entire building. However, it is acknowledged that despite the current lack of formal bin stores, the use at the site does inevitably generate a level of waste. It is understood that currently on collection days occupants place waste outside the front of the property to be collected by the local authority. This appears to be the 'status quo' for bin collections from other premises along North Brink that utilise local authority waste services.
- 10.32** The proposal seeks to offer 1800L capacity within the front bin stores room, with an additional 1320L proposed within a second bin store area within the rear courtyard. A refuse strategy was submitted outlining that a waste management team would manoeuvre the bins from the front and rear bin stores on collection days. However, it was considered that owing to the constraints of the site, the practical implementation of such a strategy, particularly in relation to the rear bin stores, would likely be unfeasible.
- 10.33 As such, it is considered that the proposed rear bin stores, whilst proposed, cannot be realistically included within the available waste storage capacity at the site.
- 10.34** Considering the front bin stores area as a standalone option, initial comments from the Environmental Services Team raised concern over the capacity proposed within the front bin stores, stating that this would fall

below the required capacity for such a residential development in accordance with RECAP guidance. However, it is acknowledged that the provision of bin stores within the property, notwithstanding their 840L shortfall in capacity, would likely be a betterment to the current provision of waste management at the site.

- 10.35 Therefore, it is considered that the current informal proposals do not preclude a decision being reached, subject to condition requiring submission of a revised refuse collection strategy, detailed bin stores layout and means of access and management thereof to be submitted for further review and approval prior to occupation of any residential units to ensure that the scheme ultimately aligns with Policy LP16 (f) of the Fenland Local Plan.

Crime and Anti-Social Behaviour

- 10.36 It is necessary, given the proposals, that security and crime prevention are considered in relation to the security of the building, access control, cycle and bin store security, mail delivery, lighting, and CCTV. As these elements are likely to be refined at detailed project planning stage it appears appropriate to condition these elements to ensure compliance with Policy LP17 of the Fenland Local Plan.

11. CONCLUSIONS

- 11.1 This application proposes the change of use of a listed building situated within the Wisbech Conservation Area. It will deliver a residential scheme providing a total of 7 units of residential accommodation facilitated by the erection of a single-storey rear extension.
- 11.2 Whilst the comments of some consultees and local residents are noted and acknowledged and officers have some sympathy with the points made, so much so that they endeavoured to secure scheme revisions in this regard and propose the use of planning conditions to safeguard the heritage and use of the building appropriately. It must be noted that there would be no policy basis to withhold consent, noting the absence of significant harm arising by virtue of the proposals. Furthermore, when giving weight to the continued use of this prominent heritage asset and noting the absence of any other material considerations which would indicate that the scheme should be resisted, matters of 'amount' must fall away.
- 11.3 The application is recommended for approval as set out in the body of the report below having due regard to the duty in law under S16 Planning (Listed Buildings and Conservation Areas) Act 1990 and also the requirements of the National Planning Policy Framework 2021 and Policy LP18 of the Fenland Local Plan 2014.
- 11.4 Matters of flood risk, highways, residential amenity, security and servicing have also been considered alongside heritage and character considerations, with the Conservation Officer having also inputted into the latest iteration of the scheme and their suggestions incorporated.
- 11.5 It is considered that the scheme on balance aligns with the relevant policy

framework and may be favourably recommended with appropriate conditions.

12. RECOMMENDATION

F/YR22/0873/F

Grant Planning Permission; subject to the following condition:

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development shall be carried out in accordance with the submitted flood risk assessment prepared by Evans Rivers And Coastal, Ref: 2937/RE/05-22/01 dated May 2022 and the mitigation measures detailed within the FRA. 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.</p> <p>Reason - To provide reasonable protection against flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
3	<p>Prior to the first occupation of the development hereby approved a revised refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include as a minimum:</p> <ul style="list-style-type: none"> (i) Detailed bin stores layout plan and elevations (including any proposed adaptations to the existing front elevation window); (ii) Details of the means of access (including key code entry lock); (iii) Details of the operational strategy on collection days. <p>The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity unless otherwise agreed in writing.</p> <p>Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
4	<p>Prior to the first occupation of the development hereby approved full details of any proposed external lighting/CCTV and all access control measures, including those relating to the bin store and cycle store, shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall then be installed prior to first occupation of any of the residential units hereby approved and retained thereafter in perpetuity.</p>

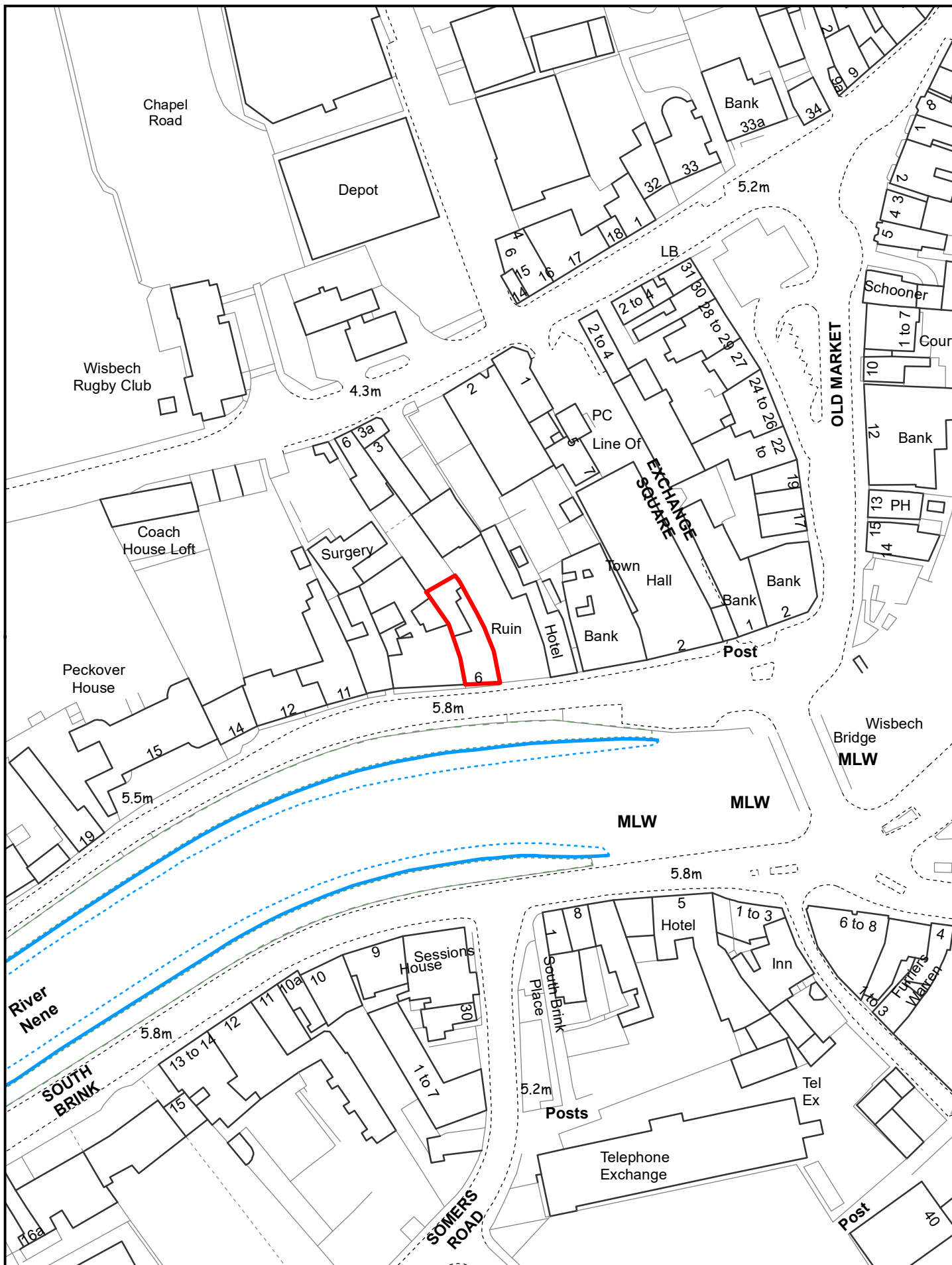
	Reason - In order to ensure adequate safety and security on site in accordance with Policies LP16 and LP17 of the Fenland Local Plan, adopted May 2014 and the NPPF (2021).
5	Approved Plans

F/YR22/0874/LB

Grant Listed Building Consent; subject to the following conditions:

1	<p>The works/demolition permitted shall be begun not later than 3 years from the date of this consent.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>Construction of the rear extension shall not take place until samples of all external facing materials proposed for the extension including details of external facing bricks, roof materials, mortar, and rainwater goods to be used have been submitted to or inspected on site by the Local Planning Authority's Conservation Officer (or representative) and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.</p> <p>Reason: In order to preserve the special architectural and historic character of the listed building and/or in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
3	<p>Prior to commencement of this element of works, details of any remedial damp proofing works required for the basement or any other part of the building, shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.</p> <p>Reason: In order to preserve the special architectural and historic character of the listed building and/or in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
4	<p>Prior to the commencement of works, cross section drawings at a scale no smaller than 1:5 and elevation drawings at a scale no smaller than 1:10 of all new windows and doors, including details of glazing, glazing bars, sills, lintels and finish shall be submitted to, and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter retained.</p>

	Reason: In order to preserve the special architectural and historic character of the listed building and/or in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.
5	<p>Prior to the installation of such elements, details and location of any services which may be visible on external elevations, particularly pipes and extract or ventilation equipment and utility meter boxes, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter retained.</p> <p>Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
6	Approved Plans

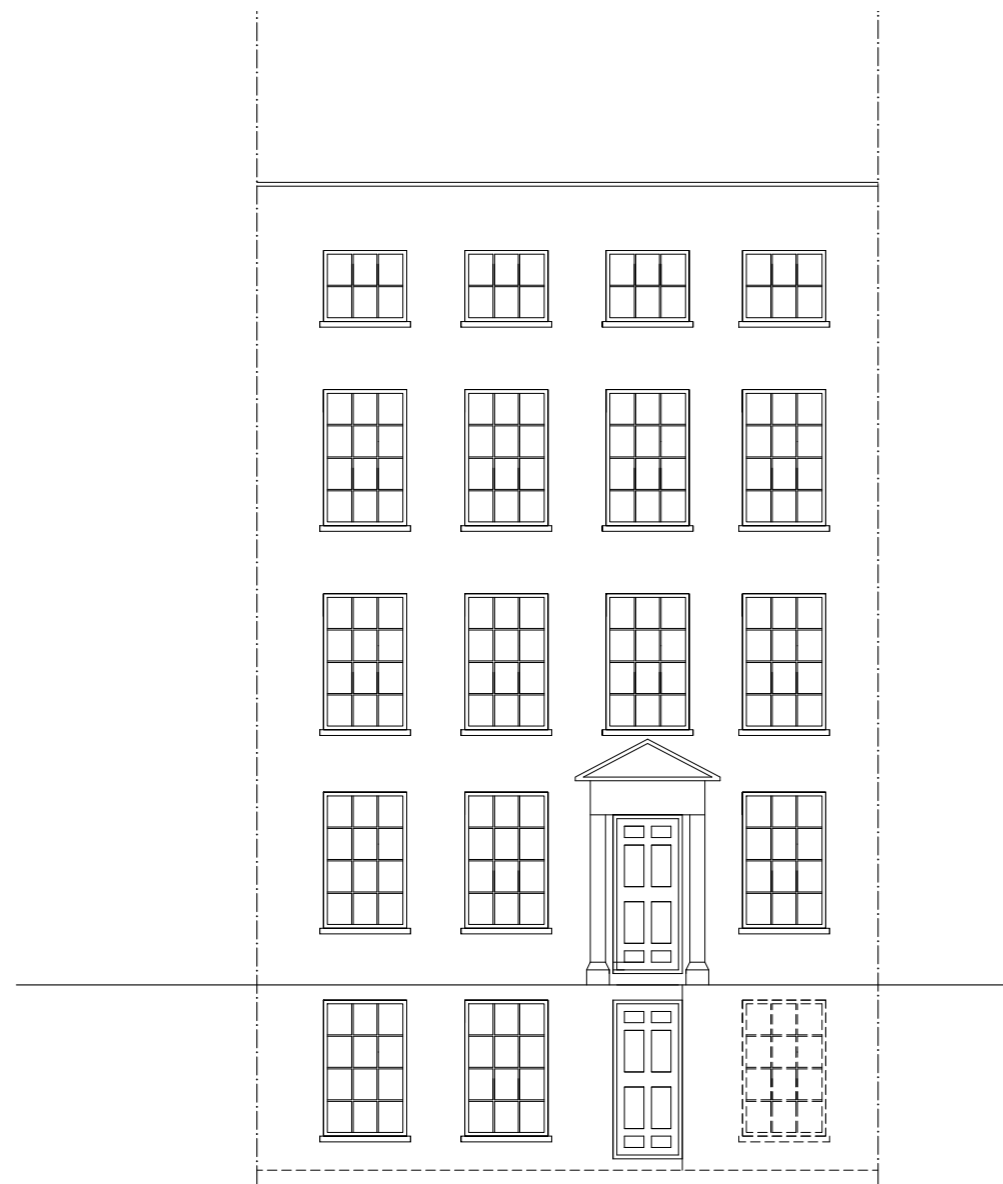


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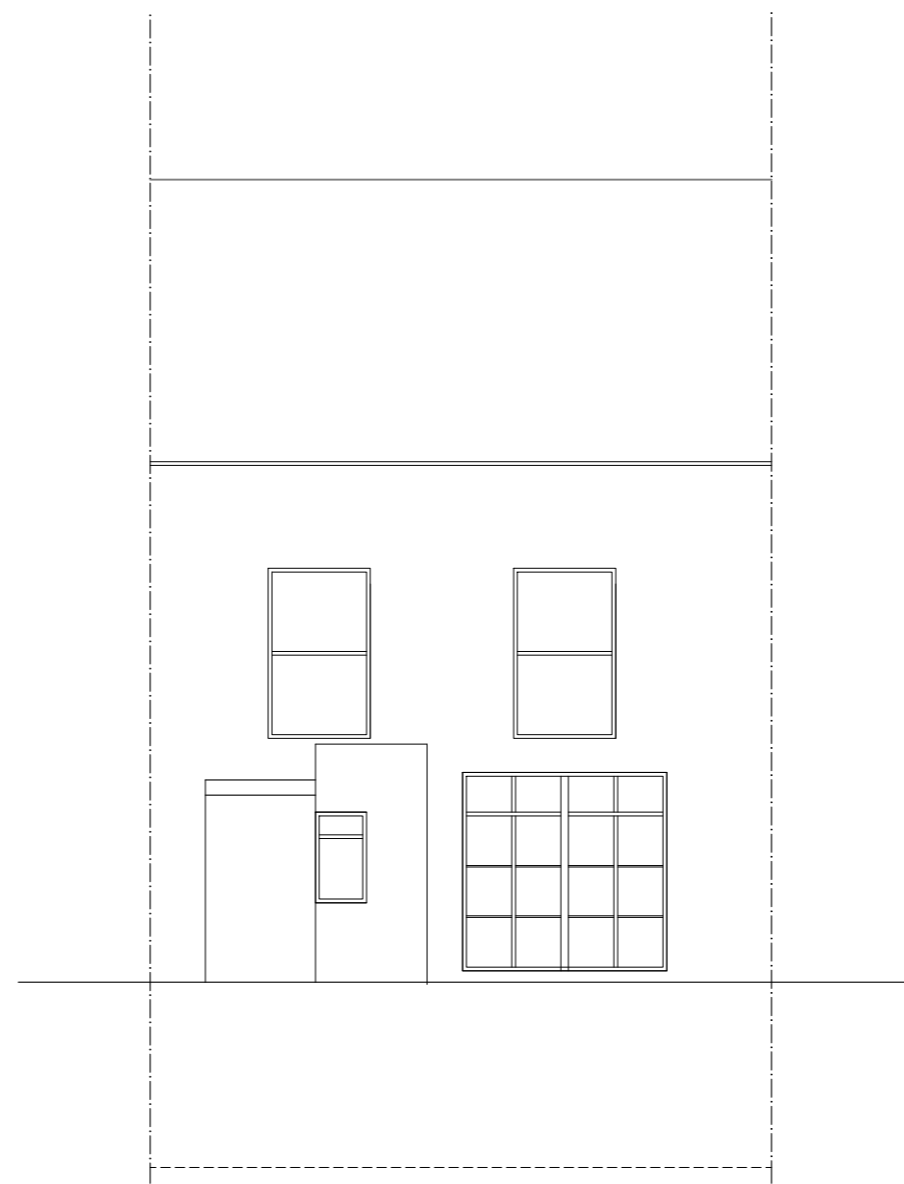
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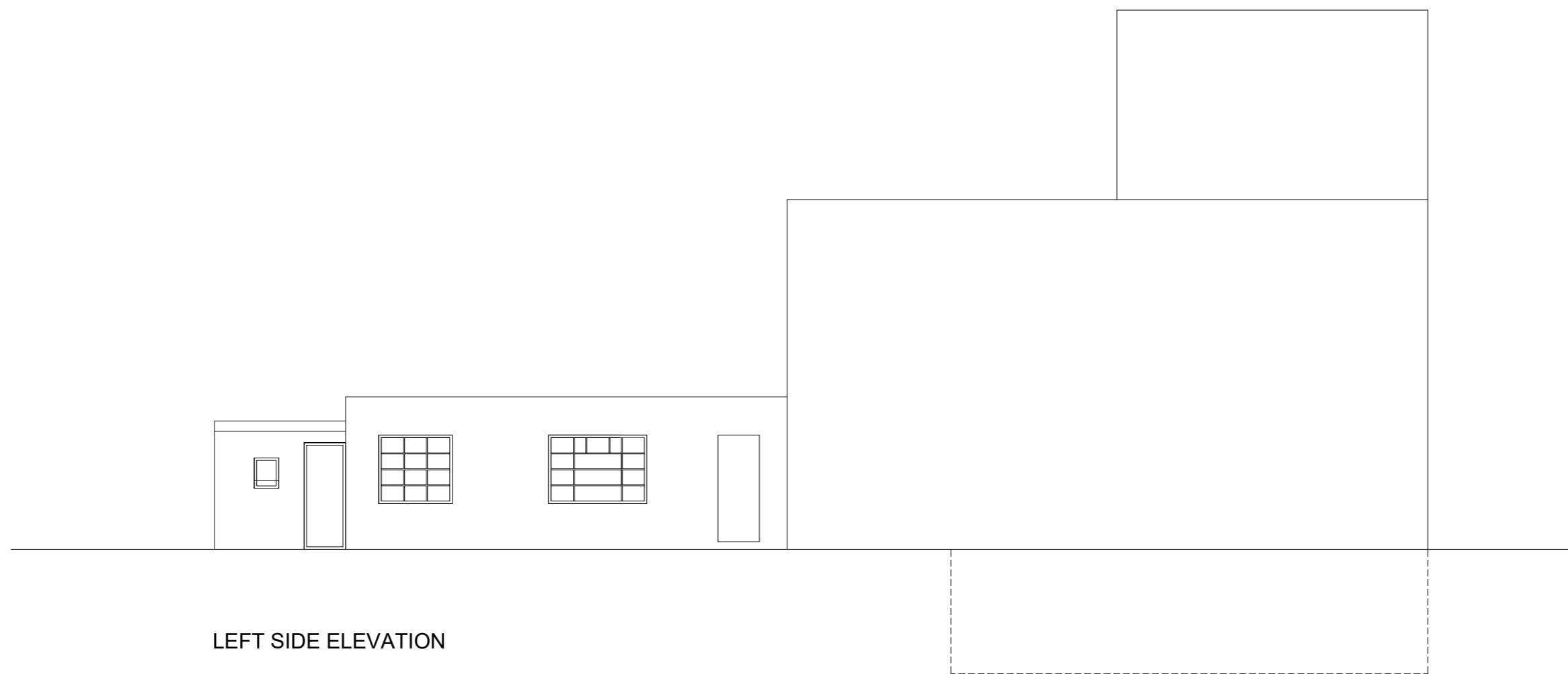




FRONT ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

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 are discharged prior to commencing work on site.
 Ensure any CIL Payments are completed prior
 to commencing work on site.
 Ensure CDM 2015 Requirements have been fulfilled
 prior to commencing work on site.

A. Basement updated
 Rev.



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 Norwich
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 mob: 07810332098
 email: nigel.cooper@norwicharchitects.com

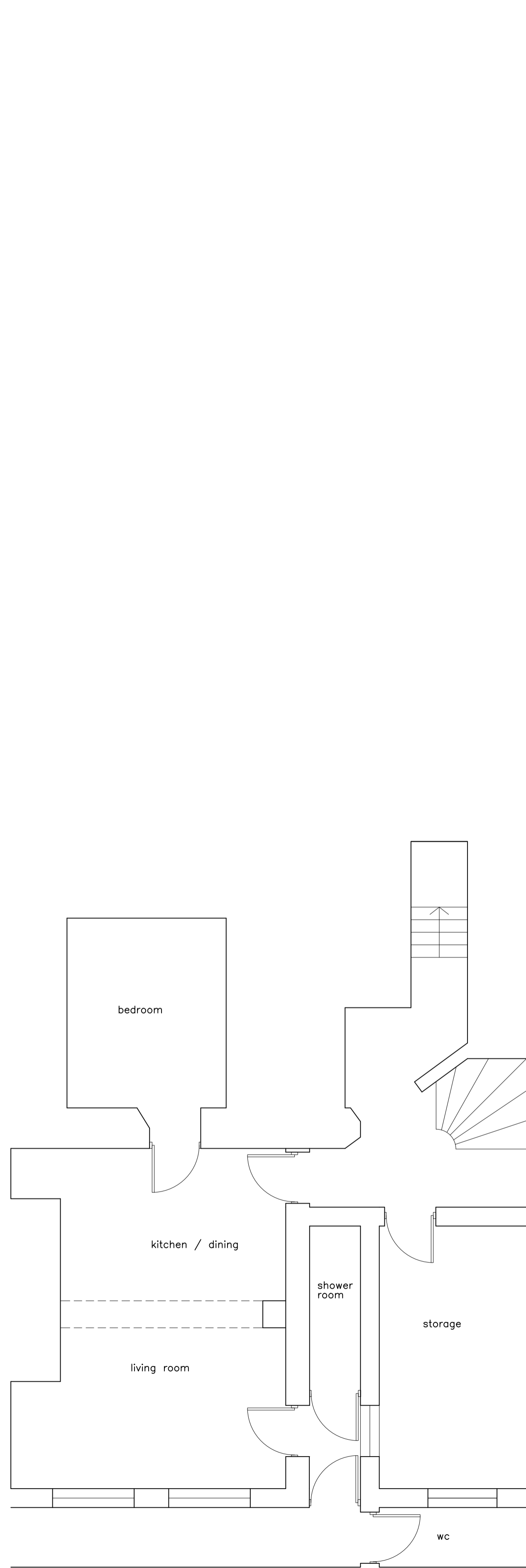
Client :
 Mr S. Deadman

Project :
 6 North Brink, Wisbech,
 Cambridgeshire

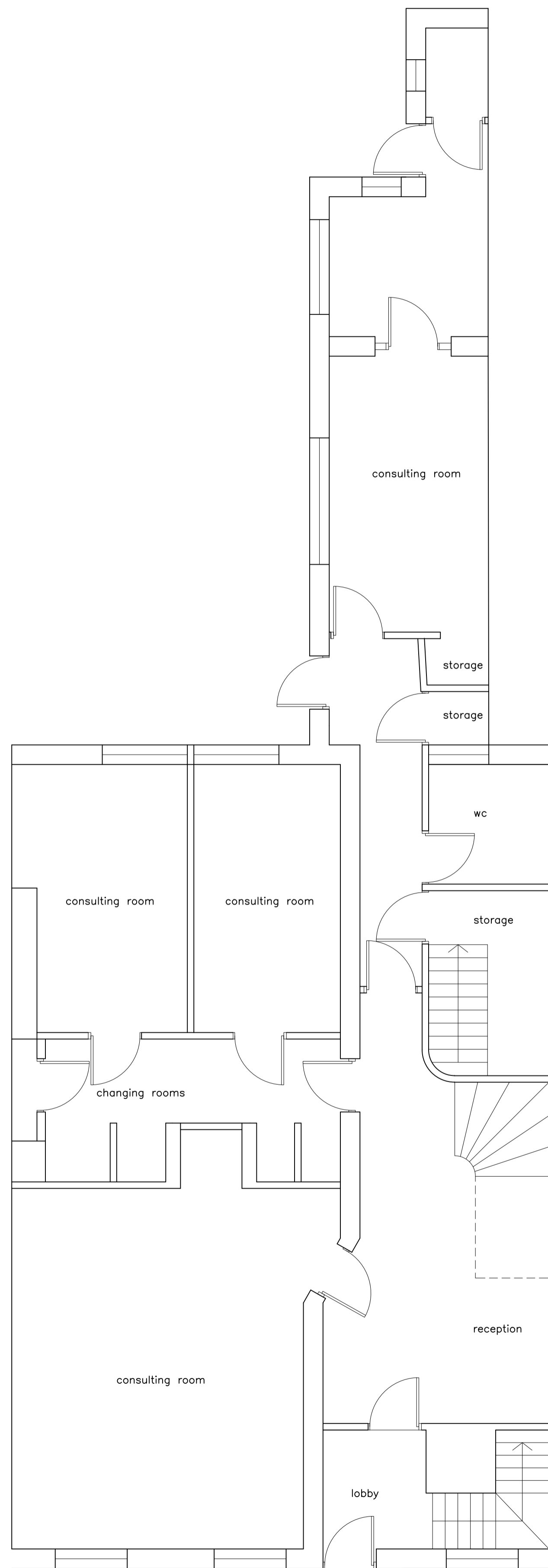
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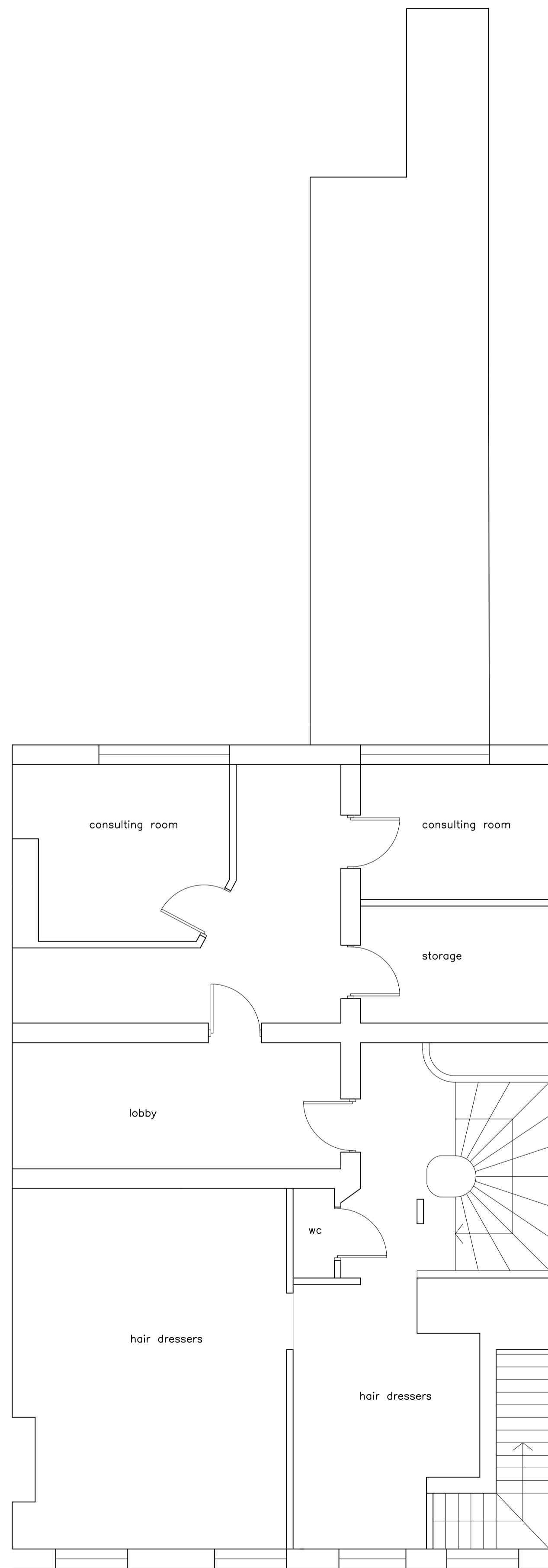
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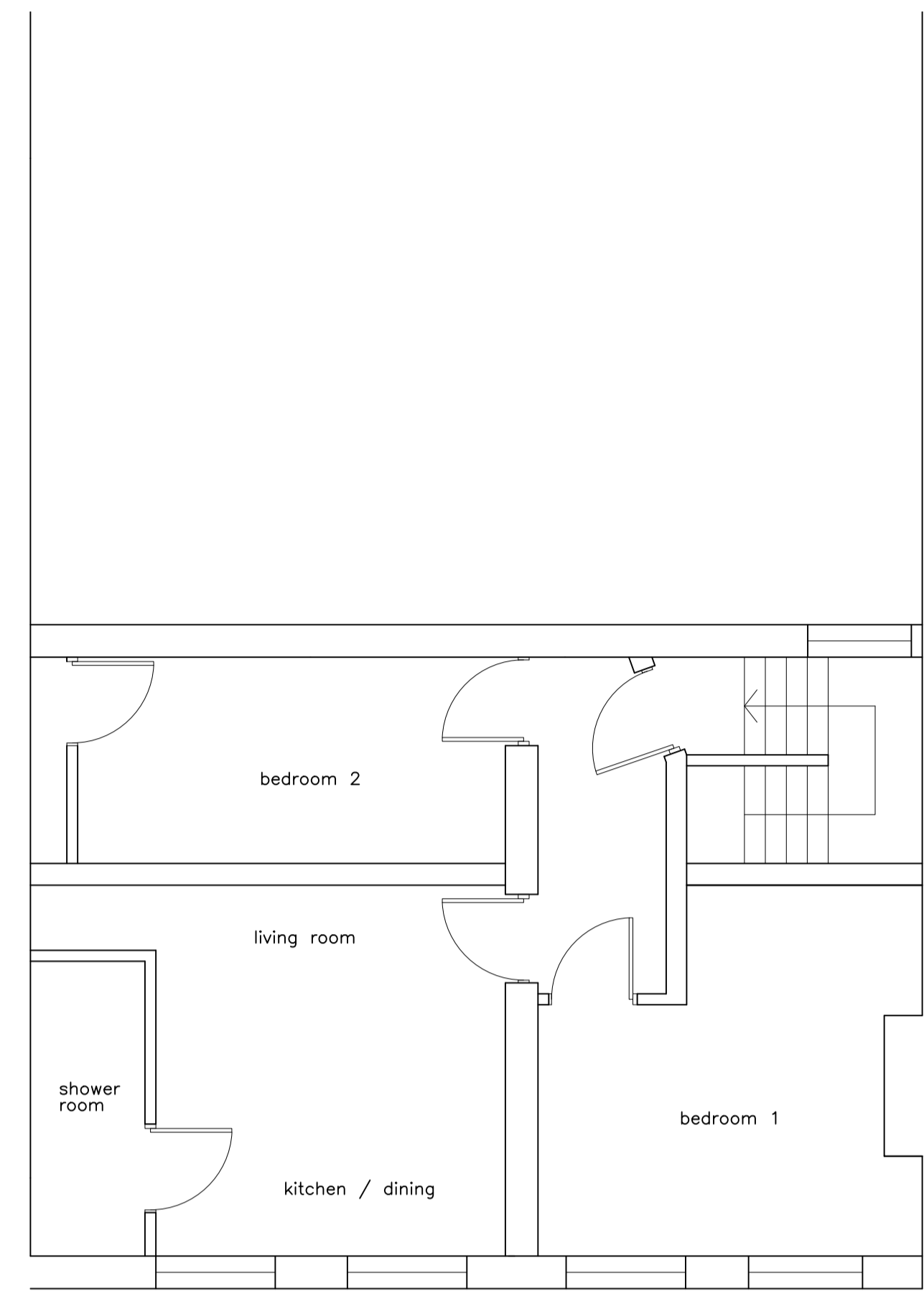
BASEMENT FLOOR PLAN



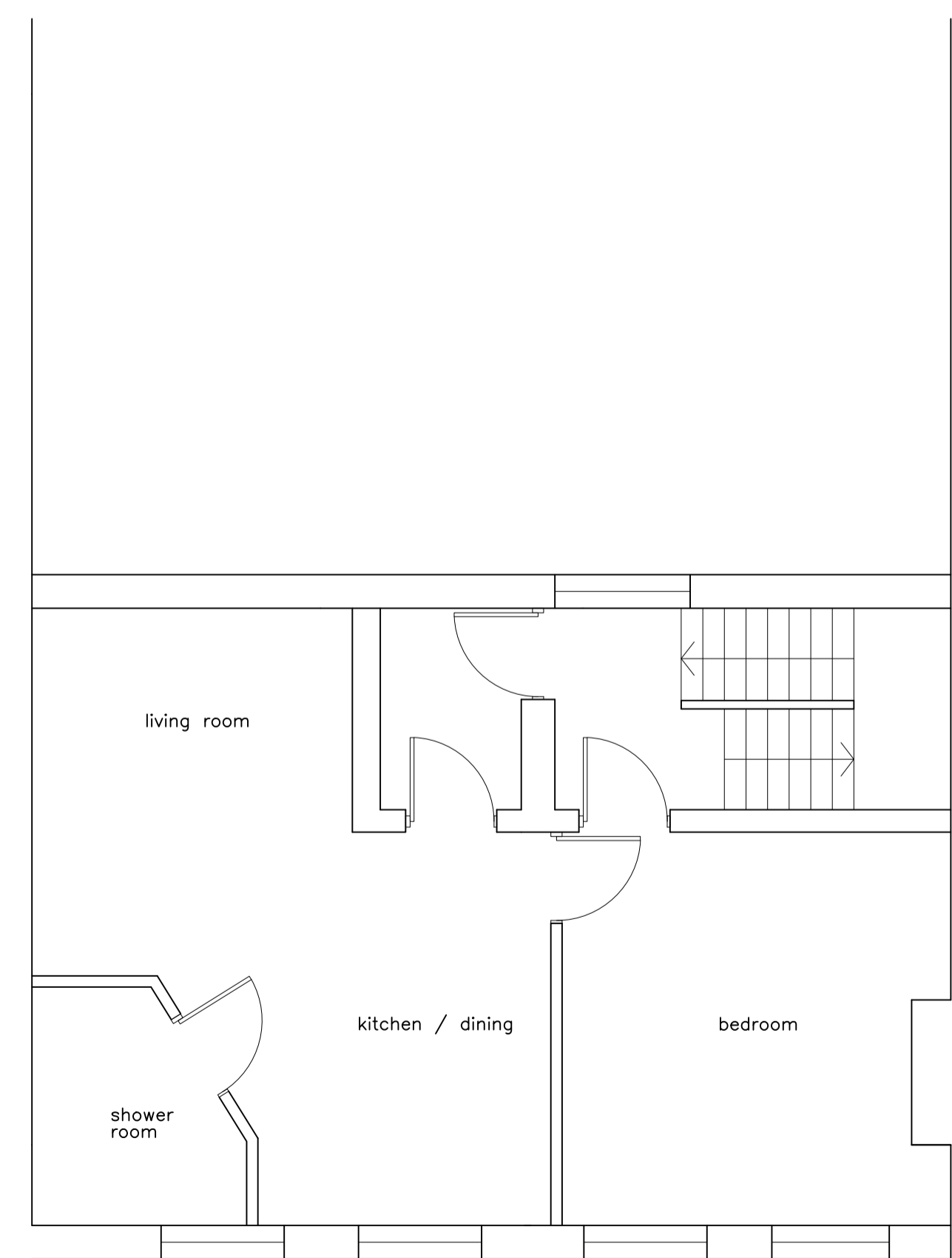
GROUND FLOOR PLAN



FIRST FLOOR PLAN



THIRD FLOOR PLAN



SECOND FLOOR PLAN

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 are discharged prior to commencing work on site.
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 to commencing work on site.
 Ensure CDM 2015 Requirements have been fulfilled
 prior to commencing work on site.

A. Basement plan updated
 Rev.



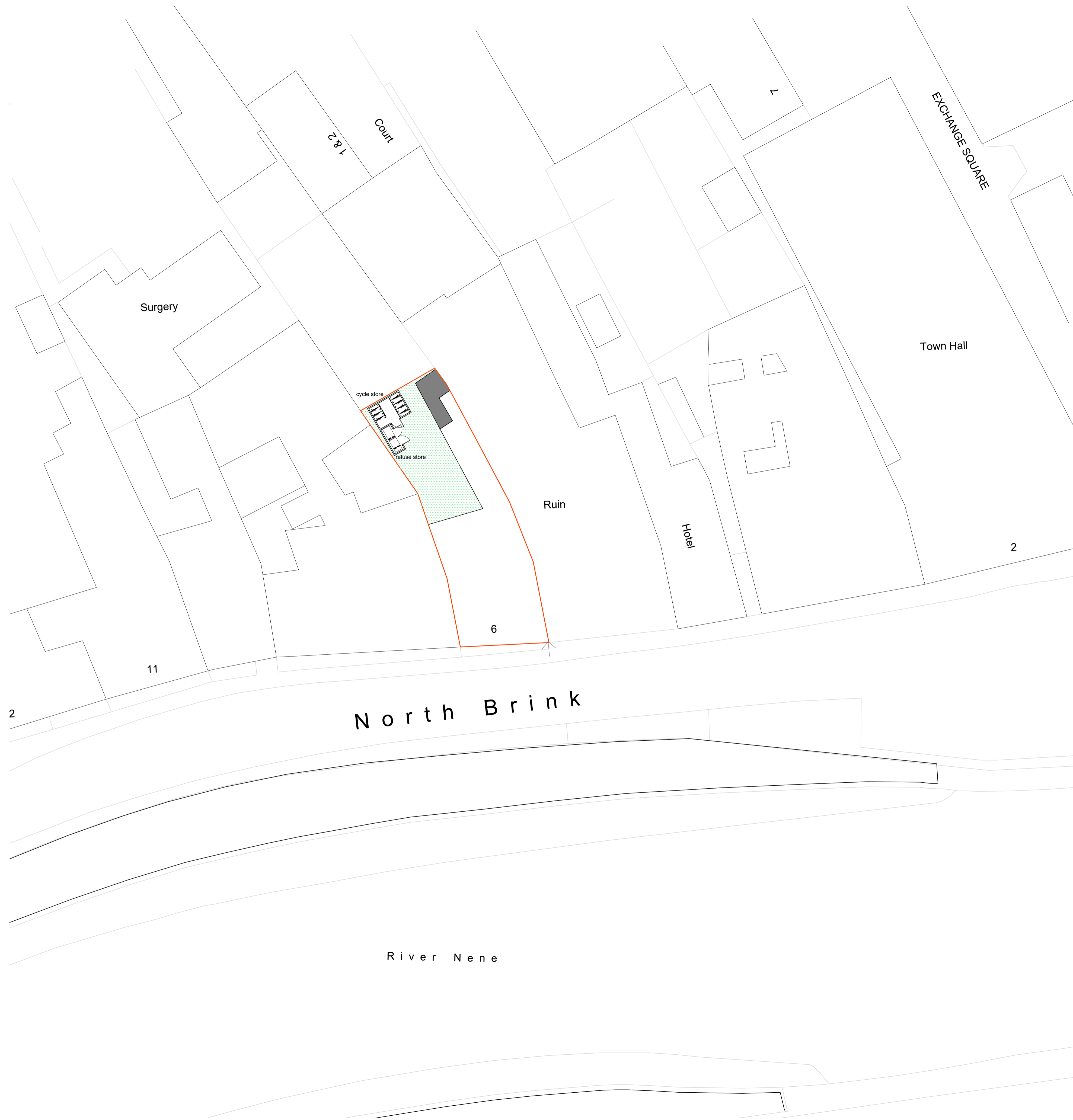
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 email: nigel.cooper@norwicharchitects.com

Client :
 Mr S. Deadman

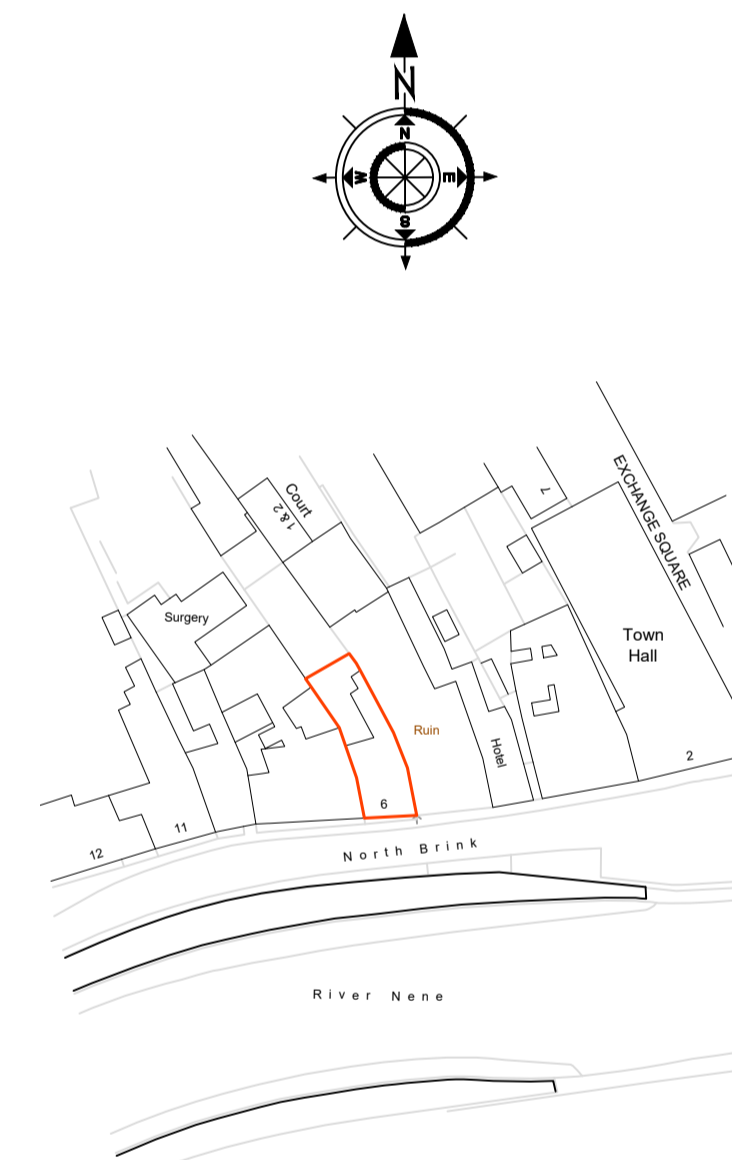
Project :
 6 North Brink, Wisbech,
 Cambridgeshire

Drawing Title:
 Existing Floor Plans

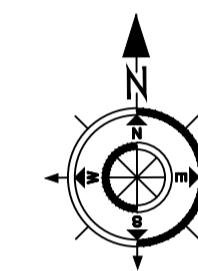
Project No. NA-162	Scale 1:50
Drawing No. NB-W-C-01 A	Date February 2022



SITE PLAN



LOCATION PLAN



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 Ensure any CIL Payments are completed prior
 to commencing work on site.
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 prior to commencing work on site.

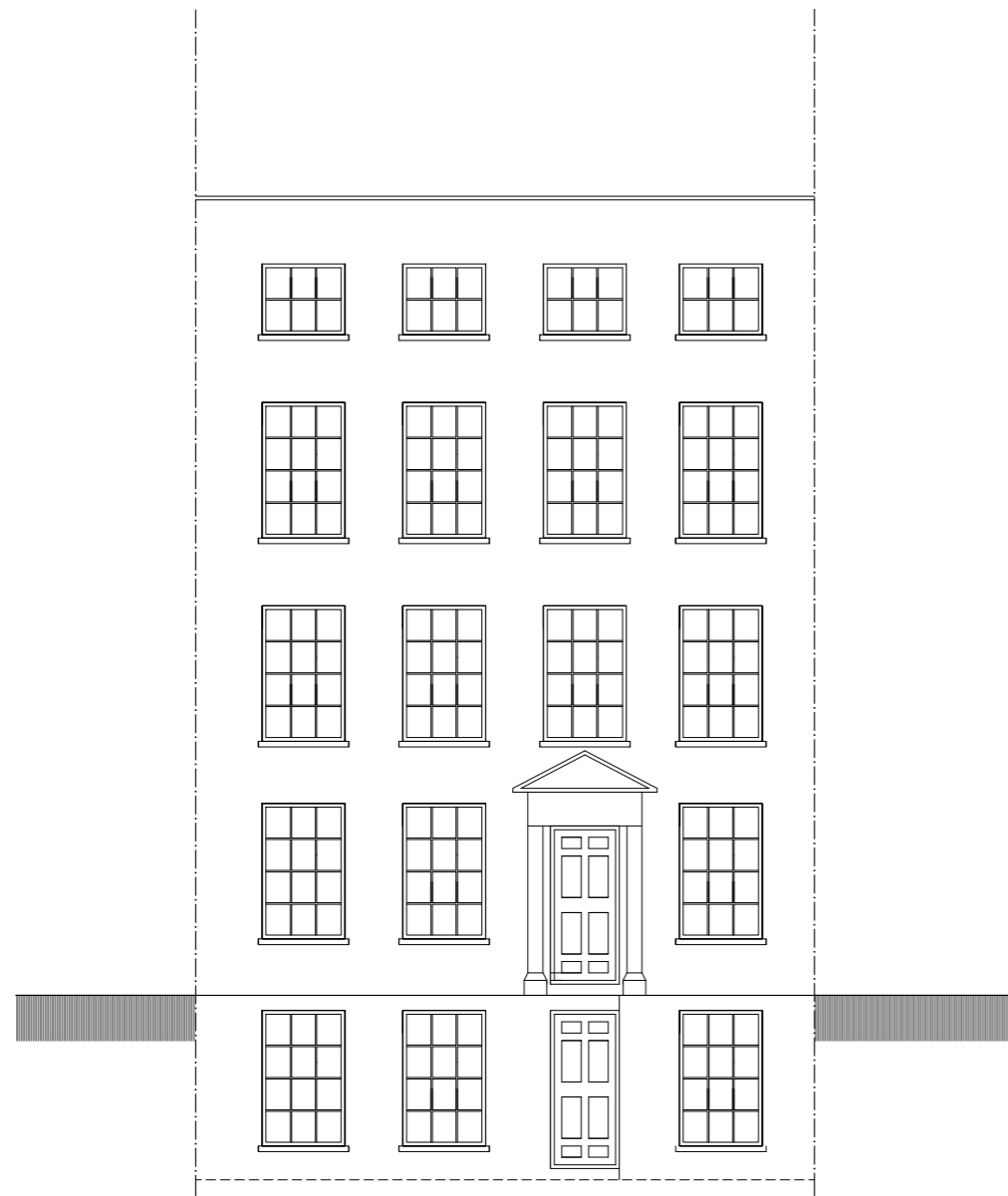
- D. Rear refuse store added
- C. Layout Amendments to Planning Requirements
- B. Layout Amendments to Planning Requirements
- A. Layout Amendments to Heritage Requirements
- Rev.



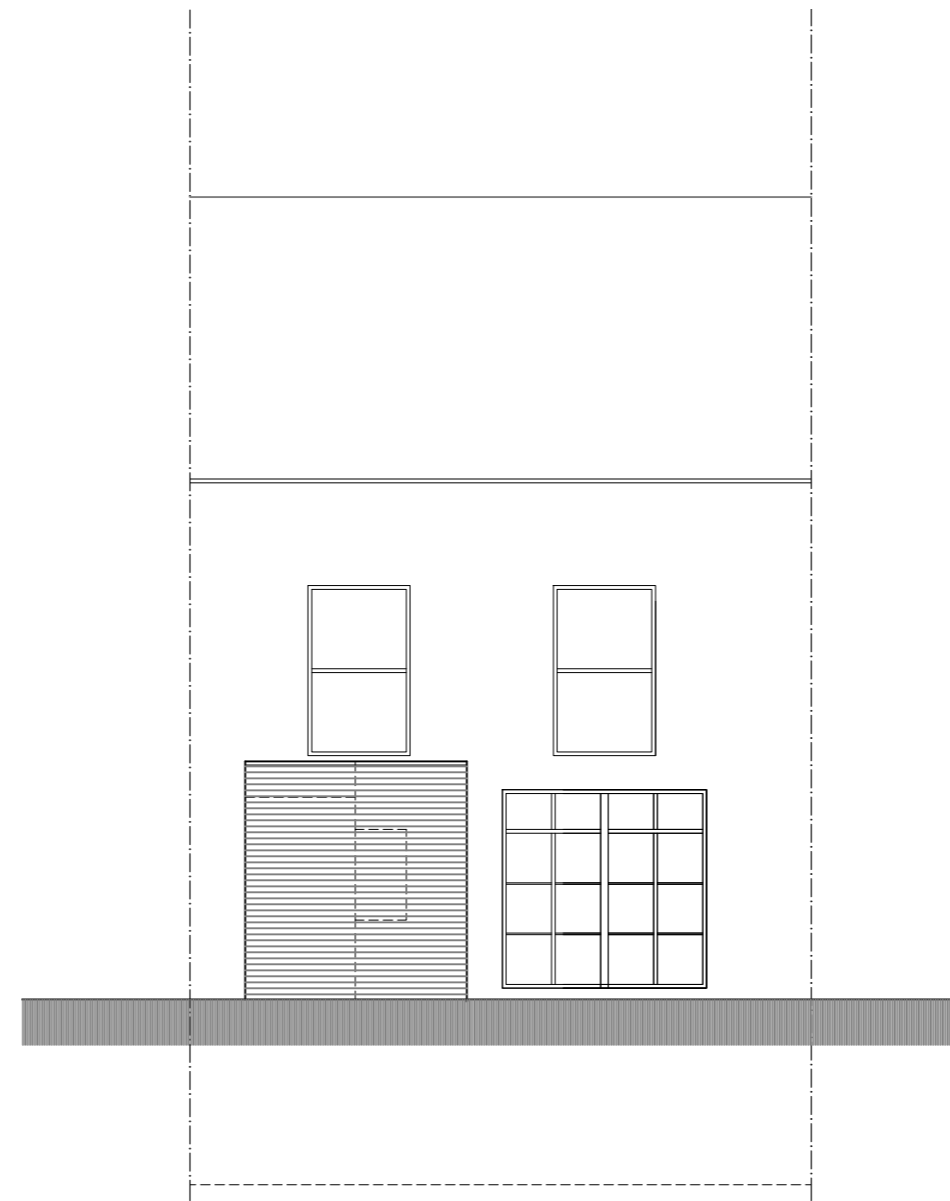
64-66 Westwick Street
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Client :
 Mr S. Deadman
 Project :
 6 North Brink, Wisbech,
 Cambridgeshire
 Drawing Title:
 Proposed Site Plan & Location Plan

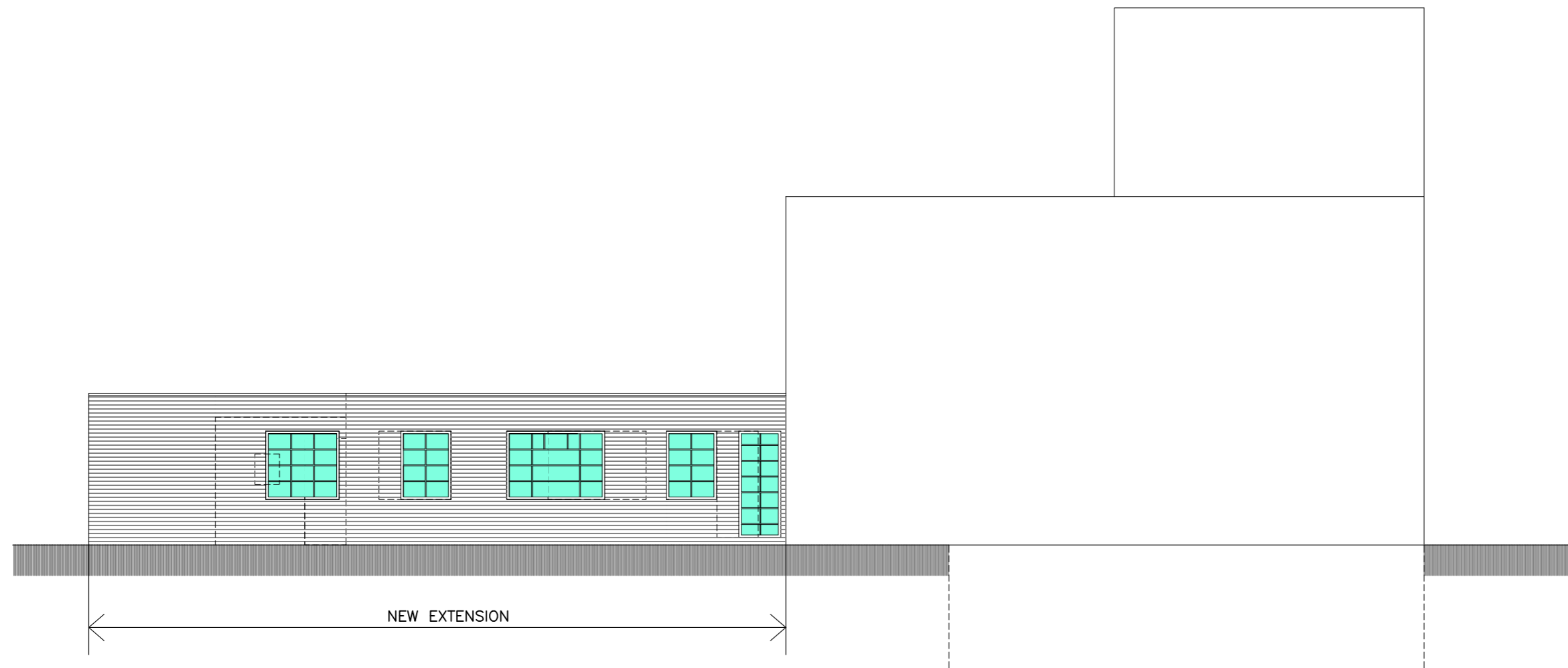
Project No. NA-162	Scale 1:200 & 1:1250
Drawing No. NB-W-C-SL01 D	Date April 2022



FRONT ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

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 Ensure CDM 2015 Requirements have been fulfilled
 prior to commencing work on site.

B. Design Amendments to Planning Requirements
 A. Design Amendments to Heritage Requirements
 Rev.



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Client :
 Mr S. Deadman

Project :
 6 North Brink, Wisbech,
 Cambridgeshire

Drawing Title:
 Proposed Elevations

Project No. NA-162	Scale 1:100
Drawing No. NB-W-C-04 B	Date February 2022

SCHEDULE OF WORKS

Basement

1. Remove existing wc external walls and roof to reuse original adjoining window
2. Erect new timber stud partition around existing stairs to be retained

Ground Floor

3. Remove existing secondary recent stairs and reuse area for new refuse store
5. Erect new timber stud partitions
6. Box in existing staircase from basement with new chipboard flooring
Apply new timber stud lining & insulation around new apartment party wall for necessary sound & fire requirements
7. Remove existing poor condition rear extension & rebuild with external materials to match existing
8. Erect new small rear extension

First Floor

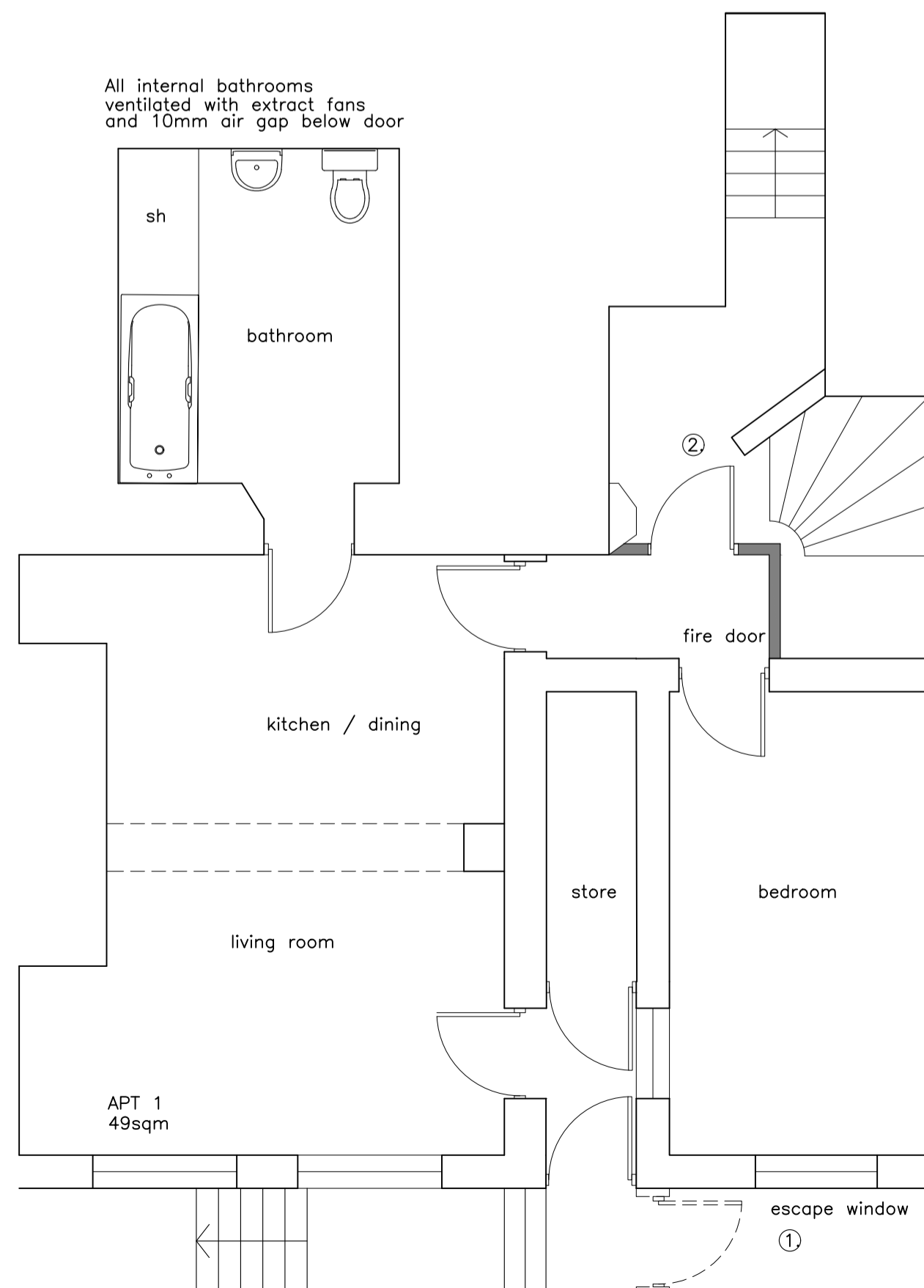
9. Remove existing secondary recent stairs & replace first floor area
10. Erect new timber stud partitions
11. Remove small section of existing partition
Apply new timber stud lining & insulation around new apartment party wall for necessary sound & fire requirements
12. Create new entrance in existing partition
- 12a. Erect new timber stud partition
13. Remove existing recent timber stud partition
14. Remove existing recent timber stud partition

Second Floor

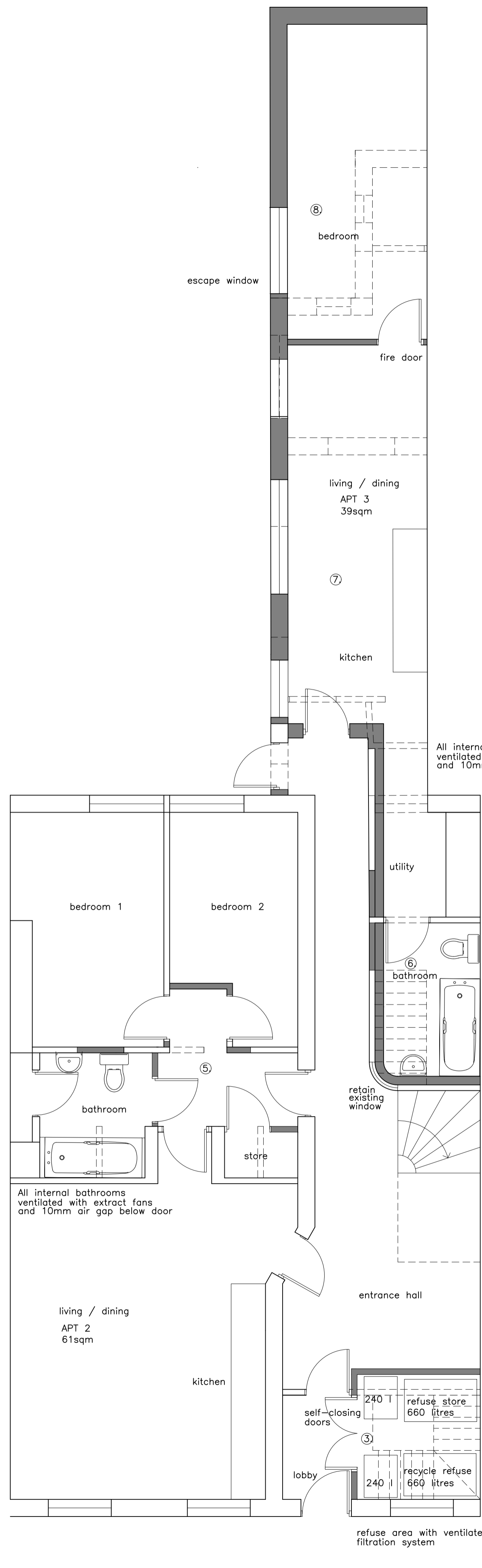
15. Remove existing recent timber stud partition
16. Erect new timber stud partition

Third Floor

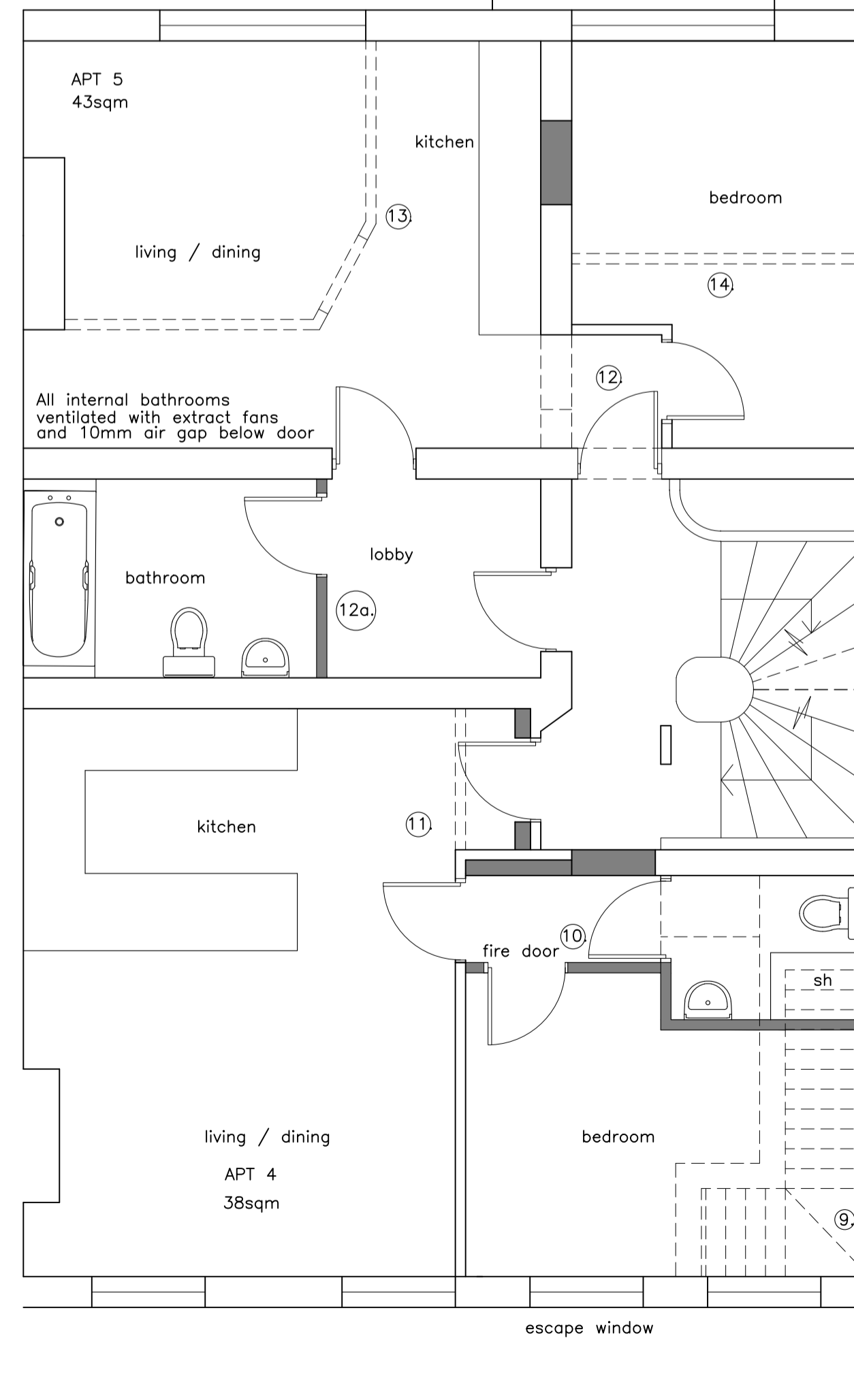
17. Create new openings in existing partitions make good all surrounding surfaces
18. Remove existing partition to cupboard
19. Remove existing timber stud partition
20. Infill existing opening in existing partition make good all surrounding surfaces
21. Erect new timber stud partition



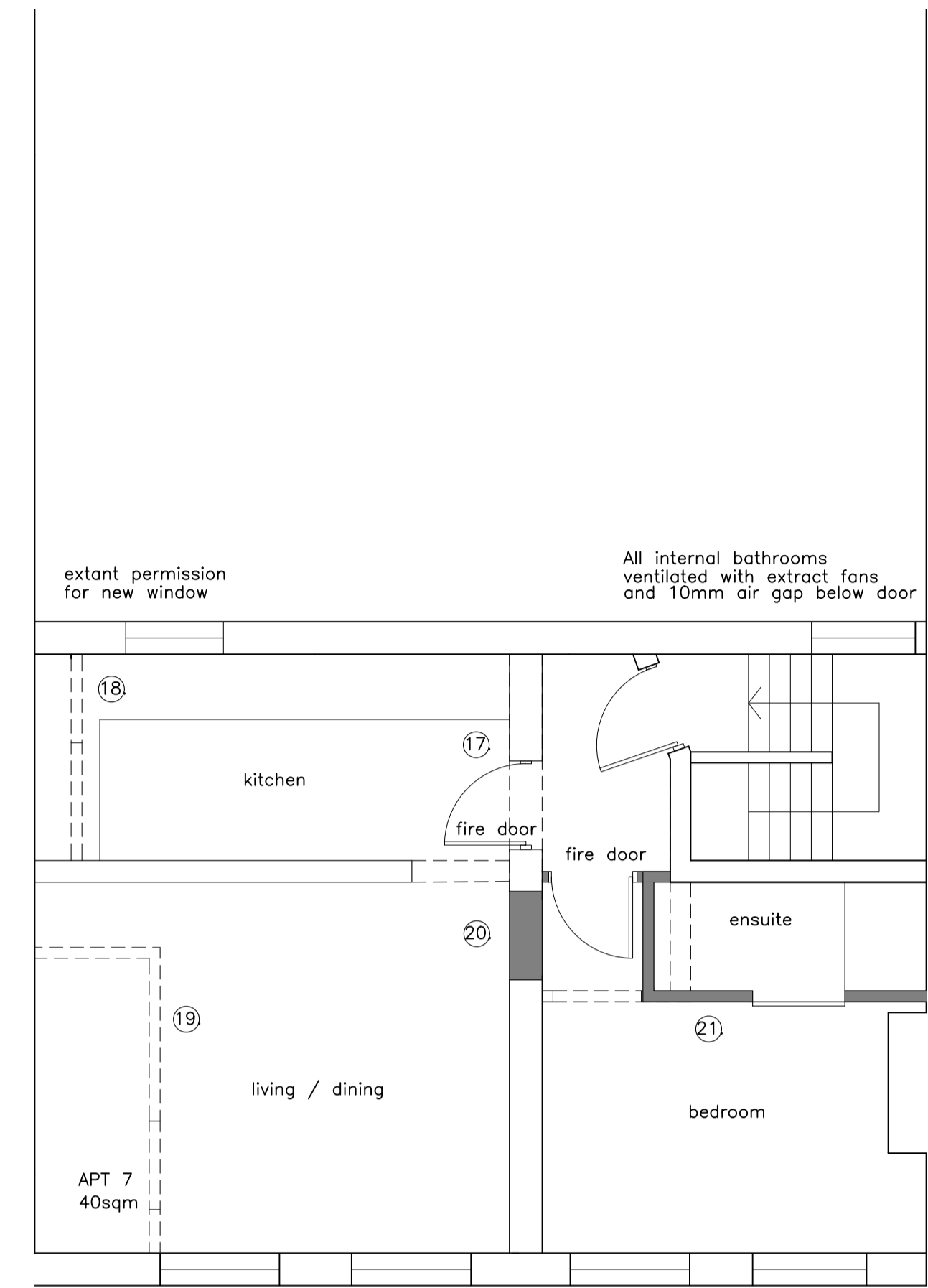
BASEMENT FLOOR PLAN



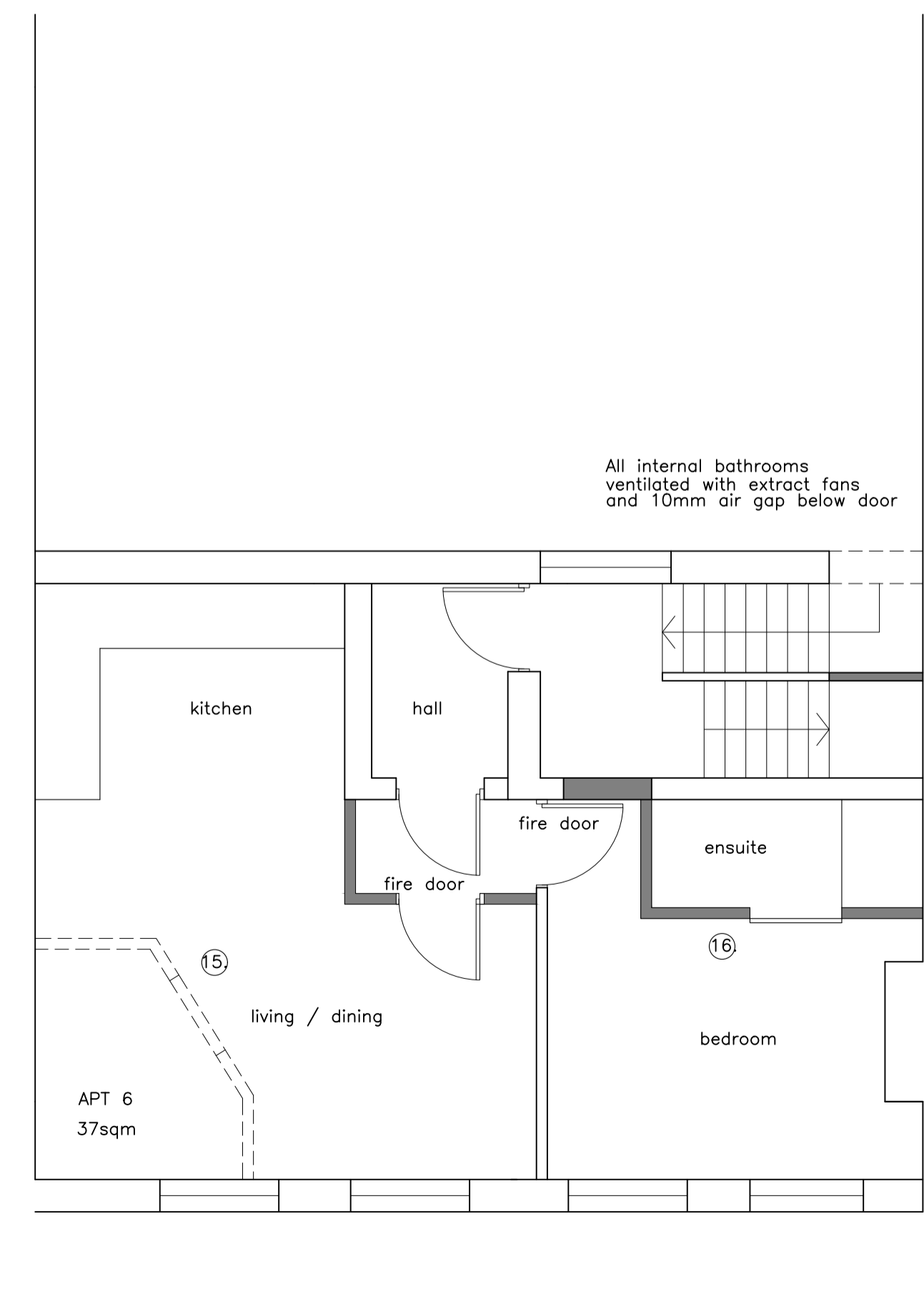
GROUND FLOOR PLAN



FIRST FLOOR PLAN



THIRD FLOOR PLAN



SECOND FLOOR PLAN

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Ensure CDM 2015 Requirements have been fulfilled
prior to commencing work on site.

- H. Layout Amendment to Planning Requirements
- G. Layout Amendments to Planning Requirements
- F. Layout Amendments to Planning Requirements
- E. Layout Amendments to Planning Requirements
- D. Layout Amendments to Heritage Requirements
- C. Layout Amendments to Heritage Requirements
- B. Layout Amendments to Planning Consultant
- A. Layout Amendments to Heritage Requirements
- Rev.



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Client :
Mr S. Deadman

Project :
6 North Brink, Wisbech,
Cambridgeshire

Drawing Title:
Schedule of Works

Project No. NA-162	Scale 1:50
Drawing No. NB-W-C-05 H	Date June 2022

F/YR23/0115/F

Applicant: Mr J Jolly

Agent: Mr Liam Lunn-Towler
Peter Humphrey Associates Ltd

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

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

Officer recommendation: REFUSE

Reason for Committee: The Doddington Parish Council comments and the number of representations is contrary to the Officers recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application site comprises agricultural land on the northern side of Benwick Road, approximately 1.3km west of the settlement of Doddington. Apart from the occasional sporadic dwelling, horticultural nursery and Fields End leisure/tourism site, the surrounding area is characterised by open and generally undeveloped arable farmland.
- 1.2. This planning application seeks full planning approval for the erection of 2no. 2- storey 4-bed dwellings at the site, with the formation of an access in the south-east corner. The access is proposed to be shared by the proposed two dwellings and will also form a field access to the agricultural land to the rear of the site.
- 1.3. The site has a history of refused planning applications. Most recently, a full application (ref: F/YR22/1149/F) for three dwellings and a new access was refused on the basis of (1) the principle of development and (2) its impact on the open countryside character.
- 1.4. The fundamental issues in respect of the principle of development and its impact on the character of the countryside have not been addressed. Therefore, the proposal remaining in contravention of Policies LP3, LP12, and LP16 and is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The application site comprises agricultural land on the northern side of Benwick Road, approximately 1.3km to the west of the settlement of Doddington and is within a Flood Zone 1 (low risk). The site has an area of approximately 2964sqm, lies between the neighbouring properties of Highland View which is to the west and Meadow Field House which is to the east. The site has a frontage along Benwick Road which is defined by hedgerows and benefits from an informal access which appears to be used for agricultural purposes located centrally along the front boundary.

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

3 PROPOSAL

- 3.1 This planning application seeks full planning approval for the erection of 2no. 2-storey 4-bed dwellings at the site, with the formation of an access to the south-east corner. The access is to be shared by the proposed dwellings and will also form a field access to the agricultural land to the rear of the site.
- 3.2. The dwellings are proposed to be separated into two plots; Plot 1 & Plot 2. Both dwellings are of the same design, with the dwelling occupying Plot 2 being mirrored. The dwellings would be of a barn-style, benefit from a gable roof with a central, two-storey projection feature along the front elevation, finished with a pitched roof. The dwellings would also benefit from small window openings across their elevations.
- 3.3. The dwellings are proposed to be constructed of Hoskins Flemish Antique facing brickwork, natural grey slate roof tiles, with anthracite uPVC joinery.
- 3.4. The site is proposed to be bounded to the front by 2m high hedging, to the rear by 1.2m high timber post and rail fencing and 1.8m high fencing separating the plots. The eastern boundary will see the retention of existing hedging.
- 3.5. Hard and soft landscaping is proposed, including a shared gravel driveway with gravel parking areas (8m wide sealed access to highways spec for the first 10m of carriageway is also proposed), and rear gardens predominately laid to lawn with the inclusion of planted hedgerows and some trees throughout the site.

Full plans and associated documents for this application can be found at:
[F/YR23/0115/F | Erect 2 x dwellings \(2-storey 4-bed\), and the formation of an access | Land East Of Highland View Benwick Road Doddington Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0115/F | Erect 2 x dwellings (2-storey 4-bed), and the formation of an access | Land East Of Highland View Benwick Road Doddington Cambridgeshire)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR22/1149/F	Erect 3 x dwellings (2-storey 4-bed), and the formation of an access	Refused	15/12/2022
F/YR22/0793/O	Erect up to 3 x dwellings (outline application with matters committed in respect of access)	Declined to determine	20/07/2022
F/YR21/1423/O	Erect up to 3 x dwellings and the formation of 4 x accesses (outline application with matters committed in respect of access)	Refused	12/05/2022
F/YR11/0207/NONMAT	Non-material amendment: Change the dormer window from curved lead work roof to pitched roof with tiles, relating to planning permission F/YR10/0956/F	Approved	01/04/2011
F/YR10/0956/F	Erection of a single storey extension and insertion of a dormer window to rear of existing dwelling Meadow Field House, Benwick Road, Doddington	Approved	21/02/2011
F/YR05/1120/F	Erection of an agricultural storage building	Granted	02/11/2005

5 CONSULTATIONS

5.1 Doddington Parish Council

Doddington Parish Council at a recent meeting agreed to support the above planning application.

5.2 FDC Environmental Health

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

This service would however welcome a condition on working times due to the close proximity to existing noise sensitive receptors, with the following considered reasonable;

No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

5.3 CCC Highways

The Local Highway Authority raises no objections to the proposed development.

I note that the access arrangements from Benwick Road are the same as those previously considered with respect to planning application F/YR22/1149/F.

I note that appropriate visibility can be achieved fully within the public highway.

While parking spaces are not dimensioned, and turning within each plot has not been demonstrated, there would appear to be sufficient capacity to park and turn outside of the public highway.

In the event that the LPA are mindful to approve the application, please append the following conditions and informative to any consent granted:

Access Gradient: The gradient of the vehicular access shall not exceed 1 in 12 for a minimum distance of 5 metres from the edge of the existing carriageway (or longer if in connection with a commercial development) into the site as measured from the near edge of the highway carriageway. Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

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

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

Gates 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): Class A – no gates or other means of enclosure shall be erected across the vehicular access hereby approved.

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

Parking/Turning Area: Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

Reason: In the interests of highway safety.

5.4 Local Residents/Interested Parties

7 letters of support have been received which are summarised below:

- Support modern housing
- Will not overwhelm the village
- More housing needed in the area
- More variety of housing
- Prevention of rural crime

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

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

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

Emerging Local Plan

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the location of residential development

LP7: Design

LP8: Amenity Provision

LP18: Development in the Countryside

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP28: Landscape

LP32: Flood and Water Management

8 KEY ISSUES

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

9 BACKGROUND

- 9.1 The site has a history of refused planning applications. The recently refused application (ref: F/YR22/1149/F) for three dwellings and a new access was refused on the 15TH of December 2022 for the following reasons:

(1) Policy LP3 of the adopted Fenland Local Plan 2014 sets out the settlement hierarchy within the District, setting out the scale of development considered appropriate to each level of the hierarchy. The application site is situated within a rural location and an 'Elsewhere' location under Policy LP3, isolated from the nearest settlement and as defined under Policies LP3 and LP12. In such rural locations development is to be limited to specific uses only within a countryside location. The proposal is for the construction of three unjustified new dwellings that will not be associated with any of the specified criteria, and the proposal would therefore be contrary to Policies LP3 and LP12 of the Fenland Local Plan (2014).

(2) Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The proposal is for the construction of three new dwellings on currently undeveloped land within a streetscape characterised by sporadic development with a close relationship to the wider open countryside. The development would result in the consolidation of existing sporadic built form and

an urbanisation of the street scene, detracting from the open and sporadic character of this rural location. The result would be a development that results in harm to the existing distinctiveness and open character of the area which would be contrary to policies LP12, and LP16 of the Fenland Local Plan (2014).

- 9.2 The difference in this application in comparison with the recently refused application is that the number of dwellings has been reduced from three to two dwellings and design alterations (barn-style, amended footprint and elevation features) have been incorporated. It is acknowledged there is a better build-to-plot ratio as larger garden spaces are proposed.

10 ASSESSMENT

Principle of Development in a Rural Location

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

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

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

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

- 10.5 Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the development would not accord given the circumstances of the site at considerable distance from the nearest settlement and could not be described as infill.
- 10.6 Clearly, the justified proposal in this location would remain in conflict with Policies LP3 and LP12 of the adopted Fenland Local Plan, nor would it comply with the policies of the emerging Plan.

Visual Amenity, Form and Character of the Countryside

- 10.7 Policy LP12 part (c) seeks to resist development in locations beyond the built-up area of defined settlements where it would have an adverse effect on the character and appearance of the surrounding countryside and farmland.
- 10.8 Policy LP16 refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside; therefore, consideration needs to be given to any harm caused.
- 10.9 The applicant has submitted a Design and Access Statement which suggests the proposal is appropriate within the area given its design, appearance, and scale. This has been considered however, the wider issue with the proposal is with regards to the siting of the dwellings within the rural context.
- 10.10 Not only does the proposal fail to accord with requirements of Policies LP3 and LP12 in respect of the definition of appropriate development within, and forming an appropriate extension to, particular settlements, the proposal is located within an essentially rural and agriculture-dominated location with only very sporadic development within the rural area.
- 10.11 Accordingly, in addition to the principle of unjustified new housing in this location failing to accord with the development plan, the construction of two new detached

dwellings within a principally isolated area, located on and effectively surrounded by rural countryside would undermine the rural character and appearance of the countryside to the detriment of the visual amenity.

- 10.12 The proposal would harm the open character of the area and conflict with Policies LP12 and LP16 of the adopted Fenland Local Plan.

Residential Amenity

- 10.13 The nearest dwelling to the site is Highland View, situated to the west of the development site. The location of both proposed dwellings is not likely to cause harm to this neighbouring property on either overlooking or overshadowing grounds. The western elevation of Plot 1 has one first-floor window fronting onto Highland View. Should this application be approved, will be conditioned to ensure installation of obscured glazing.
- 10.14 The other neighbouring dwelling, Meadow Field House, is situated 64m (approx.) to the north-east from the proposed dwellings which, given this separation distance is considered to mitigate against overlooking and overshadowing impacts. Although the proposed dwelling occupying Plot 2 would benefit from a first-floor east facing bedroom window, it would only front onto the bottommost garden part severing Meadow Field House which is least used and on balance, less protected, therefore impacts would be negligible.
- 10.15 The location of the agricultural access adjacent the dwelling occupying Plot 2 and potential noise concerns are acknowledged however, the agricultural land and the application site is under the ownership of the applicant. Additionally, any future land ownership or rights of way changes would be a civil matter outside of planning control. The FDC Environmental Health consultee has no objection to the proposal.
- 10.16 The proposal would be in accordance with Policies LP2 and LP16 (e) of the adopted Fenland Local Plan.

Flood Risk

- 10.17 The application site lies within flood zone 1 and issues of surface water will be considered under Building Regulations.
- 10.18 The site lies within the Middle Level Commissioners Drainage Board area and were subsequently consulted. However, no comment was made in regard to this application.
- 10.19 It is considered reasonable to determine that this part of the proposal is acceptable in terms of flood risk and there are no issues to address in respect of Policy LP14.

Highway Safety

- 10.20 Policies LP15 requires new development to provide well designed, safe and convenient access for all.
- 10.21 The proposed access scheme put forward is the same arrangement as the previously refused application (ref: F/YR22/1149/F) in which there was no

objection to access or highway safety. The proposed single access is intended to be shared by the two new dwellings, leading to a shared drive with separate private parking areas for the dwellings and also utilised as field access to the agricultural land to the north of the site. The Highways consultee has reviewed the proposal and has no objection, subject to conditions.

10.22 The scheme proposes the creation of 2no, 4-bed dwellings, which require 3 parking spaces, as per the current parking standards. The private areas of driveway offer sufficient parking availability of the quantum of accommodation proposed.

10.23 The proposal would be in accordance with Policy LP15 of the adopted Fenland Local Plan.

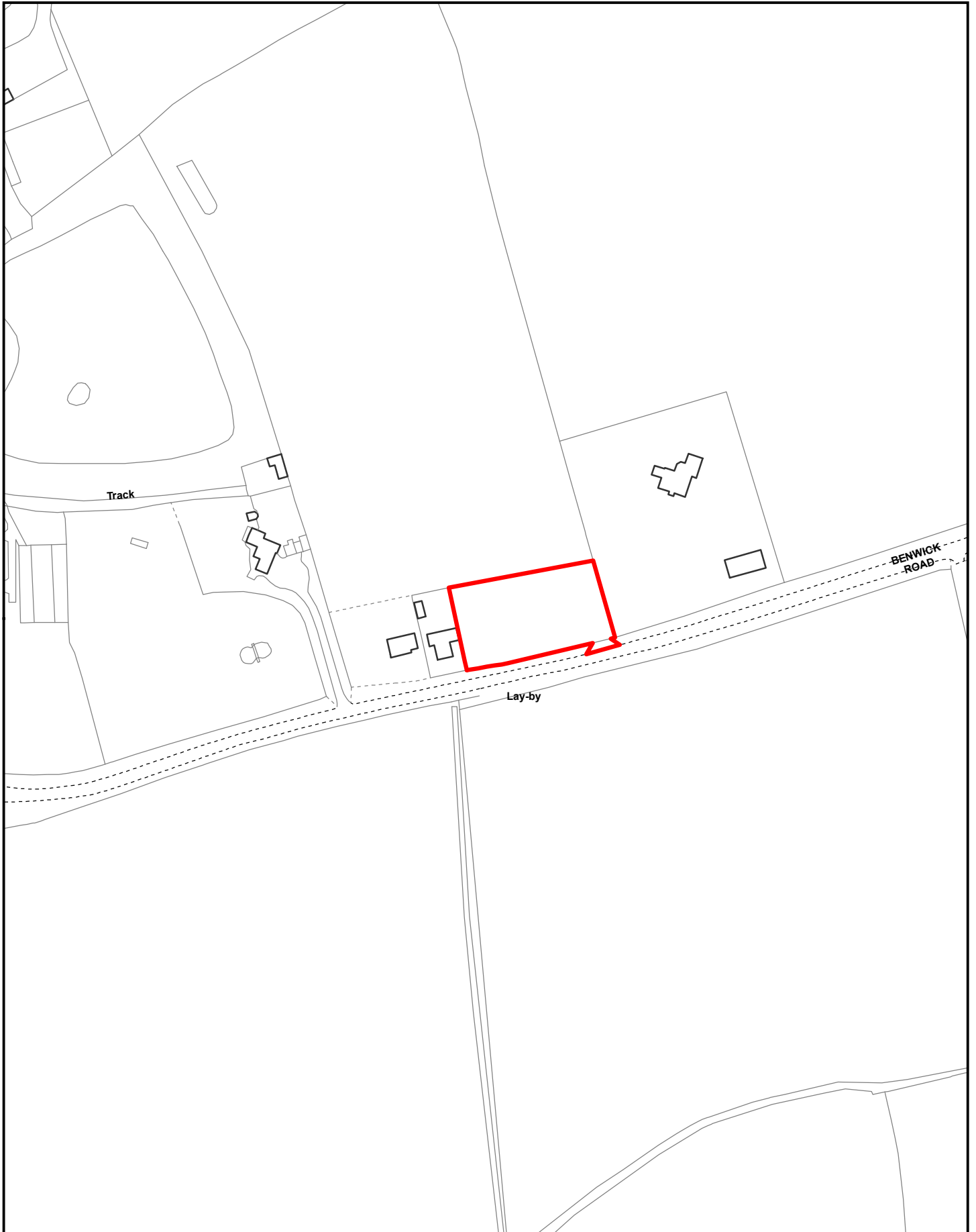
11 CONCLUSION

10.1 The proposal has not overcome the previous two reasons for refusal outlined in planning application F/YR22/1149/F. Although the proposal is for two dwellings instead of three and of a different design, there are still fundamental issues in respect of the principle of development and its impact on the rural character of the countryside. The scheme remains in contravention of Policies LP3, LP12, and LP16 and is recommended for refusal.

11 RECOMMENDATION

REFUSE; for the following reasons:

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



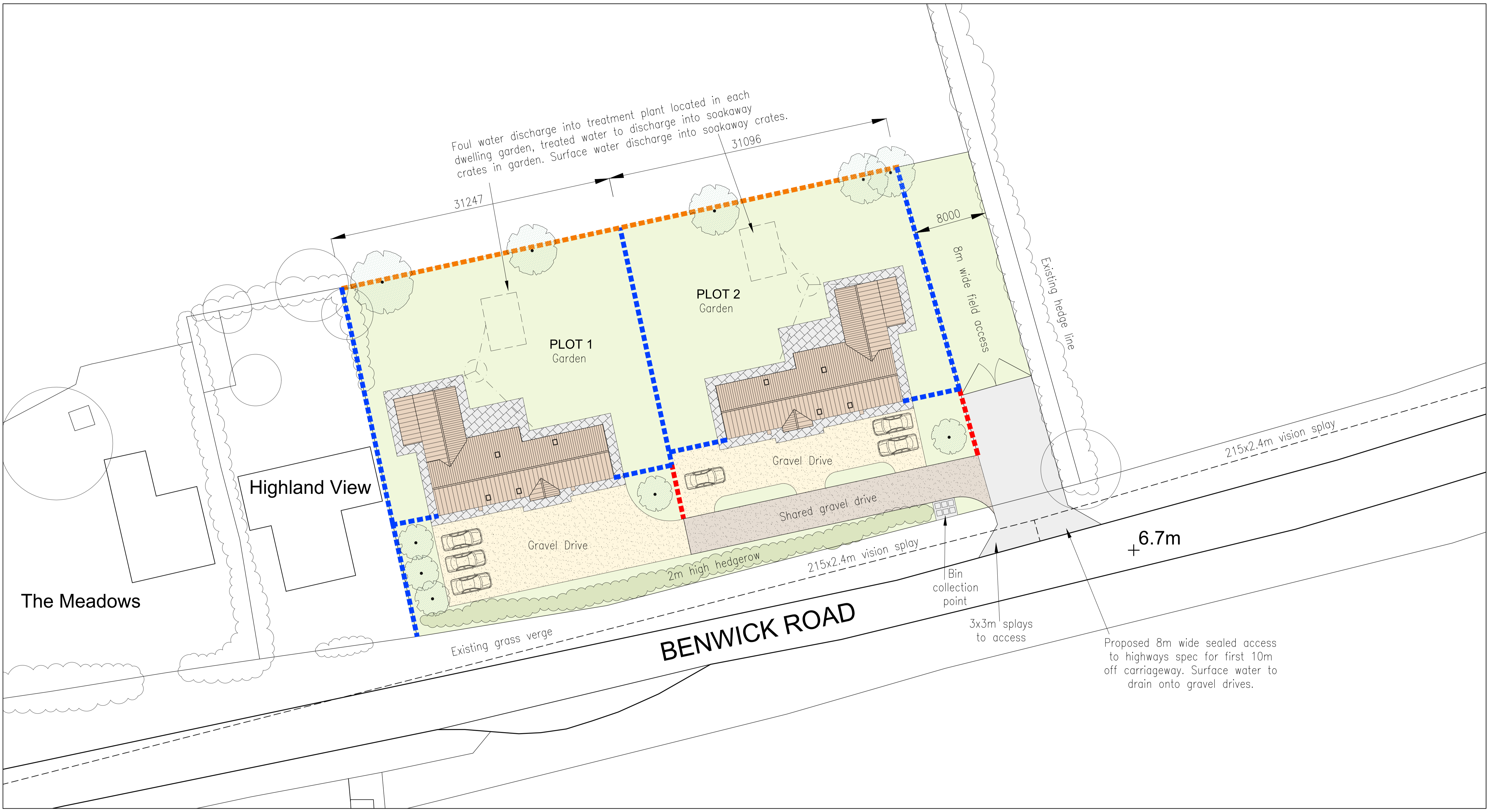
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F/YR23/0115/F

Scale = 1:2,500





Proposed Site Plan 1:200

BOUNDARY TREATMENT KEY

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

C - 08.02.23 - Remove 1no unit and dwelling design changed.
 B - 09.01.23 - Remove 1no unit and dwelling design changed.
 A - 10.10.22 - Addition of boundary treatment info.

REVISIONS	PAPER SIZE	DATE
JOB NO. 6328/PL03C	A1	FEB 2023

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

CLIENT
MR JASON JOLLEY

PROJECT
PROPOSED 2No. DWELLINGS/PLOTS

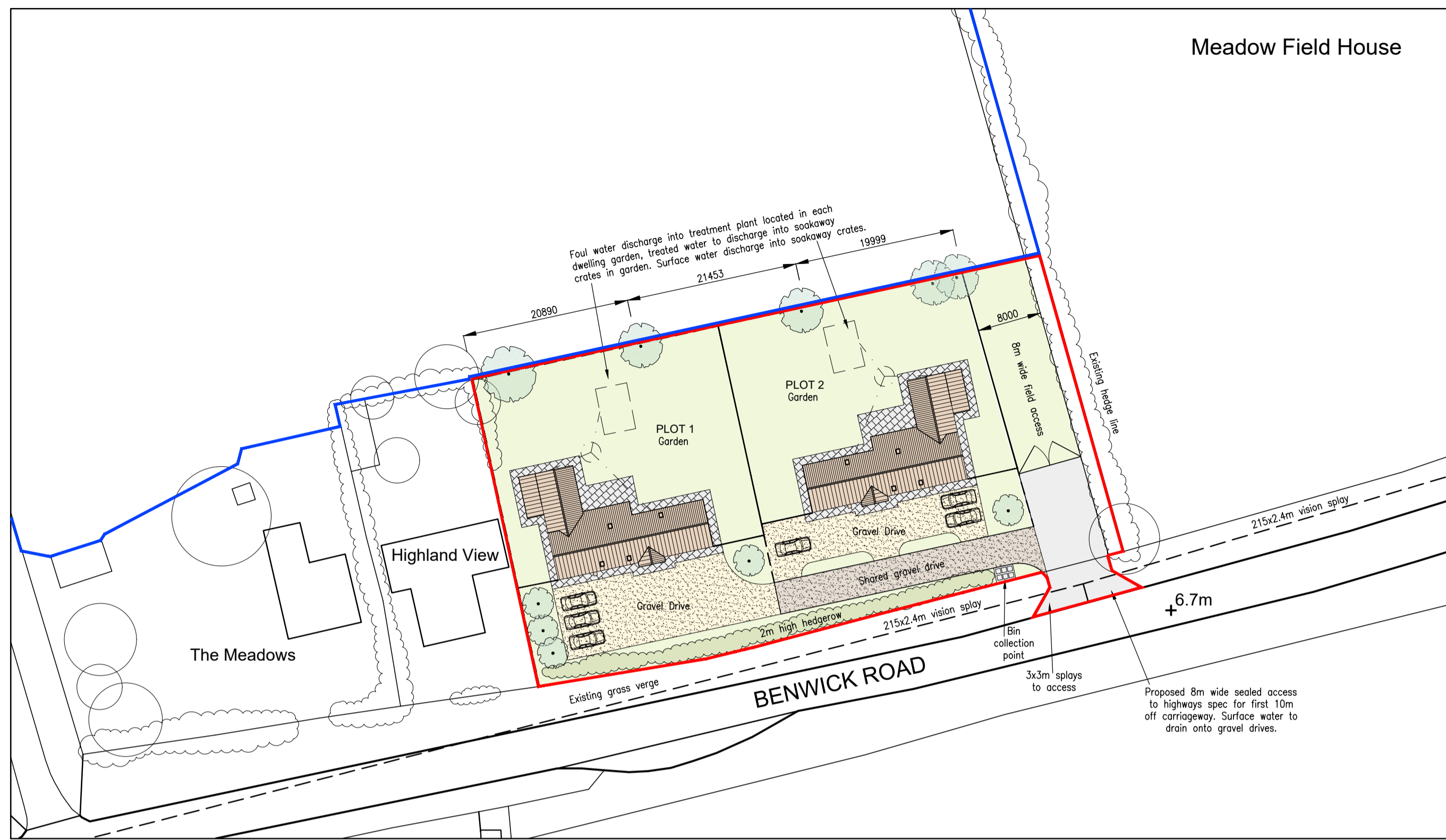
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LAND ADJ 'HIGHLAND VIEW'
BENWICK ROAD
DODDINGTON
CAMBS
PE15 0TY

DRAWING
PLANNING DRAWING 3

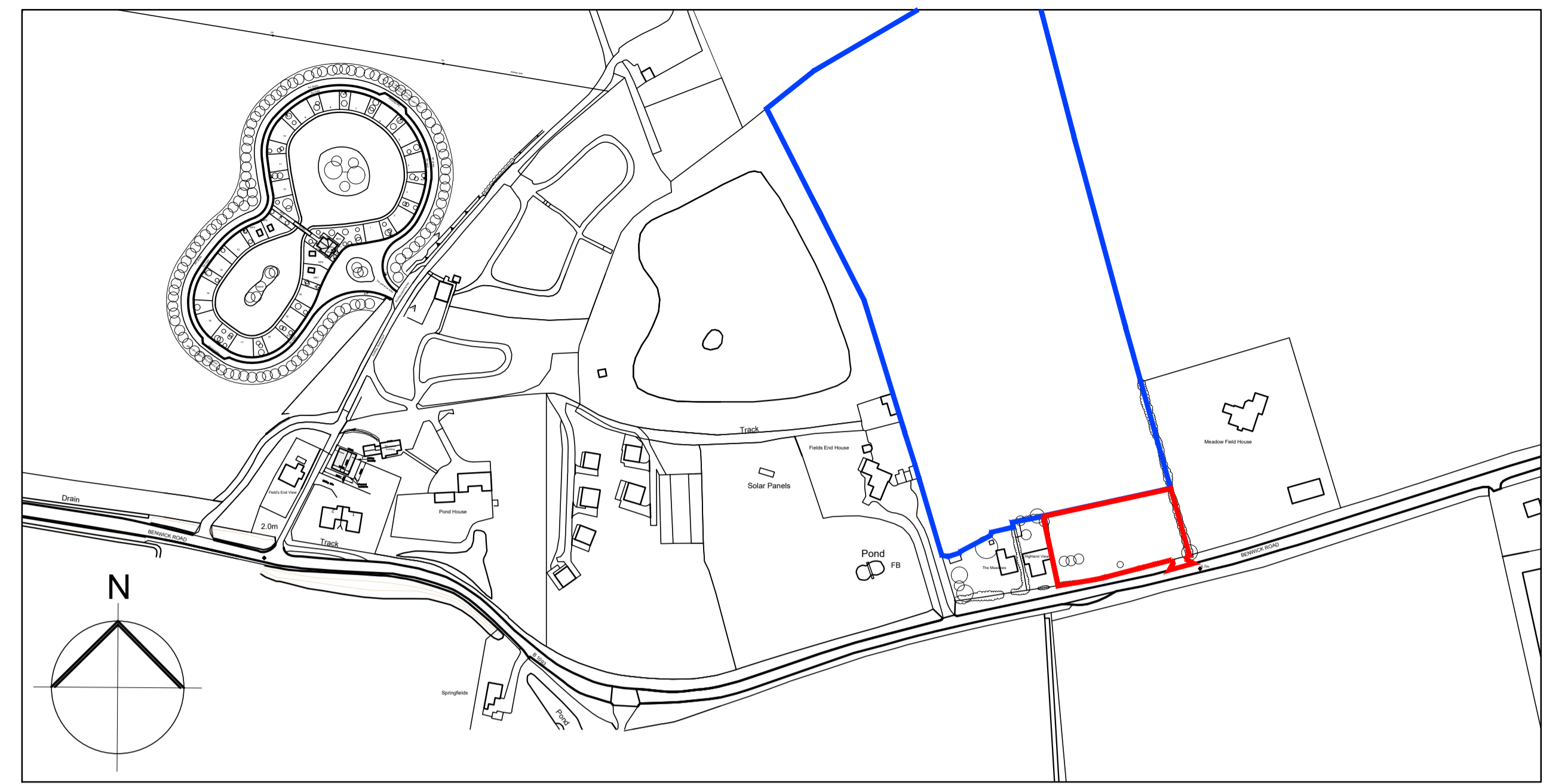
PETER HUMPHREY ASSOCIATES

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

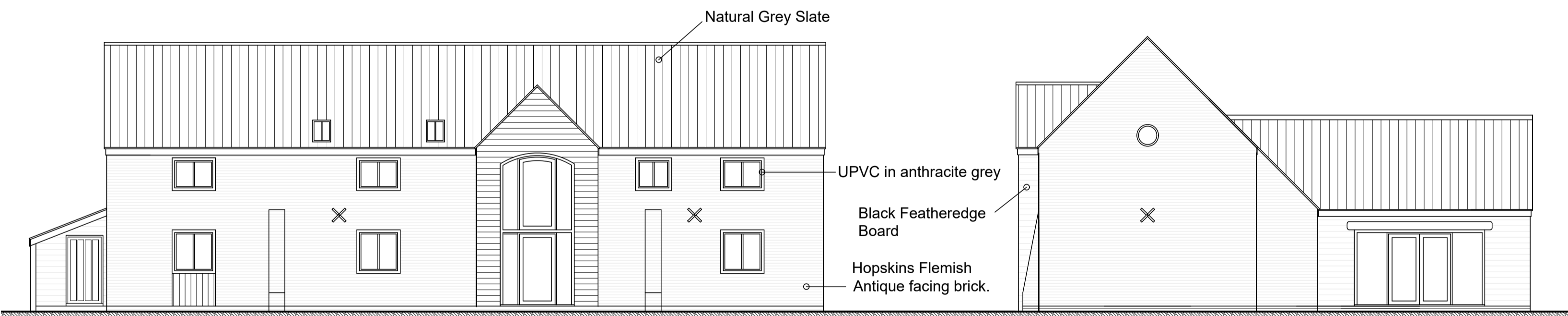
TELEPHONE: 01945 466966
 E-MAIL: info@peterhumphrey.co.uk
 WEB: www.peterhumphrey.co.uk



Proposed Site Plan 1:500

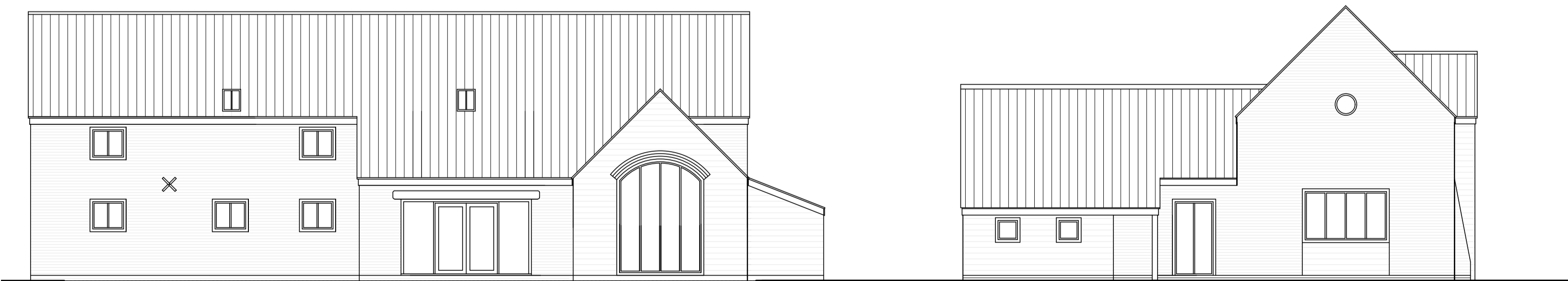


Location Plan 1:2500



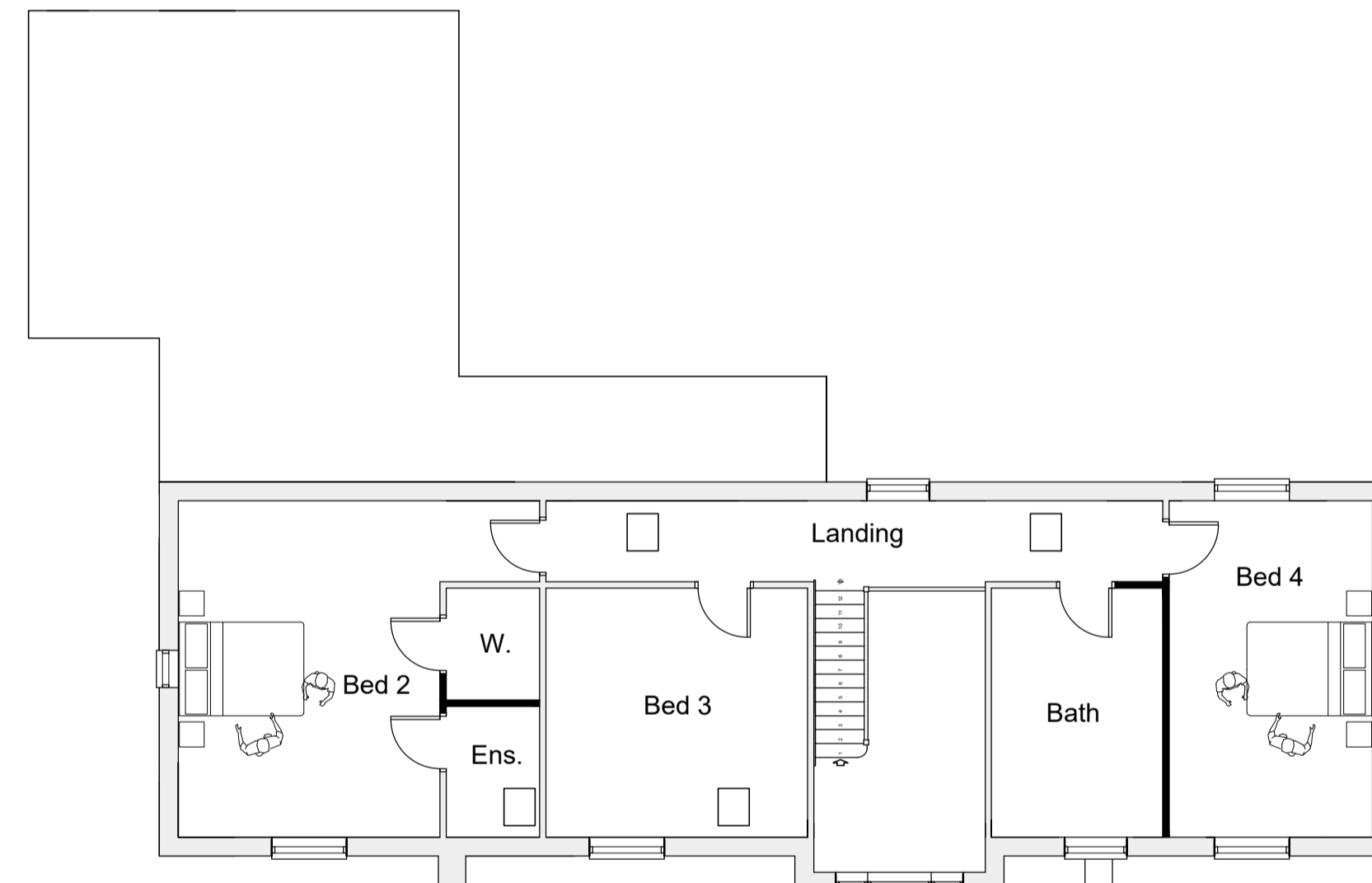
Proposed Front (South) Elevation 1:100 (Plot 1)

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



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

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



Proposed First Floor Plan 1:100 (Plot 1)



Proposed Ground Plan 1:100 (Plot 1)

F - 08.02.23 - Minor text amendment.
E - 06.01.23 - Remove 1no unit and dwelling design changed.
REVISIONS



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CLIENT

MR JASON JOLLEY

PROJECT

PROPOSED 2No. DWELLINGS/PLOTS

SITE

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

DRAWING

PLANNING DRAWING 1

JOB NO.	PAPER SIZE	DATE
6328/PL01F	A1	FEB 2023

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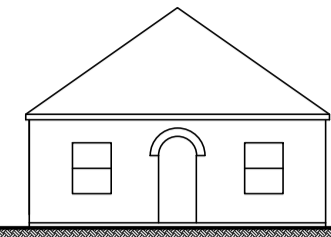
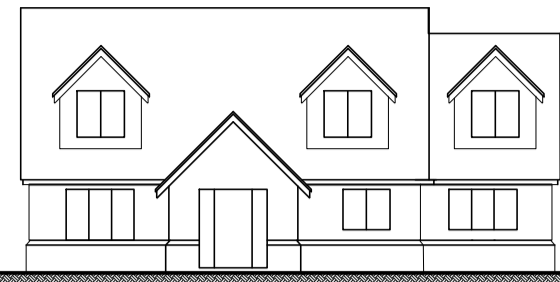
The Construction (Design and Management) Regulations 2015:
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The Meadows

Highland View

Field

Field



Existing Street Scene 1:200

The Meadows

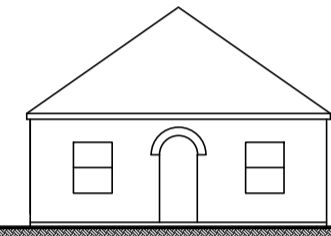
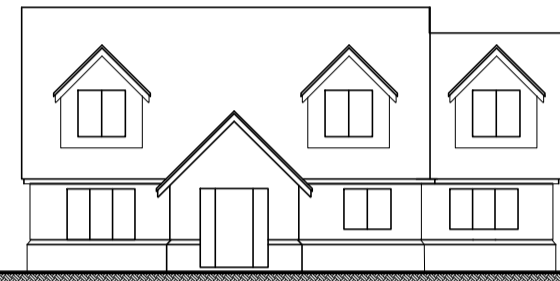
Highland View

PLOT 1

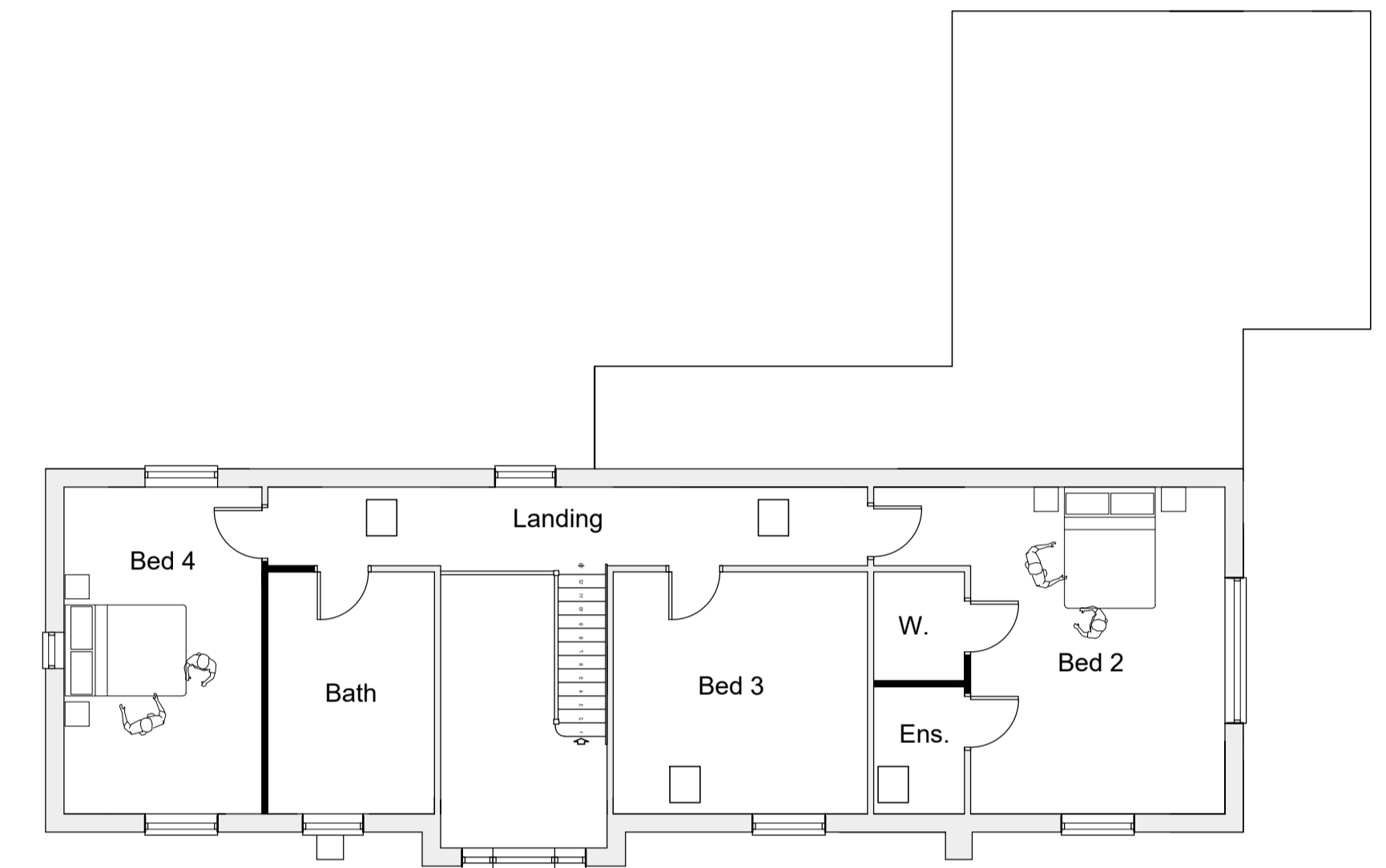
PLOT 2

Field Access

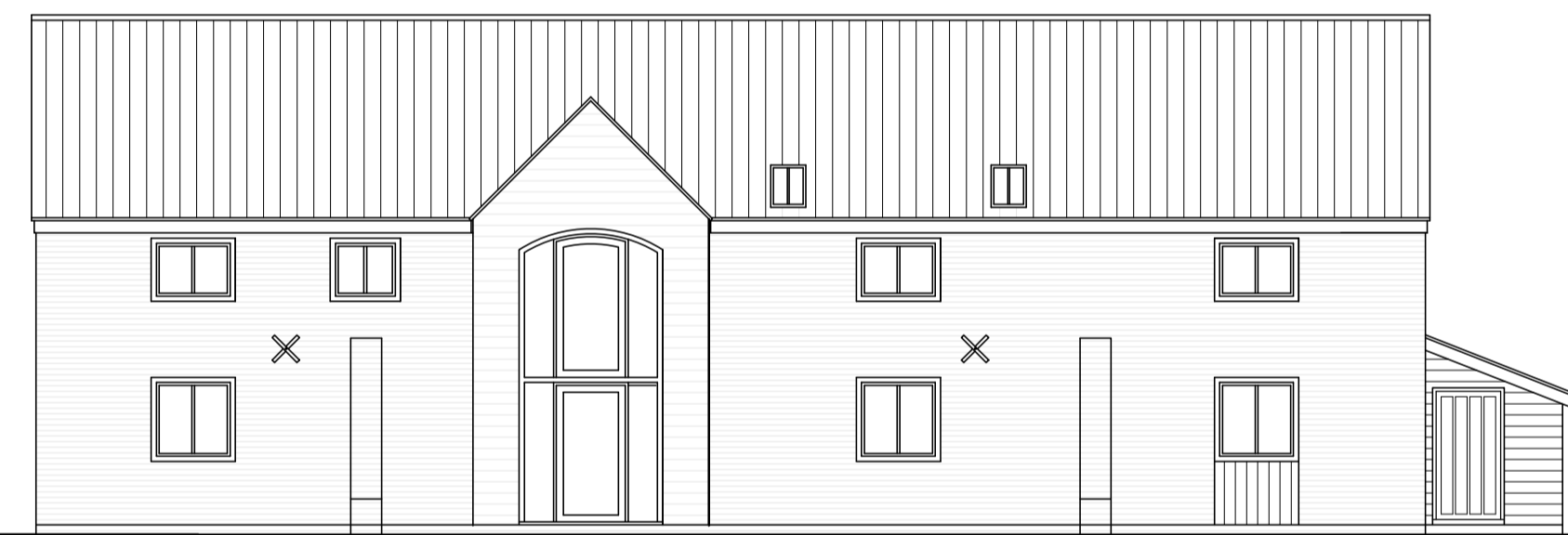
Field



Proposed Street Scene 1:200



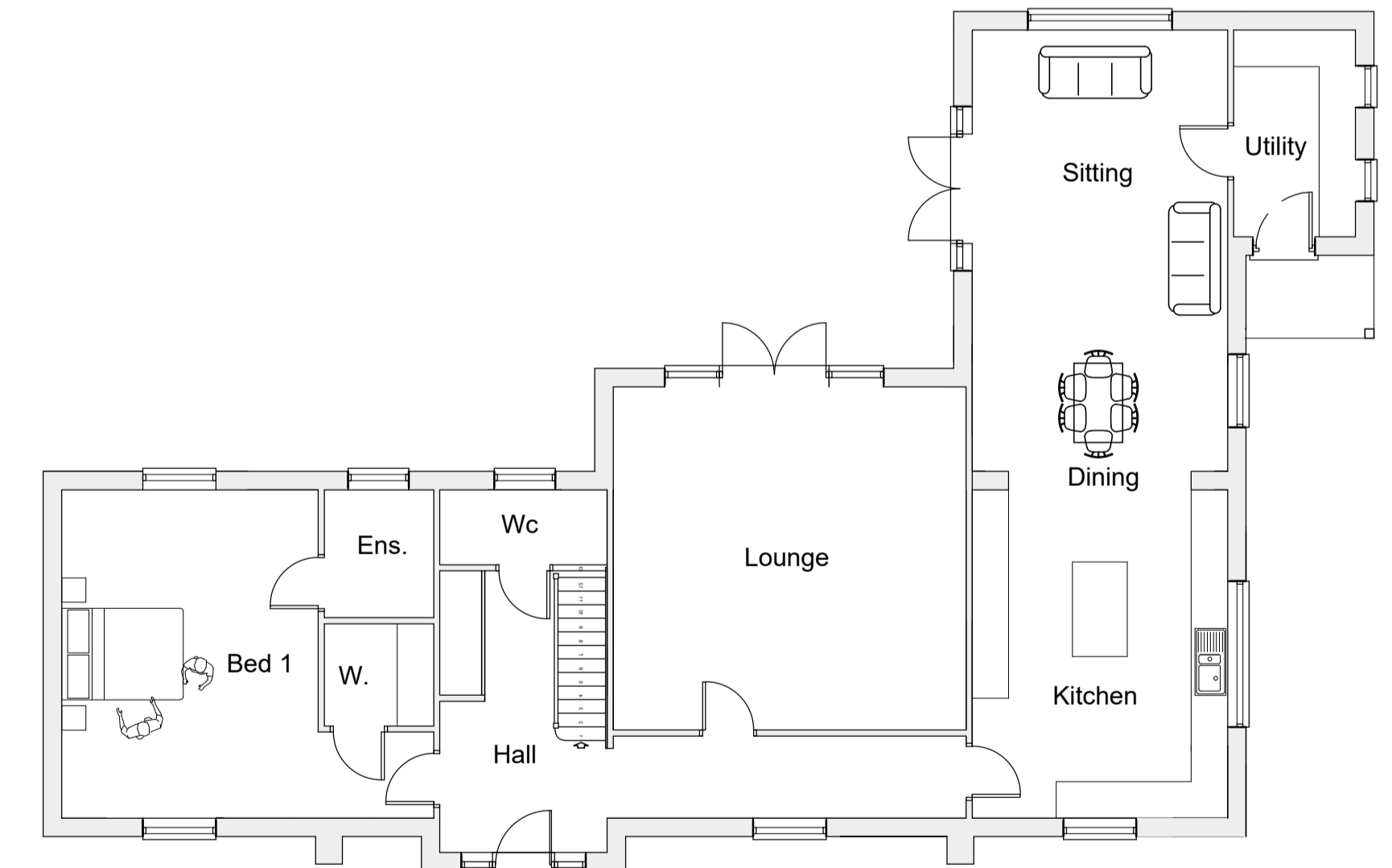
Proposed First Floor Plan 1:100 (Plot 2)



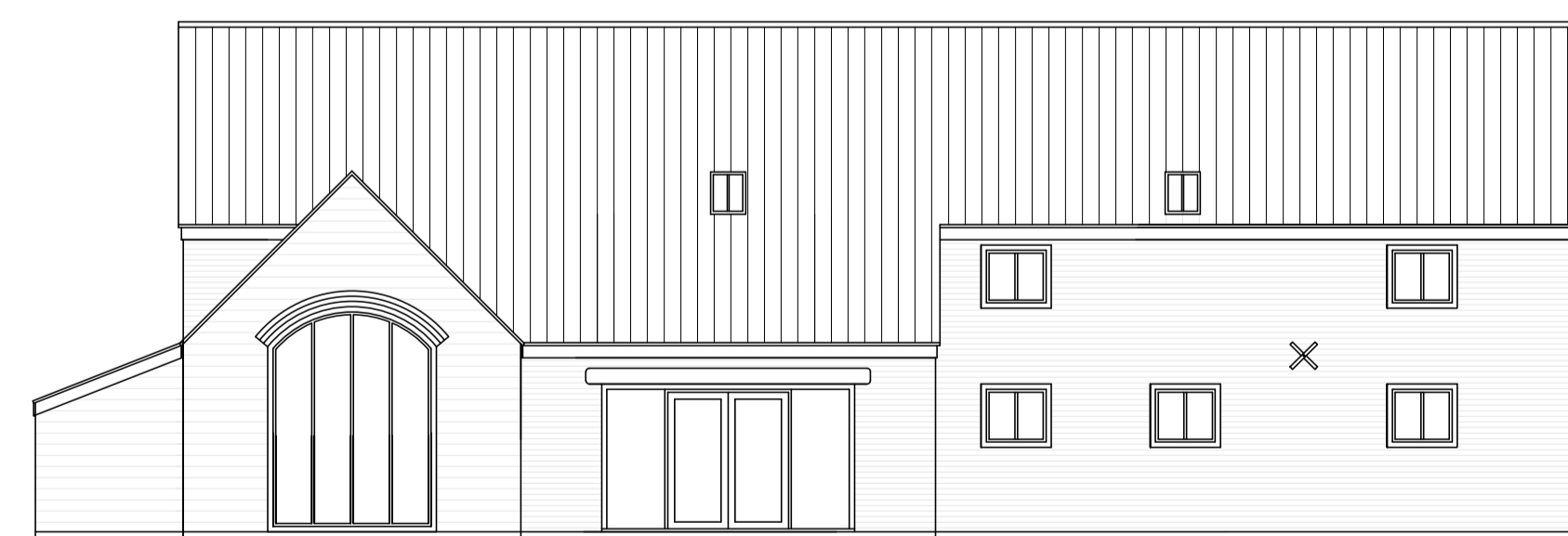
Proposed Front (South) Elevation 1:100 (Plot 2)



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



Proposed Ground Plan 1:100 (Plot 2)



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



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

C - 08.02.23 - Minor text amendment.
B - 20.01.23 - Edit material finishes.
A - 06.01.23 - Remove 1no unit and dwelling design changed.

REVISIONS	PAPER SIZE	DATE
JOB NO. 6328/PL02C	A1	FEB 2023

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CLIENT
MR JASON JOLLEY
PROJECT
PROPOSED 2No. DWELLINGS/PLOTS

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

DRAWING
PLANNING DRAWING 2



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F/YR22/1388/O

Applicant: Mr And Mrs F Lee

**Agent: Mr Gareth Edwards
Swann Edwards Architecture Limited**

151 - 153 Leverington Road, Wisbech, Cambridgeshire

Erect up to 8 x dwellings (4 x 2-storey and 4 x single-storey), involving the demolition of 2 dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. This application is an outline application for the erection of up to eight dwellings, with all matters reserved, involving the demolition of the existing building(s) on land at 151-153 Leverington Road, Wisbech.
- 1.2. It is considered that the proposal does not accord with the requirements of Policy LP16 in that a development of up to 8 dwellings at the site would result in overdevelopment which would conflict with and undermine the existing settlement pattern and prevailing character of the area, contrary to Policy LP16. A matter which has been highlighted in the Town Council objection to the scheme.
- 1.3. Owing to this level of overdevelopment, the resultant parking and turning layout would result in a convoluted and inconvenient arrangement that may give rise to highway safety issues, contrary to Policy LP15 of the Fenland Local Plan (2014).
- 1.4. By virtue of the above, the application is clearly contrary to policy and the recommendation should therefore be one of refusal, as set out in the below assessment.

2 SITE DESCRIPTION

- 2.1. The application site is located on the south side of Leverington Road, within the built framework of Wisbech. The existing 0.2ha (approx.) site comprises one substantial building that has been subdivided into two flats (dwellings), outbuildings, a substantial shared gravel parking/turning area to the front and garden space.
- 2.2. The rear space includes mature trees and vegetation, including a protected Cedar tree (TPO 01/2009) which has recently been granted consent to be felled and replaced elsewhere on the site (F/YR22/1161/TRTPO).
- 2.3. The site is within flood zone 3.

3 PROPOSAL

- 3.1 This application is an outline application for the erection of up to eight dwellings, with all matters reserved, involving the demolition of the existing building(s) at the site.
- 3.2 The indicative layout shows eight dwellings, in four semi-detached pairs, with a central access point leading to parking for each dwelling, and garden spaces to the rear for each dwelling. The site will be set out in tandem, with the front four plots intended as 2-storey dwellings, and the rear four plots comprising single storey dwellings. The site is proposed to include additional landscaping and a shared turning head.
- 3.3 Full plans and associated documents for this application can be found at: [F/YR22/1388/O | Erect up to 8 x dwellings \(4 x 2-storey and 4 x single-storey\), involving the demolition of 2 dwellings \(outline application with all matters reserved\) | 151 - 153 Leverington Road Wisbech Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/F/YR22/1388/O | Erect up to 8 x dwellings (4 x 2-storey and 4 x single-storey), involving the demolition of 2 dwellings (outline application with all matters reserved) | 151 - 153 Leverington Road Wisbech Cambridgeshire (fenland.gov.uk))

4 SITE PLANNING HISTORY

F/YR22/1161/TRTPO	Felling of 1x Cedar tree covered by TPO 01/2009 151 Leverington Road, Wisbech	Granted 06.12.2022
F/YR12/0614/EXTIME	Conversion of 2 flats (1 x 3-bed and 1 x 2-bed) to 4 x 2-bed houses involving 2-storey and first-floor extensions (Renewal of planning permission F/YR09/0276/F)	Granted 22.10.2012
F/YR11/0307/O	Erection of a dwelling	Refused 04.10.2011
12/00008/REF	Land South West Of 153 Leverington Road, Wisbech	Appeal Allowed 20.08.2012
F/YR09/0692/O	Erection of 4 chalet dwellings	Refused 06.02.2010
10/00025/REF	Land South West Of 153 Leverington Road, Wisbech	Appeal Dismissed 19.11.2010
F/YR09/0309/O	Erection of 5 chalet dwellings Land South West Of 153 Leverington Road, Wisbech	Withdrawn 08.09.2009
F/YR09/0276/F	Conversion of 2 flats (1 x 3-bed and 1 x 2-bed) to 4 x 2-bed houses involving 2-storey and first-floor extensions	Granted 04.09.2009

5 CONSULTATIONS

5.1 Wisbech Town Council - Object, on the basis that:

- the erection of 9 [8] dwellings would constitute overdevelopment of the site; Wisbech Town Council is of the opinion that a reduced number of dwellings (say, 4) may be appropriate
- the scheme layout shown on the indicative plans would be out of keeping with the nature of the existing residential development in the locality

5.2 Senior Archaeologist (CCC)

Our records indicate that the site lies in an area of archaeological potential, fronting the 18th century Chatteris to Wisbech toll road (Cambridgeshire Historic Environment Record reference. MCB31386). The development lies to the south of the scheduled remains of Roman Bank, a defensive sea bank constructed in the late Saxon to early medieval period (National Heritage List Entry reference. 1006887). Further scheduled remains are present to the west of the development in the form of a round barrow at Rabbit Hill (NHLE ref 1006780). Little archaeological investigation work has been undertaken in the area, however investigations further to the west have revealed medieval boundary ditches and a possible kiln (CHER ref. MCB23225).

We have commented on a previous application within the same grounds (F/YR09/0692/O and F/YR09/0309/O). As previously, we recommend that due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

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

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

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

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

Informatives

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

A brief for the recommended programme of archaeological works is available from this office upon request.

5.3 Environment & Health Services (FDC)

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

This service would however welcome a number of conditions in the interests of protecting the amenity of existing nearby residential properties;

Working Times

No demolition or construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

Construction Environmental Management Statement (CEMP)

Given the scale and scope of the proposal, the issues that will be of primary concern to this service during the demolition and construction phases would be the potential for noise and dust to adversely impact on the amenity of the nearby residents.

Therefore, this service recommends the submission of a CEMP in line with the template that has recently been formulated for the assistance of developers and is now available on the Fenland DC website via the following: <https://www.fenland.gov.uk/planningforms>

Due to the demolition of existing residential properties, the following condition should also be imposed in the event that planning permission is granted:

Unsuspected Contamination

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.

5.4 Environment Agency

...We have no objection to this planning application, providing that you have taken into account the Flood Risk considerations which are your responsibility. We have provided additional information below.

Flood Risk

The site is located within flood zone 3 as defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding.

It is noted that the changes to the original proposal include 4 of the 8 proposed dwellings being single-storey. The updated Flood Risk Assessment undertaken by Ellingham Consulting Ltd, dated June 2023, reference: ECL0884a/Swann Edwards Architecture recommends flood mitigation measures that are in line with those of the Site Specific Flood Risk Assessment Toolkit as part of the Wisbech Level 2 Strategic Flood Risk Assessment, dated June 2012, reference: 11501501

We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) by Ellingham Consulting Ltd, dated June 2023, reference: ECL0884a/Swann Edwards Architecture) and the following mitigation measures it details:

- 1. Finished Floor Level of the dwellings located in plots 1 - 4 will be no lower than 0.3m above existing ground levels;*
- 2. Finished Floor Levels of the dwellings located in plots 5-8 will be no lower than 0.5m above existing ground levels;*
- 3. Dwellings will have flood resilient and resistant construction to a height at least 0.3m above Finished Floor Levels;*
- 4. The design of all single-storey dwellings such as those in plots 5-8 will include an accessible loft with a Velux window;*
- 5. Plots of dwellings to be in line with drawing number SE-1837/PP1000 revision A dated October 2022 by Swann Edwards Architecture are fully implemented and retained for the life of the development.*

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

5.5 North Level Internal Drainage Board

The Board has no objections in principle to this development.

It is noted, however, that no details are given about surface water disposal, other than "soakaway" having been ticked on the application form.

Should you be minded to grant consent for this application, I would request you apply a condition (or conditions) requiring detailed surface water system designs and supporting information to be approved before commencement of works on site.

5.6 CCC Highways Authority

The application F/YR22/1388/O is outline with all matters reserved, so my comments solely relate to the principle of the development.

The site benefits from two existing accesses onto Leverington Road. The indicative layout indicates that the applicant wishes to remove these accesses and replace them with a single central access to be shared by up to eight dwellings. Given the proposed intensification of the site, the applicant must be able to achieve safe access, paramount to which is visibility. As Leverington

Road is subject to a signed 40mph limit, the necessary inter-vehicular visibility is 2.4m x 120m, measured to the nearside carriageway edge. While not explicitly shown on the submission, this appears achievable within the extents of public highway. In addition, 2m x 2m pedestrian visibility splays, measured to the back of footway will be needed as will a minimum access width of 5m. All of these criteria can be addressed in a future reserved matters application, so I do not object to the application.

Within the site, two parking spaces have been provided for each of the proposed dwellings, however the usability of the spaces is questionable. In particular, the first row of parking appears difficult to manoeuvre into / out of and their placement as shown may obstruct the access and in doing so temporarily be detrimental to highway safety. Should the application be approved, a revised site / parking layout will be required compared to the submitted indicative plan. Such a revision could result in loss of dwellings or reduction in their size.

I would also wish to highlight to the applicant that permeable surfacing is not accepted by the LHA as a means of surface water drainage in isolation and if used, a secondary means of surface water interception will be needed prior to the highway boundary.

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

Conditions

Access Road Details: Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5 metres for a minimum distance of 8 metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity.

Closure of Access: Prior to the commencement of the development hereby approved a scheme for the permanent and effective closure of the existing access(es) to Leverington Road, including reinstatement of the footway/highway verge as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with the approved details within 28 days of the bringing into use of the new access.

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 (amended): Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained

free from any obstruction over a height of 600 mm within an area of 2.4 metres x 120 metres measured along respectively the edge of the carriageway and an area of 2 metres x 2 metres measured along respectively the back of the footway.

5.7 Wildlife Officer

I have had a chance to read through the documentation of F/YR22/1388/O. I support your comments within your email on the 20th of January ("To Agent RE Concerns"). That the documents submitted do not appear to fully discuss the potential negative impacts of removing the trees on site or present evidence that removal of these trees will result in No new negative impacts on ecological constraints.

Analysis of the potential of the trees to be used by protected species such as bats and nesting birds is necessary as to ensure that the proposal will not result in net negative impacts on ecological constraints.

5.8 Local Residents/Interested Parties

7 letters of support were received for the application from various addresses within Leverington and Wisbech. One of the letters of support stated no reasons. The remaining letters included the below summarised reasons:

- Will bring affordable homes to a growing town.
- Would be a positive for Wisbech to have some new affordable housing added to the area.
- Great location, and a much better use of the area.
- The existing building on the site is rundown and an eyesore. To see it replaced with 8 new houses would be good for the area.
- We could really do with more housing locally for families.
- It will provide affordable housing which we are in desperate need of. Also the current dwellings are looking in need of repair/updating so I can only see this development as a positive thing for the surrounding areas.

One letter of objection has been received in respect of the scheme from a neighbouring resident of Leverington Road. The reasons for objection can be cited as:

We fully support Wisbech Town Council's objection to the above mentioned application. Living next door to the proposed development, this would involve a massive and unacceptable disruption to our daily life regarding not only noise and intrusion into our privacy but also the amount of dust and dirt associated with the demolition of existing structures and construction of new ones.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF) July 2021

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

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

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

Para 119: Promote effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Para 124: Supporting efficient use of land, taking into account the: (d) desirability of maintaining an areas prevailing character and setting; and (e) the importance of securing well-designed, attractive and healthy places.

Para 130: achieving well-designed places

7.2 National Planning Practice Guidance (NPPG)

Determining planning applications

Flood Risk and Coastal Change

7.3 National Design Guide 2019

Context

Identity

Built Form

Homes and Buildings

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

LP19 – The Natural Environment

7.5 Emerging Local Plan

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

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP7 – Design

LP8 – Amenity Provision

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP32 – Flood and Water Management

- 7.6 Supplementary Planning Documents/Guidance**
Flood Risk Sequential Test Methodology (28 February 2018)
Wisbech Level 2 SFRA
Delivering and Protecting High Quality Environments (2014)

8 KEY ISSUES

- **Principle of Development**
- **Design and Character**
- **Impact on Amenity**
- **Parking and Access**
- **Flood Risk**
- **Biodiversity**
- **Other Matters**

9 BACKGROUND

- 9.1 Initially, the scheme proposed up to 9 dwellings on the site. It was assessed by the planning officer upon examination that a maximum of 9 dwellings would not achieve the minimum residential amenity standards as required by Annexe A of the Fenland Local Plan and that it was unlikely that any reserved matters application would be viewed favourably because of this as the indicative scheme as submitted would amount to overdevelopment. Additionally, Wisbech Town Council objected to the original proposal in principle for similar reasons, and expressed a desire for the proposal to be reduced to a 4 unit development.
- 9.2 Consequently, a revised scheme was put forward by the applicant for 8 units, as considered herein.

10 ASSESSMENT

Principle of Development

- 10.1 The settlement of Wisbech is one of the district's primary market towns where it is accepted that the majority of growth will be directed. Accordingly, the scheme aligns with the general settlement policies; subject to other policy considerations which include visual amenity and character (LP16), residential amenity (LP2 & LP16), highway safety (LP15), flood risk (LP14) and biodiversity and landscape (LP19). Within the emerging local plan, the policies which would be enacted for this well located and sustainable site align with the current policies of the adopted development plan.

Design and Character

- 10.2 Scale, Layout, Appearance and Landscaping similarly fall to be considered as reserved matters not forming part of this outline application for formal consideration. However, an indicative layout drawing was submitted showing how up to 8 dwellings could be provided on the site with parking, turning and garden spaces, with an application description for 'up to 8 dwellings'.
- 10.3 The submitted plans offer an indicative street scene, based upon the view from Leverington Road, which will see four semi-detached, 2-storey dwellings

essentially fronting the road and following the general building line of the dwellings to the east. The character within the vicinity of the site is mixed, with varying scales, materials and design details. The rearmost plots, as single storey dwellings, will likely not be particularly apparent within the street scene. Thus, in respect of the visible street scene, it is considered that the proposals are likely to be acceptable in terms of design, subject to submission of the reserved matters.

- 10.4 The proposal will see tandem development within the plot that could be considered as backland, and thus contrary to the existing frontage development building form along Leverington Road. However, the site itself is differing in character to the development to the east, and as such forms a transition point from the more linear frontage development to its east and more in-depth development patterns to its west. To the east of the site, ending at No.149 Leverington Road, the built form is typically linear frontage development, however, beyond the site to the west No.153b Leverington Road is set between frontage development of No.155 Leverington Road to its north and 24 – 26 Pickards Way to its south. Furthermore, the arrangement of development further west along Rose Walk results in a depth of development in the vicinity of the site. As such, the proposed tandem (or backland style) development at the site is considered appropriate given the immediate development pattern.
- 10.5 Notwithstanding, the development of 8 units on the approximately 0.2ha site, would result in a development density of 40 units per hectare, which is a much greater density than that of surrounding development along Leverington Road and Pickards Way, which is circa 25 units per hectare. Comparatively, the density of the existing dwellings on the site equates to approximately 10 units per hectare, which is a much lower density, and acknowledged as essentially out of character with the grain of development surrounding the site. Moreover, a development of 4 units, as suggested by Wisbech Town Council in their objection to the scheme, would result in a density of 20 units per hectare; much more in keeping with the surrounding development density.
- 10.6 Thus, whilst it is acknowledged that the site is acceptable for development in principle and that the application is outline in nature (and hence the number of units could be reduced at reserved matters stage), consideration of the scheme must be on the basis of the greatest number of units proposed within the application, in this case 8. As such, it is considered that, notwithstanding matters that would be considered at reserved matters stage, the proposed development of up to 8 units at the site would essentially amount to overdevelopment and would not be in keeping with the existing settlement pattern, contrary to Policy LP16 (d).

Impact on Amenity

- 10.7 The indicative site plan suggests that generally, the proposed dwellings will be adequately distanced from both existing surrounding dwellings and the dwellings themselves, so as to not cause detrimental impact on neighbouring residential amenity by way of overlooking or overshadowing.
- 10.8 There may be some limited impacts owing to the proposed positioning of indicative plots 3 and 4, that will see development brought closer to the

adjacent No.149 Leverington Road than exists currently. Given that these plots are proposed as two storey, this may give rise to overlooking from upper floor windows to the garden space of No.149. Further consideration should be given to the orientation/positioning of these plots to mitigate amenity impacts. However, it is considered that the site, subject to detailed design could accommodate residential development in principle without unacceptable impacts to residential amenity.

- 10.9 The submitted indicative plan depicts that all of the dwellings would technically meet the required amenity space and parking standards for a 2-3 bedroomed housing development, despite the overdeveloped density at the site discussed earlier.
- 10.10 Matters of refuse collection will need to be addressed at detailed design stage and a refuse collection strategy should be secured for the site, noting that the bin travel distances for the rearmost plots will exceed the recommendations of the RECAP Waste Guidance.

Parking and Access

- 10.11 Matters in respect of access fall to be considered as reserved matters not forming part of this outline application for formal consideration. Notwithstanding, Policy LP15 and LP16 require development schemes to be safe, and well designed.
- 10.12 The existing development includes two accesses from Leverington Road; the proposals will seek to reduce these to one shared central access point, leading to parking and a turning head.
- 10.13 The Highways Authority were consulted in respect of the proposals, and returned no objection. Given the established use of the site, it is accepted that the access may be acceptable in principle, subject to conditions and a detailed design submitted at reserved matters stage.
- 10.14 Whilst the scheme proposes an appropriate level of parking, meeting the required standards in respect of a 2-3 bedroomed housing development, there are concerns that the current arrangement is inconvenient and may give rise to temporary negative impacts on highway safety (particularly in respect of the plots fronting Leverington Road) when vehicles attempt to manoeuvre into the provided spaces. In addition, the tandem arrangement for each plot does not offer a convenient parking solution for occupants of each dwelling.
- 10.15 Again, notwithstanding matters that would be considered at reserved matters stage, the inherent overdevelopment of the site results in an inconvenient parking/turning arrangement which will likely impact on residential amenity and highways safety, contrary to Policies LP15 and LP16.

Flood Risk

- 10.16 The site falls within Flood Zone 3 (high risk). Flooding is considered an identified risk to both people and property. Both national and local policy seeks to steer new development to areas with lesser flood risk, where appropriate, to ensure areas at lower risk of flooding are developed before

those at a higher risk. The NPPF advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas of lower risk of flooding (paragraph 158). Accordingly, there are other sites within Wisbech which are located within lower flood risk areas and therefore it is unlikely that the proposal would pass the sequential test.

10.17 However, recent guidance set out within the Flood Risk Sequential Test Methodology (28 February 2018), a report resulting from Fenland District Council's Planning Committee meeting on discussions regarding the Council's approach to flooding (Appendix 1, para 4) concluded that:

About one half of Wisbech currently falls within flood zones 2 and 3. For the re-development of sites for residential purposes within these areas it may not always be possible to pass the Sequential Test. The council recognises the need to prevent widespread areas suffering blight from flood risk restrictions, and seeks to ensure that Wisbech retains its constituency and vibrancy.

As a result it will normally be the case that for sites within the existing built up urban area of the town which fall within flood zones 2 and 3 and where the proposal is for the redevelopment of a site last used for Use Classes A, B C or D the council accepts that the Sequential Test will normally be [considered] passed.

10.18 The proposal seeks to redevelop an existing residential site. Thus, given the site accords with the above criteria, it is not necessary for a Sequential Test to be submitted and is thus considered passed.

10.19 The application was supported by a site specific Flood Risk Assessment (FRA). The FRA outlined the likely maximum flood depths, ranging from between 0.25m to the front of the site and 0.5m to the rear. In this respect the FRA included the following proposed mitigation measures:

- the finished floor level of the dwellings in plots 1-4 set to 0.3m above ground level;
- the finished floor level of the dwelling in plots 5-8 set to 0.5m above ground level;
- the single storey dwellings in plots 5-8 have accessible loft with a Velux window;
- there is 0.3m of flood resilient construction above finished floor level; and
- occupants will register to receive flood warnings.

10.20 The Environment Agency offered no objection to the scheme, subject to the development's compliance with the above mitigation measures.

10.21 It is considered that given the circumstances of the proposal and the above mitigation measures, the proposed change of use will not result in an increase in flood risk to the site or others and thus is considered acceptable with regard to Policy LP14, subject to conditions.

Biodiversity

- 10.22 It is noted that there has been a recent approved application to fell the Cedar tree covered by TPO 01/2009 (F/YR22/1161/TRTPO), however a condition of this approval required a replacement tree to be situated on the site (although this condition is yet to be discharged). The submitted indicative site plan suggests the removal of this tree, but does not allow sufficient space or suggest where its replacement may be situated.
- 10.23 In addition, there are considerable numbers of trees/hedging that will be required to be removed as part of this application. Whilst these trees are not specifically protected, they do afford visual amenity and ecological habitat for wildlife.
- 10.24 These matters were raised with the applicant and additional information was provided in respect of the intention to replace the felled TPO tree, and included provision of bat and bird boxes to each dwelling. However, given that this application is in outline form, it was proffered that this information will be finalised as part of the reserved matters.
- 10.25 Consequently, as part of any reserved matters scheme, it would be necessary to ensure that the proposal will not result in net negative impacts on ecological constraints in accordance with Policy LP19.

Other Matters

- 10.26 It is acknowledged that several letters of support suggested development at the site would benefit the community by providing affordable housing. The scheme is for the development of up to 8 dwellings at the site, and as such falls below the threshold for the developer to provide affordable housing. As such, the scheme is for market housing only (as stated on the submitted application form) and any proposed units cannot be considered as affordable.

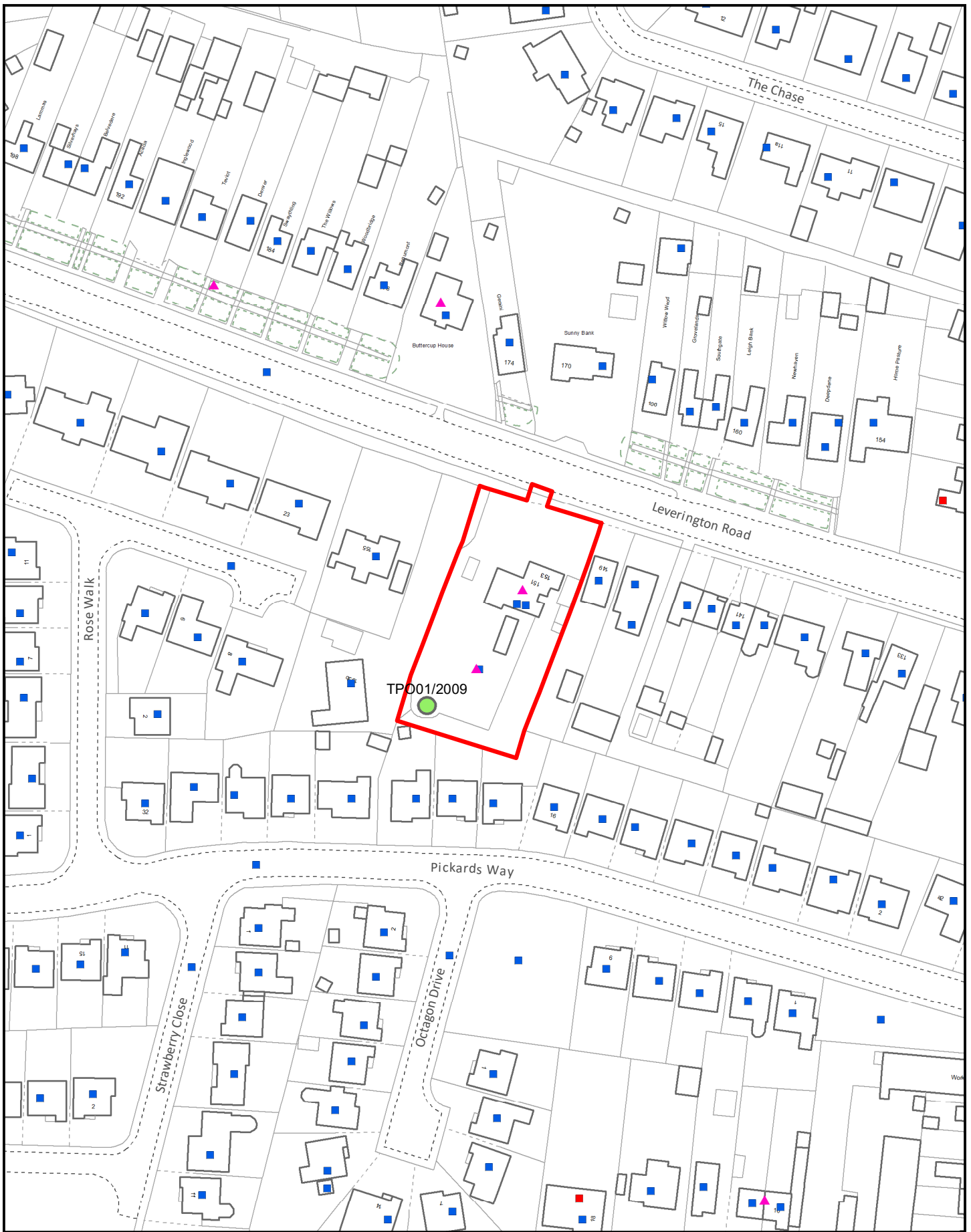
11 CONCLUSIONS

- 11.1 This application is an outline application for the erection of up to eight dwellings, with all matters reserved, involving the demolition of the existing building(s) at the site.
- 11.2 Notwithstanding matters that can be resolved at Reserved Matters stage, it is considered that the proposal does not accord with the requirements of Policy LP16 in that a development of up to 8 dwellings at the site would result in overdevelopment which would conflict with and undermine the existing settlement pattern and prevailing character of the area, contrary to Policy LP16. Consequently, by virtue of the overdevelopment, the resultant parking and turning layout would result in a convoluted and inconvenient arrangement that may give rise to highway safety issues, contrary to Policy LP15 of the Fenland Local Plan (2014). As such, the application is recommended for refusal.

12 RECOMMENDATION

Refuse, for the following reasons;

1	Policy LP16 of the Fenland Local Plan (2014) requires development to deliver high quality environments that make a positive contribution to the local distinctiveness and character of an area, enhancing their setting and responding to and improving the character of the local built environment. The proposed development of up to 8 dwellings at the site would result in overdevelopment which would conflict with and undermine the existing settlement pattern and prevailing character of the area, contrary to Policy LP16 of the Fenland Local Plan (2014) and DM3 of the High Quality Environments SPD (2014).
2	Policy LP15 of the Fenland Local Plan (2014) requires that developments provide "well designed, safe and convenient access for all". By virtue of the level of overdevelopment at the site, the proposed parking and turning layout would result in a convoluted and inconvenient arrangement that may give rise to highway safety issues, contrary to Policy LP15 of the Fenland Local Plan (2014).



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F/YR22/1388/O

Scale = 1:1,250



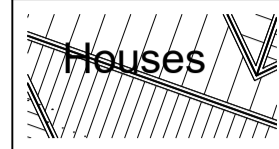


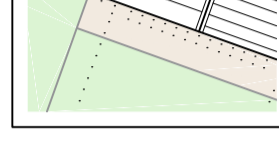
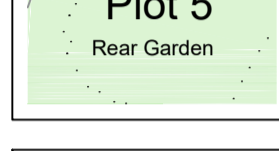
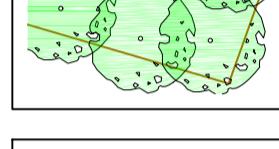


DWELLING TYPE

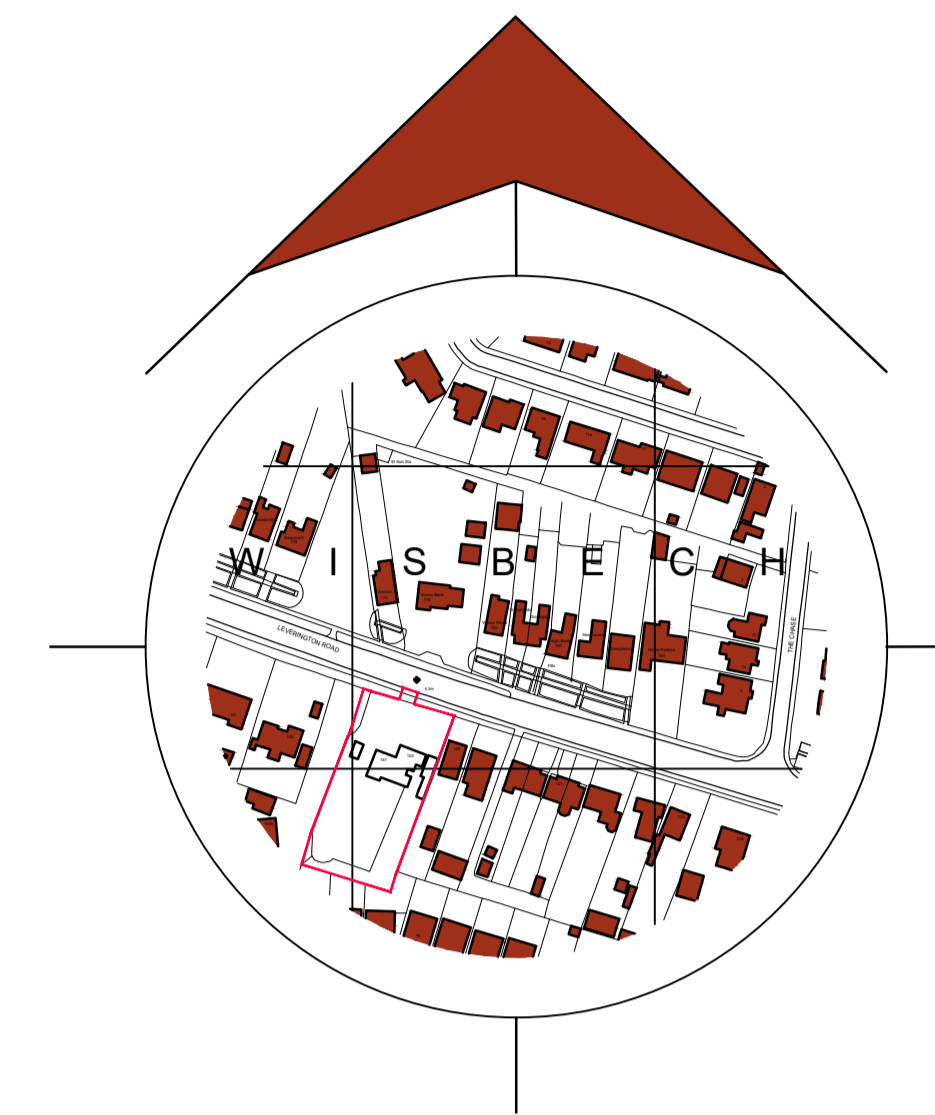
Dwelling Types to be 2 storied 3 bed houses to Plots 1-4 and single storied 2 bed bungalows to Plots 5-8 with roof light from roof space for safe refuge during flooding

ECOLOGY

Each dwelling is to have a bird box and bat box fitted

SITE PLAN KEY

-  Proposed dwellings
-  Un-surveyed buildings taken from OS map
-  Indicates site accesses to Cambs CC Highways specification
-  Structures to be demolished
-  Plot 5 Rear Garden
-  Proposed trees and planting
-  Proposed permeable drive and parking
-  Proposed footpaths



Location Plan
Scale: 1:2500
0 25 50 75 100 metres

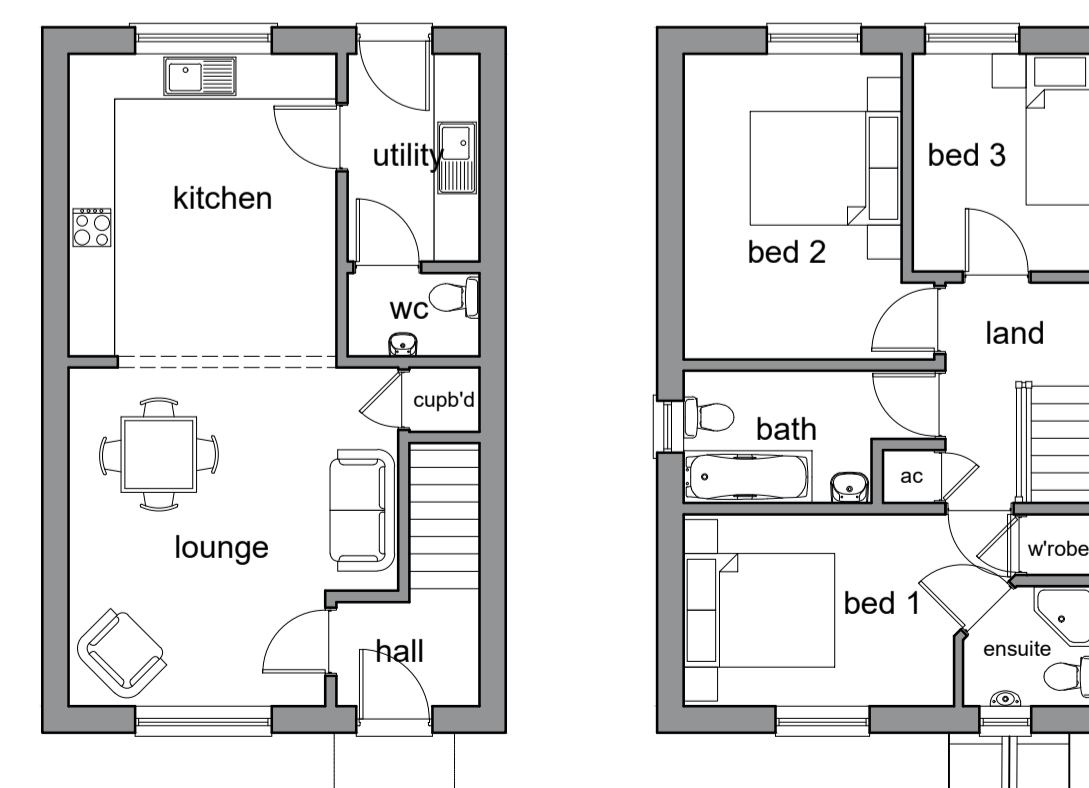


Indicative Site Plan
Scale: 1:200
0 2 4 6 8 metres

Indicative Typical House Plan & Elevations (Plots 1-4)



Indicative Street Scene
Scale: 1:100
0 1 2 3 4 metres



Indicative Ground Floor Plan
Scale: 1:100
0 1 2 3 4 metres

Indicative First Floor Plan
Scale: 1:100
0 1 2 3 4 metres

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

Status
FOR APPROVAL



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Job Title Proposed Residential Development 151-153 Leverington Road Wisbech, Cambs For: Mr & Mrs Lee	Date October 2022	Drawn by G.E.
Drawing Title Outline Planning Drawing Site Plan, Location Plan Typical Floor Plans and Elevation	Job No. SE-1837	Checked by R.S.
	Dwg No. PP1000	Sheet Size A1
		Revision A

F/YR22/0724/F

Applicant: Mr N Sundavadra

**Agent : Mr Simon Lemmon
Distinct Designs UK Ltd**

Land South West Of Sapphire Close Accessed From Broad Drove East, Tydd St Giles, Cambridgeshire

Construction of building containing three units for use as a hot food takeaway (unit 1); retail shop with post office (unit 2) and retail convenience store (unit 3) with a one bedroom flat above units 1 and 2, with vehicular access, car park to the front and delivery and turning area to the rear with 1.8 metre close boarded boundary screening.

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 This application seeks permission to construct a building containing a hot food takeaway, 2 retail units, storage, a flat, access, parking and turning areas.
- 1.2 Policy LP3 identifies Tydd St Giles as a Small Village where development would normally be of a very limited nature and normally limited in scale to residential infilling of a small business opportunity. The site is not located within the continuous built form of the village and the size and scale of the proposed cannot be considered to be very limited in nature, infilling, or a small business opportunity. The location, size, and scale of the proposal is therefore considered to contravene the provisions of Policy LP3 and LP12.
- 1.3 The exemption under policy LP12 Part A(a) for sites in or adjacent to the existing developed footprint of the village does not apply to Tydd St Giles as a Small Village where only infill sites will normally be considered.
- 1.4 Policy LP1 of the emerging Local Plan reintroduces settlement boundaries and may allow some development within the 'settlement hinterland' where this respects and reinforces local distinctiveness. However, the emerging local plan is still in its infancy and carries very little weight, in any case the proposal does not meet the requirements relating to impacts within Part C of this.
- 1.5 The approach to the site along a narrow country road with far reaching views of open countryside over a flat farmland landscape contributes to a very rural character. Development within this setting would be harmful to the agrarian nature of the surrounding landscape and conflict with the requirements of Policy LP16.
- 1.6 The size of the proposed development exceeds the threshold which requires the submission of a retail impact assessment, the failure to submit an assessment contravenes policy LP6.

- 1.7 The search area for the application of a flood risk sequential test for a development of this size should cover the whole district and not be limited to Tydd St Giles therefore the sequential test is not considered to have been passed.
- 1.8 Any benefits in terms of provision of improved services 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 This application relates to part of a large agricultural field set in open countryside located on the northern side of Broad Drove East and which separates the recent residential development (F/YR15/0637/F) at Sapphire Close from a large pair of semi-detached dwellings (Scotch Brook Cottage and Pinchpenny Farm) to the west. Full planning permission for 24 houses on the western part of this field was refused under application F/YR13/0905/F (see Background below). The application site relates to the eastern half of this field and covers an area of approximately 0.75 acres (0.30ha). A gap of some 60m comprising of the western section of the field therefore remains open and out with the application site.
- 2.2 The site is located away from the built settlement of Tydd St. Giles with the immediate area characterised by groups of dispersed and intermittent buildings.
- 2.3 Broad Drove East it should be noted is a narrow road barely passable by two vehicles abreast, with few passing places.
- 2.4 The site is located in Flood Zone 3.

3 PROPOSAL

- 3.1 This application seeks full planning permission to erect a single building across the site frontage comprising three commercial units: a hot food takeaway (Sui Generis); two retail units (Class E), stores to the rear of the units, a bike store, and a one bed flat is proposed in the roof space. The gross floor area measured externally is 410 m² for the ground floor and 110 m² for the flat on the first floor, totalling 520 m². The building is almost 30m wide, 7.25m high and 16.4m in depth, it has a steeply pitched roof with dormers to the front and rear to light the flat. The glazed front is marked by thick brick pillars.
- 3.2 A car park (11 spaces) and turning area will be laid to the front of the building with a 1.8m wide footway across the site frontage and along the length of the site. A new access will be formed from Broad Drove East running along the length of the western site boundary. A 1.8m high close boarded fence is shown around the rear delivery and turning area.
- 3.3 The proposal as originally submitted included a detached dwelling to the rear of the site in addition to the commercial uses with flat above. In October 2022, the detached dwelling was omitted from the application and the red lined application area amended to reflect this change; the description changed to detail the commercial uses in November 2022.

- 3.4 Tydd St Giles is a small village and does not currently have a shop or take away. Representations received note that there was formerly a shop in the village which closed some years ago, and mobile take aways have not succeeded in the past. Residents of the village consequently have to travel to meet all of their shopping needs at present.

Full plans and associated documents for this application can be found at: [F/YR22/0724/F | Construction of building containing three units for use as a hot food takeaway \(unit 1\); retail shop with post office \(unit 2\) and retail convenience store \(unit 3\) with a one bedroom flat above units 1 and 2, with vehicular access, car park to the front and delivery and turning area to the rear with 1.8 metre close boarded boundary screening. | Land South West Of Sapphire Close Accessed From Broad Drove East Tydd St Giles Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0724/F)

4 SITE PLANNING HISTORY

LAND TO EAST

Reference	Description	Decision	Date
F/YR15/0637/F (Sapphire Close)	Erection of 12 x 2-storey dwellings comprising 8 x 2-bed and 4 x 3-bed with associated sheds and highway works Land North East Of Pinchpenny Farm Broad Drove East Tydd St Giles	Approved	06.12.2015

LAND TO WEST

F/YR13/0905/F	Erection of 12 x 2-storey dwellings comprising of 8 x 2-bed and 4 x 3-bed with associated sheds and 2.1m high (max) close boarded fence with trellis over Land South West Of The Bungalow Broad Drove East Tydd St Giles	Refused	06.03.2014
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5 CONSULTATIONS

5.1 Cambridgeshire Constabulary

Does not object but states:

- The application is not accompanied by a Design and Access Statement or information for assessing impact of the proposal on crime.
- Careful design and siting of the ATM will be required to reduce vulnerability of crime.

- Details of external lighting, car park boundary treatment and roller shutter doors will be required for further comment.
- Details of design and layout need to be revised to comply with 'Secured by Design' (07.11.2022).

5.2 Environment Agency

No objections (23.11.2022).

5.3 Environmental Health Protection Team

No objections, recommends conditions relating to 'unsuspected contamination' and controlling construction hours (22.07.2022).

5.4 Highways

No objections, recommends conditions and informatives (30.03.2023).

5.5 North Level Drainage Board

No objections (06.07.2022).

5.6 Tydd St Giles Parish Council

Resolved to offer no objections but have mentioned concerns expressed about viability and crime (26.11.2022).

5.7 Wildlife Officer

Recommends conditions relating to soft landscaping, CEMP and informatives (12.10.2022).

5.8 Local Residents/Interested Parties

A total of 67 letters of representations (including those following renotification) have been received, of which 26 are from the same source (property or writer). 56 letters are in support, the remaining 11 object. Summarised below are the grounds for support and opposition.

Support

- Shopping, Post Office, and ATM facilities are needed in the village.
- Less reliance on the car.
- Greater social interactions.
- Inward investment.
- Help community grow.
- Well located, as cars can be parked outside Community Hall and not outside houses.
- Walking will be good for health.
- Good for the environment.
- Good access.
- Help support other local businesses.
- Processing the application has been slow.

- The applicants run a successful business in a nearby village and have the knowledge and experience to succeed here.

Objections

- Although a single shop with a Post Office counter would be welcome, 3 units are not viable.
- Loss of agricultural land.
- Antisocial behaviour.
- Density/Overdevelopment.
- Design/Appearance.
- Devaluing property.
- Drainage.
- Environmental concerns.
- Light pollution.
- Loss of view/outlook.
- Noise.
- Out of character/not in keeping with the area.
- Outside DAB.
- Overlooking/loss of privacy.
- Parking arrangements.
- Proximity to property.
- Smell.
- Traffic/highways.
- Visual impact.
- Waste/Litter.
- Precedent.
- Site not related to village/creeping ribbon development/incursion into open countryside.
- There are shops/takeaways within 2 miles.
- Shops in the village have closed due to viability.
- There are Post Offices in Gorefield and Sutton St James.
- 3 bed dwelling behind the retail development is backfill.
- Increased crime.
- Poor access.
- Flooding.
- Residential amenity
- Represents a mini retail complex and not a village shop.
- The Post Office has no plans to open in the village.
- Inadequate parking and turning within the site.
- Local services cannot cope.
- The addition of a 3-bed dwelling must be backfill directly behind the retail proposal

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

- 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
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP17 – Community Safety
- LP19 – The Natural Environment

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

Supplementary Planning Documents/Guidance:

Cambridgeshire Flood & Water SPD (2016)

8 KEY ISSUES

- Principle
- Settlement hierarchy
- Retail Use
- Flood Risk
- Other Considerations

9 BACKGROUND

- 9.1 The greater part of the western section of the field separating Sapphire Close from Pinchpenny Farm was the subject of a planning application (F/YR13/0905/F) for 12 affordable houses, this application was refused on the grounds it constituted development in the open countryside and within Flood Zone 3. The current application includes a belt some 10m wide which formed the eastern part of the application site under F/YR13/0905/F and the remainder of the field out with that application.
- 9.2 Under F/YR15/0637/F planning permission was granted, against officer advice, for 12 dwellings on the field adjacent and to the east of the current application, the development around Sapphire Close has since been completed. Sapphire Close was permitted by Members on the basis of “needs of local people who require accommodation and the Health and Wellbeing comments included within the report.”

10 ASSESSMENT

Principle

- 10.1 The proposal is to construct a building for commercial and residential use in open countryside outside the settlement of Tydd St Giles. The scheme is contrary to Policies LP3, LP6, LP12, LP14 and LP16 in the adopted plan and would be contrary to draft local plan policy LP1 given that it does not represent infill development, is harmful to its setting and does not demonstrate compliance with retail and flood risk policy.
- 10.2 Policy LP3 identifies Tydd St Giles as a Small Village where development would normally be of a very limited nature and normally limited in scale to residential infilling of a small business opportunity. The site is not located within the village being some 215m away and set in the context of dispersed and intermittent buildings. A development with a gross external floor area which exceeds 500m², and which comprises three units with extensive storage and claimed security needs cannot be considered to be very limited in nature, residential infilling, or a small business opportunity. The location, size and scale of the proposal is therefore considered to contravene the provisions of Policy LP3
- 10.3 Policy LP 12 reflects Policy LP3 in only allowing infill sites to be developed in Small Villages. Infill development is described as the development of a relatively small gap between existing buildings. The site is clearly in the open countryside with openness to Hall Bank over 700m to the north, and some 60m to Pinchpenny Farm to the west. A contention that the site is adjacent to the recent development at Sapphire Close and therefore represents infill fails to acknowledge the wider setting and that the decision to permit Sapphire Close

was itself an exception in allowing development in the open countryside. The proposal therefore cannot be construed to be infill.

- 10.4 Policy LP1 of the emerging Local Plan reintroduces settlement boundaries and may allow some development within the 'settlement hinterland' where this respects and reinforces local distinctiveness. However, the emerging local plan is still in its infancy and carries very little weight, in any case the proposal does not meet the requirements relating to impacts within Part C of this.
- 10.5 Policy LP16 also seeks to protect open countryside by seeking to ensure development enhances local setting and the character of the local built environment and landscape. The approach to the site along a narrow country lane with far reaching views over a flat farmland landscape contributes towards a very rural character. Development consisting of a building double the breadth of the buildings in the immediate surroundings at 30m wide, and about 5m wider than the Tydd St Giles Community Centre, within this setting would sit in stark contrast to the agrarian nature of the site surroundings. The proposal would therefore conflict with the requirements of LP16 by being harmful to the setting and character of the open local landscape
- 10.6 Policy LP6 requires applications to demonstrate that the vitality and viability of defined centres will be protected and enhanced through the submission of a retail impact assessment for development over 500m². An assessment has not been submitted and the proposal conflicts with Policy LP6 for the reasons discussed below.
- 10.7 Policy LP14 and the SPD on Flood and Water requires the submission of a Flood Risk Assessment for sites within Flood Zones 2 and 3, and the SPD a sequential test for development in excess of 250m² of commercial development where the search area is usually the district. In the absence of a district wide coverage sequential test is considered to be failed.
- 10.8 Consequently the principle of the development applied for is considered to conflict with the relevant policies.

Character and Visual Amenity

- 10.9 The settlement of Tydd St Giles is unusually shaped as an irregular rectangle with detached dwellings set on either side of roads forming the village. In contrast, the application site is located in open countryside amidst scattered and intermittent buildings some 200 m away from the last dwelling in the southwestern corner of the village. The views from the narrow country lane from which the site would be accessed, the mature hedgerow boundaries and far-reaching views over a flat farmland landscape contribute to a very rural character. The verdant, open, and agrarian nature of the application site causes it to synthesise wholly with its distinctly rural context. The transition from village to the countryside to the village is therefore clearly evident, that the site lies in open countryside is factual.
- 10.10 It is unequivocal that the proposed scheme by introducing substantial and isolated development and alien form of activity in the open countryside would be harmful to the local distinctiveness and character of the area of the surrounding area. An open agrarian landscape with far reaching views would be changed to form an urbanised and ribbon continuation of the settlement into the countryside.

- 10.11 Piecemeal and cumulative development, firstly through Sapphire Close, and now the current proposal would result in significant and incremental erosion of the openness of the area resulting in the loss of distinctiveness.
- 10.12 For these reasons the proposal would not deliver and protect an environment of high quality and would therefore conflict with the provisions of Policy LP16.

Residential Amenity

- 10.13 As mentioned above, the proposed building is almost 30m wide, 7.25m high and 16.4m in depth. It is set back some 22.5m from the back of the highway and is sited along the eastern boundary of the application site.
- 10.14 The rear elevations of two dwellings on Sapphire Close (No 3 and No 5 Sapphire Close) would back directly onto the eastern gable wall of the application building, these dwellings have rear gardens with a depth of about 11.3m beyond which there is a landscaped strip some 4.3m wide which forms a buffer to the application site. The cross section included within the submitted drawing (GA)1020 Rev E indicates a separation distance of 16.4m from the gable wall of the proposed building to the rear elevations of No 3 and No 5 Sapphire Close) and a height to ridge for the dwellings shown as 8.4m, compared to 7m of the application building.
- 10.15 The FLP does not include a policy or guidance on minimum separation distances between dwellings. Nationally, the norm for minimum distances between gable ends to rear elevations of dwellings is 12m. In this case although the application relates to a commercial building and not a dwelling the separation distance is 16.4m with the application building being some 1.4m lower than Nos 2 and 5 Sapphire Close. Given the separation distances and relative heights involved it is considered that residential amenity should not be adversely affected. Impact on visual amenity however remains unacceptable for the reasons described above.

Retail Use

- 10.16 In relation to retail development in local centres such as Tydd St Giles Policy LP6 follows the Settlement Hierarchy set out in Policy LP3, thus Policy LP6 requires the development to normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. Furthermore, Policy LP6 requires the scale of retail provision to be proportionate in providing convenience shopping to meet local needs and local services and retail development exceeding 500 m² of gross floorspace to undertake an impact assessment.
- 10.17 As already described the proposal comprising of three commercial units with extensive storage and a flat cannot be considered as one that is of a very limited nature, nor is the site in or adjacent to the existing 'developed footprint' of the village. The proposal therefore fails at the first hurdle of Policy LP6. Although it is not then necessary to assess the proposal against the remaining requirements of Policy LP6 these are nonetheless considered as set out below.
- 10.18 The size of the proposed development is indicative of a facility to serve a settlement larger than Tydd St Giles, and the inclusion of a takeaway and level of parking to be provided and site location also suggests that the proposal seeks to

attract business from a wider area. In other words, the catchment area is greater than the village and not proportionate to it as required by Policy LP6. Exceedance of Policy LP6 threshold of 500 m² triggering the need to submit a retail impact assessment also indicates that the scale of retail provision will not be proportionate to meet local needs.

- 10.19 The gross floor area of the proposed development, measured externally, is 410 m² for the ground floor and 110 m² for the flat on the first floor, totalling 520 m². Under the provisions of Policy LP6 there is therefore a requirement to submit a retail impact assessment as the threshold of 500 m² threshold has been passed.
- 10.20 It could be argued that a retail impact assessment is not required to be submitted as the threshold quantum applies exclusively to the retail element of a proposal. Given that the flat is required to provide security to the commercial uses it would be disingenuous not to measure the total built floor area of the premises as a whole taking into account supporting secondary areas. If this is done the 500 m² threshold is exceeded requiring the submission of an impact assessment. Such an approach would be consistent with the Inspector's approach on impact assessment/quantum in APP/Q1153/W/19/3230781. The absence of an assessment fails to establish whether a sequentially preferable site exists.
- 10.21 Even if the proposal would not have a significant adverse impact on the vitality and viability of an existing centre such a finding would not negate the need for the adoption of a sequential approach as a first step. Moreover, the PPG is clear that compliance with sequential and impact tests does not guarantee permission will be granted; but failure to undertake either could itself constitute a reason for refusing permission.
- 10.22 For the above reasons the proposal would not accord with the requirements of Policy LP6.

Flood Risk

- 10.23 The main issue is whether the development would be in a suitable location with regard to national and local policies relating to flood risk.
- 10.24 The entirety of the site falls within Flood Zone 3, where the Planning Practice Guidance (PPG) advises there is a high probability of flooding.
- 10.25 The National Planning Framework (NPPF) sets strict tests to protect people and property from flooding. Where these tests are not met, national policy is clear that new development should not be allowed. Accordingly, the NPPF requires that, where possible, development should be directed away from areas at highest risk from flooding using a sequential, risk-based approach. The PPG confirms that this general approach is designed to ensure that areas of little or no risk of flooding are developed in preference to areas at highest risk. The aim being to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. Locally this approach is set out in Policy LP14 of the Fenland Local Plan (FLP) 2014 and the adopted Cambridgeshire Flood & Water SPD (2016).
- 10.26 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 planning application is accompanied by a Flood Risk Assessment (FRA) relating to the entire development (3 commercial units and two dwellings) which acknowledges the location of the site within Flood Zone 3 and the need to apply a sequential test (ST). As part of the application a search for alternative sites limited to Tydd St Giles has been carried out. Table 1 included in the FRA lists 20 sites with planning permission granted post 2017, all of these are listed as not being available, and on this basis the applicant has considered the sequential test to have been passed.

- 10.27 The Cambridgeshire Flood and Water Supplementary Planning Document requires the submission of an FRA for new development (including minor development and changes of use) in Flood Zones 2 and 3 and a sequential test for commercial development where the footprint exceeds 250m² (in this case the footprint of the commercial element is around 410m²).
- 10.28 Although the separate dwelling to the rear of the site has been omitted from the proposals, the flat above the commercial units remains part of the application. In an email dated 22 July 2022 the agent stated that the flat is required “to ensure that people are on site for security purposes at all times”. In a further email (dated 3 November 2022) in response to the Council’s query whether the proposal was speculative the agent stated, “in relation to the development, our client is a shop owner having several establishments and it is his intention at the moment to operate them himself with a manager running the premises and living in the first floor flat above.”
- 10.29 The statements from the agent have not been accompanied by any evidence or information supporting the need for a flat for security or managerial purposes, in the absence of which there is no justification for disapplying the sequential test to the residential element.
- 10.30 The NPPF places onus onto the applicant to demonstrate that there is an absence of reasonably available sites. Whereas the applicant has restricted the search area for applying the sequential test to the village, the SPD advises that the search area should usually cover the entire district. A district wide search would be the correct and consistent approach for flood risk given that the size of the proposal triggers the need of a retail impact assessment where the search area would be at the district level. In circumstances where it has not been sufficiently demonstrated that there are no other sites which could possibly accommodate the proposed development in areas of lesser flood risk at a district wide level the sequential test is considered not to have been passed.
- 10.31 For these reasons it is considered that the proposal remains unacceptable in flood risk terms and contrary to the provisions of Policy LP12 and the SPD.

Other Considerations

- 10.32 Objections have referred to loss of agricultural land, The Agricultural Land Classification Map for the Eastern Region shows that the land as Grade 3 (Good to moderate quality). The best and most versatile (BMV) land is defined as Grades 1, 2 and 3a. The agricultural land classification map is at a very large scale and not sufficiently accurate for use in assessment of individual fields or sites. Furthermore, Grade 3 is not subdivided, and a site would have to be individually assessed for detailed grading.

10.33 The majority of land in the district falls within the BMV definition and it would not be possible to meet housing targets without developing areas of BMV. Having said this, the site area in this instance is relatively modest and not 'significant' having regard to the NPPF and the extent of BMV land which would remain were the site developed. In this respect there is no conflict with the requirements of paragraph 174(b) of the NPPF.

10.34 An additional dwelling proposed as part of the scheme as originally submitted, on the rear section of the site, has been subject of an objection on grounds of 'backfill'. This second dwelling has been removed from the proposal.

11 CONCLUSIONS

11.1 Drawing all the above together, it is considered that the proposal would not advance a small-scale development within or adjacent a settlement. Rather than meet the shopping needs of the village the scale of the proposal is geared towards a wider catchment, which together with the remote location of the site mitigates against sustainable development.

11.2 The proposal is not accompanied by a Retail Impact Assessment required to be submitted as the development size threshold has been exceeded. The site is located within Flood Zone 3, the requisite sequential test has not been passed.

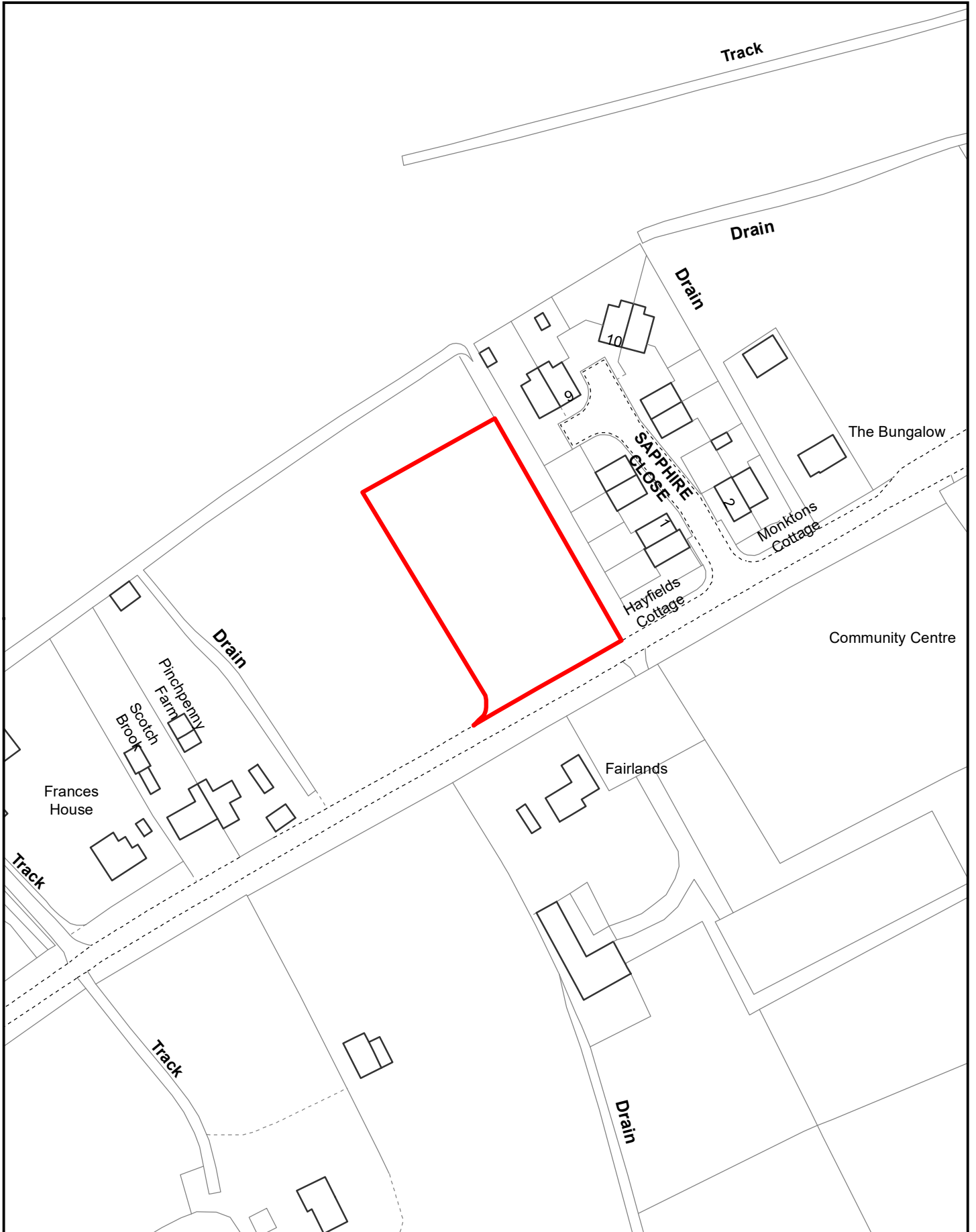
11.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the development plan unless material consideration indicate otherwise. Paragraph 12 of the NPPF requires that where a planning application conflicts with an up-to-date development plan, permission should not be usually granted. The proposal is considered to conflict with relevant national and local policy and should therefore be refused.

12 RECOMMENDATION

Refuse; for the following reasons:

1	The proposal does not represent infill development of a very limited nature and scale. The location, size and scale of the proposal therefore conflicts with the provisions of the NPPF and policies LP3 and LP12 of the Fenland Local Plan (2014) which seek to direct growth on the basis of the Fenland Settlement Hierarchy.
2	Development of a substantial building, as proposed, would result in the introduction of an alien form of activity in an essentially open countryside location which would be fundamentally at odds with the visual characteristics and role of the countryside. The proposal would therefore conflict with the provisions of Policy LP16 which seeks to deliver and protect high quality environments.
3	The proposed development falls outside the built settlement of Tydd St Giles, is not proportionate to meeting local needs and services, and has failed to submit a retail impact assessment. The proposal therefore conflicts with the provisions of Policy LP6 of the Fenland Local Plan (2014) which seeks to protect the Fenland Retail Hierarchy.

4	<p>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. It has not been adequately demonstrated there are no such alternative sites within the District and in the absence of this information the sequential test is not passed. Consequently, there are no justifiable reasons for the proposal to be located in an area of highest flood risk. Therefore, the proposal is in conflict with the flood risk requirements of the NPPF, policy LP14 of the Fenland Local Plan (2014) and Cambridgeshire Flood & Water SPD (2016).</p>
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Created on: 04/11/2022

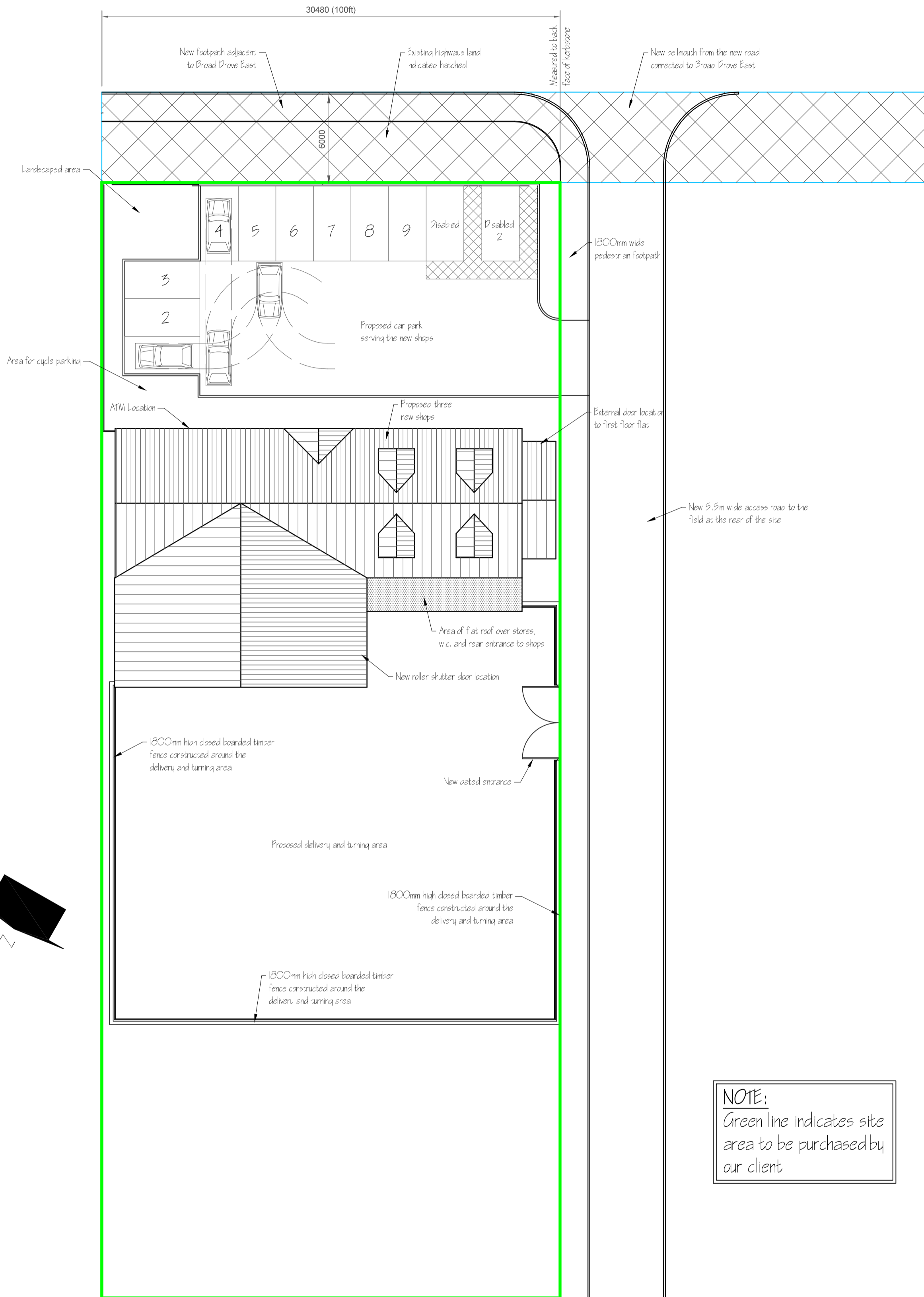
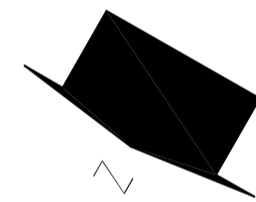
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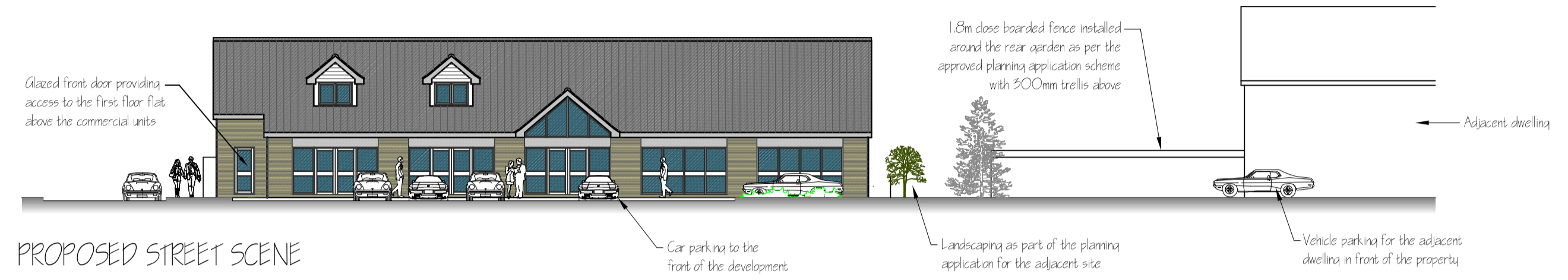
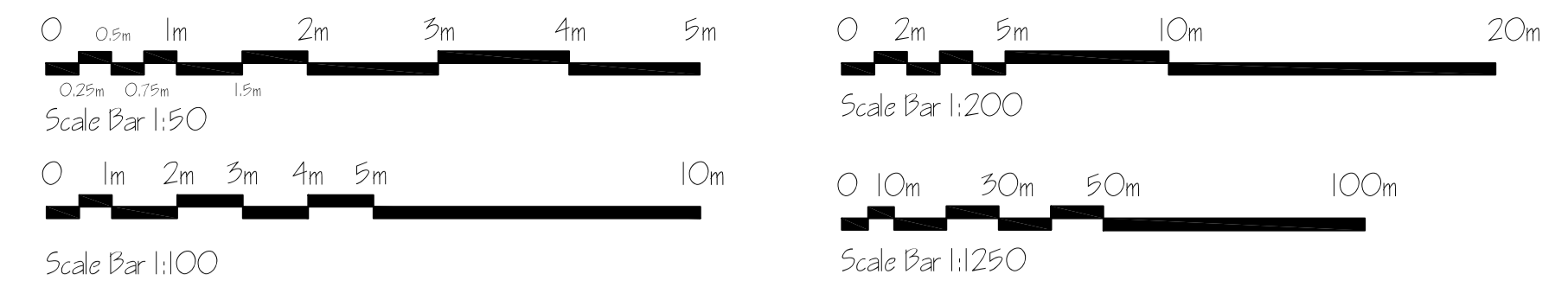
PROPOSED NEW COMMERCIAL DEVELOPMENT BROAD DROVE EAST, TYDD ST. GILES, WISBECH, PE13 5LN



PROPOSED SITE PLAN LAYOUT

NOTE:
Green line indicates site area to be purchased by our client.

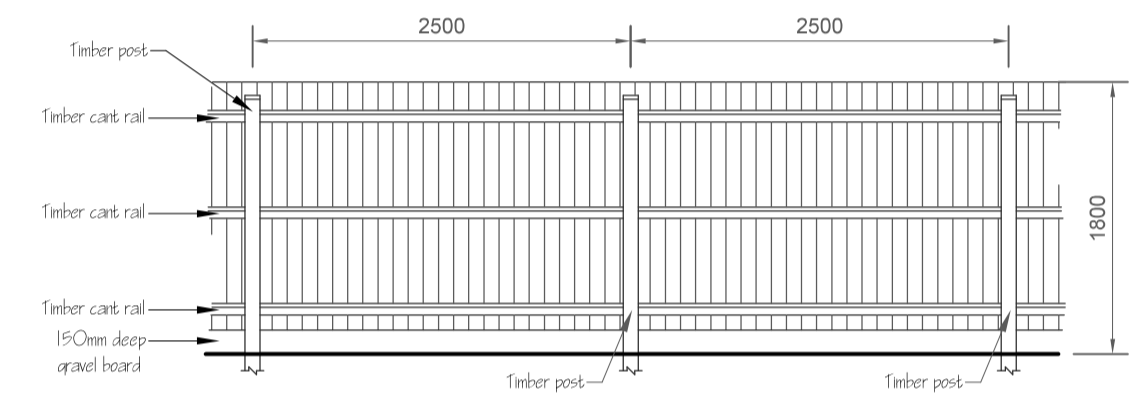
NOTE:
The wording 'DO NOT SCALE' has been removed from this drawing as requested by the planning department. This drawing has been drawn to the relevant scales as indicated by the scale bars on the drawing and the paper size indicated however we cannot hold responsible for the printing of this drawing.



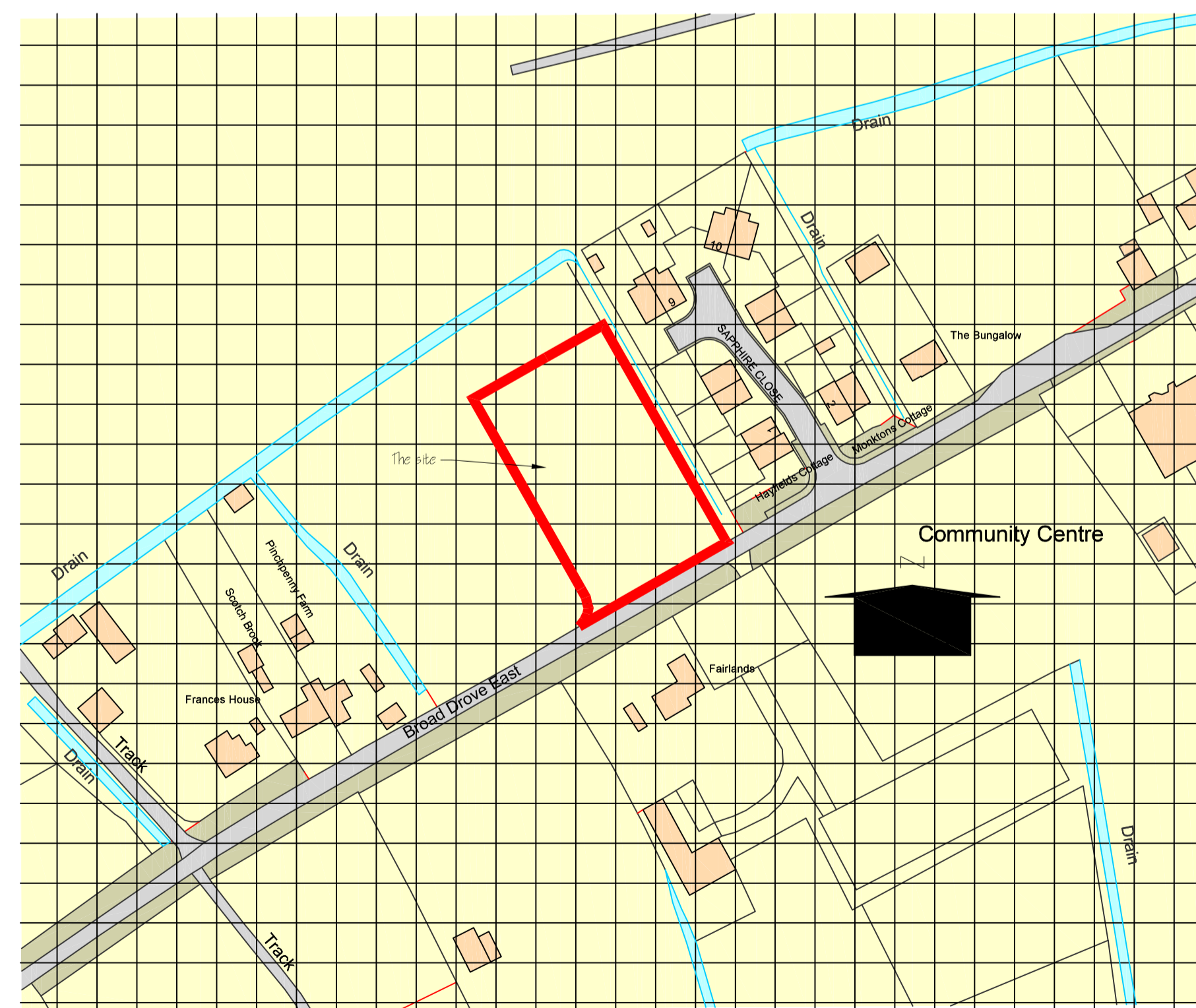
PROPOSED STREET SCENE

NOTE:
Information in relation to Sapphire Close indicated on the street scene has been obtained from the approved planning application for the development.

NOTE:
Detail of boundary treatment around the delivery and turning area and around the proposed new dwelling.



CLOSE BOARDED FENCE ELEVATION



PROPOSED LOCATION PLAN LAYOUT

E	DATE	DESCRIPTION
19-02-22	PROPOSED NEW COMMERCIAL DEVELOPMENT	PROPOSED SITE & LOCATION PLAN LAYOUTS, PROPOSED STREET SCENE AND BOUNDARY FENCE INFORMATION
D	DATE	DESCRIPTION
20-02-22	PROPOSED NEW COMMERCIAL DEVELOPMENT	PROPOSED SITE & LOCATION PLAN LAYOUTS, PROPOSED STREET SCENE AND BOUNDARY FENCE INFORMATION
C	DATE	DESCRIPTION
21-02-22	PROPOSED NEW COMMERCIAL DEVELOPMENT	PROPOSED SITE & LOCATION PLAN LAYOUTS, PROPOSED STREET SCENE AND BOUNDARY FENCE INFORMATION
B	DATE	DESCRIPTION
22-02-22	PROPOSED NEW COMMERCIAL DEVELOPMENT	PROPOSED SITE & LOCATION PLAN LAYOUTS, PROPOSED STREET SCENE AND BOUNDARY FENCE INFORMATION
A	DATE	DESCRIPTION
23-02-22	PROPOSED NEW COMMERCIAL DEVELOPMENT	PROPOSED SITE & LOCATION PLAN LAYOUTS, PROPOSED STREET SCENE AND BOUNDARY FENCE INFORMATION
PRELIMINARY		

CLIENT: **MR. N. SUNDAYADRA**
 PROJECT: **PROPOSED NEW COMMERCIAL DEVELOPMENT**
 TITLE: **PROPOSED SITE & LOCATION PLAN LAYOUTS, PROPOSED STREET SCENE AND BOUNDARY FENCE INFORMATION**
 DRAWING NO: **22/965 (GA) 1020 E**
 STATUS: **PRELIMINARY**

distinct DESIGN GROUP

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F/YR22/0786/O

Applicant: Mr & Mrs R, M, J, J Dale & Spires

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

43 The Fold, Coates, Peterborough, Cambridgeshire PE7 2BP

Erect up to 9 x dwellings, involving the demolition of existing dwelling and agricultural buildings (outline application with matters committed in relation to access)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 The redevelopment of the area of existing built form is considered acceptable in principle due to its edge of settlement location (which is supported by LP12, Part A (a)). However, development would not be supported where this falls outside the existing developed footprint and relates more to the surrounding agricultural land than the built form of the settlement, this would result in an encroachment into the open countryside, creating an urbanising impact to the detriment of the character and appearance area.
- 1.2 It is considered that 9 dwellings would be an overdevelopment of the site, as it has not been demonstrated that this number of dwellings could be accommodated without significant detrimental impacts in relation to the visual amenity and character of The Fold and Blackthorn Court and the residential amenity of existing dwellings on Peakes Drive and conversely on future occupiers of the development.
- 1.3 Whilst the access via The Fold is considered to be acceptable, access to the remaining plot is via Feldale Lane, which in this location is narrow, unmade, does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict, and as such this element of the proposal is not considered to be sustainably linked to the settlement.
- 1.4 As such, whilst matters in relation to flood risk and drainage, ecology and archaeology can be addressed via conditions, overall, the development is considered to be unacceptable and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1 The application site is located between The Fold/Peakes Drive and Feldale Lane and to the north of Blackthorn Court. The site comprises an existing detached dwelling (43 The Fold) and associated garden including an area of grassland to the front of the dwelling which is bounded by a low level wall to the west, post and wire fencing to the south and hedging/trees to the east, the existing access serving this dwelling is via The Fold onto a gravelled driveway which leads to the farmyard.
- 2.2 There are a number of agricultural buildings within the yard including a large 'Atcost' building which has brick infill to the eastern boundary of the site, the north eastern part site is open to Feldale Lane and an informal access has been created across the field which forms part of the application site. Feldale Lane is a private road which is devoid of street lights and becomes unmade, devoid of footpaths and narrows beyond the shared access serving 16-30 Feldale Lane.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 9 dwellings, involving demolition of the existing dwelling (43 The Fold) and agricultural buildings, with matters committed in relation to access only. It is proposed to access Plots 1 to 8 via The Fold and Plot 9 via Feldale Lane.
- 3.2 Full plans and associated documents for this application can be found at:

[F/YR22/0786/O | Erect up to 9 x dwellings, involving the demolition of existing dwelling and agricultural buildings \(outline application with matters committed in relation to access\) | 43 The Fold Coates Peterborough Cambridgeshire PE7 2BP \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0786/O)

4 SITE PLANNING HISTORY

F/98/0195/O	Erection of up to 9 dwellings	Granted 4/9/1998
F/91/0992/O	Residential development (3 dwellings)	Granted 6/5/1992
F/0316/89/O	Residential development (3 dwellings)	Granted 13/7/1989

There are numerous applications in relation to Feldale Lane itself which has been incorporated within application sites due to the fact it is a private road.

5 CONSULTATIONS

5.1 Town Council (4/8/2022)

The Town Council recommend approval but suggest the 9 properties could be considered over intensification of site and would like it noted, the upkeep of Feldale Lane is undertaken by the residents so the house using this access would need to contribute towards it. There is also potential overlooking issues on

Peakes Drive. When the design comes forward as Full Planning or Reserved Matters the communal outside space must be a minimum of 30%

5.2 Town Council (15/11/2022)

The Town Council recommend refusal due to over intensification of site, potential of overlooking adjacent properties.

5.3 North Level IDB (3/8/2022)

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

5.4 North Level IDB (16/2/2023)

My Board has no objections in principle to the development, however I would make the following observations.

The surface water is proposed to be dealt with by infiltration via soakaways for the whole site. The infiltration testing was done in late May 2022 and I do question whether the same results would be obtained if testing was done during a wet winter month.

My preferred option would be to drain positively to the Feldale IDB watercourse bounding the site to the north-western corner. A formal consent to discharge would need to be completed together with payment of a development levy to deal with the additional surface water run-off.

5.5 North Level IDB (2/6/2023)

My original comments dated 16/2/2023 still stand. I am very unhappy with a drainage strategy that suggests 'the max volume (surface water) is stored within the soakaway capacity, however should an event occur that exceeds the capacity of the soakaways there would be additional run-off into the drainage system to the north of the site'.

How will the above actually occur, via overland flows around plots 7 and 8? I strongly recommend a positive outfall into the IDB open watercourse to the north with attenuation on site to minimise the flows and payment of a development levy to deal with the additional run-off from the site.

If this outline application is granted without resolving the surface water disposal adequately, then I suggest a condition be put in place requiring full drainage details once the application is submitted for full planning consideration.

5.6 Environmental Health (FDC) (21/7/2022)

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

Due to the previous site use there may be a potential for contaminants to exist on site. In these circumstances we would recommend a contaminated land assessment (Phase 1) is carried out that includes a site walk over before any development takes place, to ensure the land is suitable for its intended sensitive end use. Given the absence of such an assessment to accompany this outline application, this can be imposed as a condition if outline consent is granted and I

would recommend the full contaminated land assessment below is used in the event that the Phase 1 assessment identifies plausible risks to future site users.

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

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

(b) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA.

The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs c), d) and e).

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

(d) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

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

Given the proposed demolition and construction, scale and proximity of the site to existing nearby residential properties, in order to mitigate the potential for noise and dust to adversely impact on the amenity of the nearest residents a Construction Environmental Management Plan will be required that considers the following: -

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

- *Complaint response and investigation procedures*

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

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

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

5.7 Environmental Health (FDC) (7/11/2022)

The Environmental Health Team note and accept the submitted information, and have 'No Objections' to the above re-consultation.

Previous comments/recommendations made by this service on 21.07.22 are therefore still relevant.

5.8 Cambridgeshire County Council Lead Local Flood Authority

Objections were received from the LLFA on 15/11/2022, 15/2/2023 and 26/4/2023, full comments are available to view via Public Access on the Council's website.

5.9 Cambridgeshire County Council Lead Local Flood Authority (25/5/2023)

We have reviewed the following documents:

Sustainable Drainage Strategy, Ellingham Consulting Ltd, Ref: ECL0775b, Dated: May 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 across the access and parking areas within the site. Roofs will drain into individual plot soakaways for each property.

We request the following conditions are imposed:

Condition

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

The scheme shall be based upon the principles within the agreed Sustainable Drainage Strategy prepared by Ellingham Consulting Ltd (ref: ECL0775b) dated May 2023 and shall also include:

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;*
- b) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);*
- c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);*
- d) Site Investigation and test results to confirm infiltration rates;*
- e) 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;*
- f) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;*
- g) Full details of the maintenance/adoption of the surface water drainage system;*
- h) Permissions to connect to a receiving watercourse or sewer;*
- i) Measures taken to prevent pollution of the receiving groundwater and/or surface water*

Reason

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

Condition

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

Reason

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

Infiltration

Infiltration rates should be worked out in accordance with BRE 365. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.

IDB Consent

This site falls within the Feldale Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

Pollution Control

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

5.10 Natural England (21/7/2022)

Quote of summary response:

Please refer to Natural England's letter dated 12 July 2019 (copy attached) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI)

Natural England's generic advice on other natural environment issues is set out at Annex A.

5.11 Natural England (17/11/2022)

Natural England has previously commented on this proposal and made comments to the authority in our response dated 21 July 2022, Reference number (400690).

The advice provided in our previous response applies equally to these revised proposals. The revised proposals to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

5.12 Wildlife Officer (FDC) (8/8/2022)

Recommendation:

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

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

Pre-commencement Condition(s) –

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

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

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

-Boundary treatments.

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

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

Compliance Condition(s) –

- No removal of hedgerows, trees, buildings 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.*

Informative -

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

Assessment/Comment:

The ecological surveys by Hiller Ecology, 2022 outlines that the proposed development can avoid negative impacts on ecological material concerns. The conditions above ensure that the recommendations from the survey are incorporated into the site design and that the site will result in at least no net loss of biodiversity.

Please note that it would be considered a significant ecological gain for the existing hedge along Feldale Lane to be increased in length along the length of the development using the species already present within the site. This would be cheap and easy to complete, while providing significant ecological gain.

5.13 Wildlife Officer (FDC) (12/12/2022)

Recommendations:

No further comments to make on top of those given on the 8th of August 2022.

Assessment/Comment:

The revised layout plans do not change my consultation given on the 8th of August 2022. Please note that I recognise that the number of trees proposed within the indicative plan has been reduced. I would expect a suitable number of trees to be confirmed in the final conditioned landscaping plan in order to replace any trees lost and provide an overall uplift in numbers.

5.14 Cambridgeshire County Council Highways (3/9/2022)

Highways have no objections to this application.

However, it is noted that the internal carriageway width is 5m with no footway provision. Should this be up for adoption, it will not be accepted by Highways.

*Vehicle tracking for plot 9 will be required to verify turning within the site
Subject to this, the future reserved matters application to provide access details, footway widths and car parking and turning arrangements that meets FDC parking standards.*

5.15 Cambridgeshire County Council Highways (23/3/2023)

The site benefits from an existing access onto the public highway along The Fold. While the access is irregular in form, in consideration of the existing use, scale of development and settings, it's continued use is not objectionable. However, in the interest of encouraging active travel, it would be preferable to amend the access to one of the below:

- 5m – 5.5m vehicular crossover style access with a continuous footway along the frontage and the height of any boundary restricted to 600mm for at least 2m either side.*
- 5m – 5.5m wide bellmouth with 6m radii where a separate footway is returned into the site.*

The Fold is narrow, irregular in nature and serves as a means of access to Coates Primary School. While it is not automatically of a standard suited for notable intensification, the impact associated with 8 dwellings is likely to be equal or less than the agricultural uses permitted on site. However, in order to mitigate impacts upon the school, I recommend that delivery / muck away times be restricted so that they do not take place within 30 minutes before / after school opening and closing times.

While I appreciate the layout provided is indicative only, the internal roads as currently shown would not be considered for adoption. I would like to refer the applicant to CCC's General Principles of Development should they wish to amend this as part of any future reserved matters application.

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highways-development>

Plot 9 is to be accessed from Feldale Lane. As this is a private road, it is outside of my jurisdiction to comment upon. In any case, the impact associated with a single dwelling are likely to be immaterial.

Upon review of the submitted information, I do not object to the application. Please append the following Conditions to any permission granted:

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.

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.

5.16 Cambridgeshire County Council Highways (3/4/2023)

While the differences to the access are subtle, the change is welcome as it will help facilitate pedestrian safety and priority across the access on The Fold.

The changes align with the comments in the initial section of my response dated 23rd March. I do not object to the application, but the various conditions recommended remain applicable.

5.17 Cambridgeshire County Council Archaeology (26/9/2022)

Our records indicate that the site lies in an area of archaeological potential, lying to the north of the historic core of Coates. The development area is situated on the site of a 19th century house (Cambridgeshire Historic Environment Record reference. MCB23057), although no longer extant, the house is illustrated on the 1st edition OS Maps as 'Fold House'. Surviving buildings in the area contemporary with Folds House include the school (CHER ref. MCB23116), chapel (CHER ref. MCB17200) and Holy trinity church (CHER ref. MCB14874). Archaeological investigations has also revealed medieval occupation (CHER ref. MCB17083) 100m to the south, fronting the historic toll road (CHER ref. MCB31388) now known as March Road. Archaeological investigations to the adjacent east of the area revealed prehistoric activity, in the form of Bronze Age to Iron settlement and funerary activity consisting of a series of cremations (CHER ref. ECB1888). Cropmarks 350m to the west show further settlement activity (CHER ref. 11655), potentially Roman in date. The fen causeway, represented by a banked road created in the Roman period as a routeway to cross the fens (CHER ref. MCB15033), is also located near to the development area. Archaeological investigations have not revealed the exact course of the causeway through Coates, however Roman occupation is often clustered along its route.

We do not object to development proceeding in this location however, due to the archaeological potential of the site, a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted

to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

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

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

Informatives:

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

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

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for [CHET service charges](#)

5.18 Cambridgeshire County Council Archaeology (2/11/2022)

Thank you for your re-consultation with regards to the archaeological implication of the above referenced planning application. We have reviewed the documents and can confirm that the changes do not affect our advice, issued 26/09/2022.

5.19 Local Residents/Interested Parties

3 objections have been received (from Feldale Lane, Coates) in relation to the following:

- Feldale Lane is an unadopted road and residents pay for upkeep, extra traffic will cause more damage
- Access to the property off Feldale Lane would be from a rutted unmade section of the lane/section of road not completed, is gravel and several potholes
- No street lights on Feldale Lane
- Not in keeping with the area
- May clash with access to the fishing lake
- Concerns regarding impact of construction traffic on Feldale Lane

6 supporting comments have been received (from 3 from Feldale Lane, 1 from Willowbrook Drive and 2 from Peakes Drive, all Coates) in relation to the following:

- Replaces old buildings/farmyard with small estate

- In keeping with the area
- More family housing
- Will attract more people and infrastructure
- Support providing that water supply is not compromised and rights to private road remain the same

3 representations have been received (from 1 Peakes Drive, 2 from Feldale Lane) in relation to the following:

- Overall welcome new development, however concerns regarding overlooking and loss of light
- It should be noted that Feldale Lane is unadopted, if further homes are built it should be adopted by the Council to ensure residents are not responsible for maintenance
- Plans don't indicate how access to plot 9 would be adapted to support the development, road surface would be degraded in current condition
- Anglian Water's supply does not extend right along the road, water metres for the Feldale Lane properties are at the junction of Feldale Lane and March Road and from there each property has separate pipe work
- Plans seem to show dwellings larger than 3-bed indicated
- It is agricultural land and makes a mockery of restrictions placed on residents who have similar land
- The hedge provides habitat for wildlife, should be kept
- Would be in close proximity to solar farm, how will the development sit alongside?

Comments, where they relate to planning matters, will be assessed in the sections below. It should be noted that the right of access/maintenance of a private road is a civil matter between relevant parties.

With regards to reference to a solar farm, a screening opinion has been submitted (F/YR22/1218/SC), however no formal application for planning permission has been received to date.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context – C1

Identity – I1, I2

Built Form – B2

Movement – M3

Nature – N3

Homes and Buildings –H1, H2, H3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

Emerging Local Plan

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

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy for the Location of Residential Development

Policy LP5 – Health and Wellbeing

Policy LP7 – Design

Policy LP8 – Amenity Provision

Policy LP11 – Community Safety

Policy LP18 – Development in the Countryside

Policy LP20 – Accessibility and Transport

Policy LP22 – Parking Provision (Appendix 6)

Policy LP24 – Natural Environment

Policy LP25 – Biodiversity Net Gain

Policy LP28 – Landscape

Policy LP32 – Flood and Water Management

Policy LP33 – Development on Land Affected by Contamination

Policy LP51 – Residential site allocations in Coates

Delivering and Protecting High Quality Environments in Fenland 2014

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

Whittlesey Neighbourhood Plan 2021-2040

Policy 1 – Spatial Planning

Policy 2 – Local Housing Need

Policy 7 – Design Quality

Policy 11: Adapting to and Mitigating Climate Change

8 KEY ISSUES

- **Principle of Development and Economic Growth**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways and parking**
- **Flood Risk and Drainage**
- **Ecology**
- **Archaeology**

9 BACKGROUND

- 9.1 The site has historically been subject to applications for residential development; however, these were considered under a previous development plan and as such no weight is afforded.

Since 2016 (and under the current development plan), three pre-application enquiries have been submitted on part of the site for a single dwelling accessed via Feldale Lane. The responses have consistently been that the site relates more to the agricultural land than the built form and as a result the development would have an adverse impact on the character and appearance of the surrounding countryside and would not be in keeping with the core shape and form of the settlement, contrary to Policy LP12.

- 9.2 The applicant's agent was advised that development where it encroached into the open countryside would not be acceptable and a revised application site was suggested to remove this element and enable a transition from built form to open countryside. Furthermore, it was suggested the number of plots was also reduced in order that the proposal respect the character of The Fold/Blackthorn Court and retain an element of openness which the area currently benefits from. These amendments were not forthcoming, however access was committed as requested to enable this to be assessed.

10 ASSESSMENT

Principle of Development and Economic Growth

- 10.1 Policy LP3 of the Fenland Local Plan 2014 identifies Coates as a 'limited growth village' where development within the existing urban area or a small village extension will be acceptable in principle.
- 10.2 Para 120 of the NPPF 2021 states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The site of the current buildings would not be considered brownfield or previously developed land as defined in the NPPF as it is in agricultural use, however the site is located on the edge of the settlement and could be classed as an extension. As such, the redevelopment of the site for housing may be appropriate and potentially more compatible with the adjoining residential use, subject to compliance all other relevant policies which are considered in the sections below.
- 10.3 Whilst the policies of the emerging Local Plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies Coates 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), part of this site is within the settlement boundary, with the remainder outside of the defined settlement. LP51 defines residential site allocations in Coates and this site does not have such an allocation. As such the proposal would be considered contrary to the aforementioned policies of the emerging local plan.

- 10.4 Agriculture plays a significant role in the economy of the District, the existing site is a working farm and redevelopment would result in its loss in this location. The applicant's agent has advised that the farm would be relocated further north along Feldale Lane where there are already buildings owned by the applicant and as such the farm would be re-located rather than lost in its entirety.

Design considerations and visual amenity of area

- 10.5 The application is in Outline matter committed in relation to access only, hence detailed design would be subject to a subsequent application should this scheme be successful. It is however necessary to consider the impact of development of this site on the character of the area.
- 10.6 Policies LP2, LP12 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 and 174 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.
- 10.7 The redevelopment of the area of existing built form is considered acceptable in principle due to its edge of settlement location (which is supported by LP12, Part A (a)). However, development would not be supported where this falls outside the existing developed footprint and relates more to the surrounding agricultural land than the built form of the settlement, as is the case for the north-eastern section of the site. This would result in an encroachment into the open countryside, creating an urbanising impact to the detriment of the character and appearance area. It was recommended that the application site was reduced to remove the area of land outside the existing built form, to ensure there was no encroachment into the open countryside and to enable a buffer between the site and Feldale Lane, providing a transition between built form and open countryside. However, unfortunately this was not forthcoming and as such the development is considered contrary to the aforementioned policies.
- 10.8 The existing dwelling and buildings are not considered to be of any particular architectural or historic merit and as such their demolition is considered acceptable. However, the loss of the garden land to the south is regrettable as this contributes positively to the openness and character of the area. There is scope for an element of this to be retained to 'frame' Blackthorn Court together with the area of open space and planting at its southern end and careful consideration would be required in designing a scheme which respects this character and provides an acceptable relationship with the surrounding roads and dwellings.
- 10.9 Whilst this application is outline only, the submitted details would need to demonstrate that the number of dwellings applied for could be accommodated.

Whilst the indicative layout has been amended in order to provide a better relationship with the dwellings on Blackthorn Court, Plot 1 is considered to have a poor relationship with both The Fold and Blackthorn Court to the detriment of visual amenity and the character of the area and as such it has not been demonstrated that 9 dwellings could be accommodated on site without significant detrimental impacts, contrary to the aforementioned policies.

Residential Amenity/Health and wellbeing

- 10.10 The application is in Outline with all matters reserved hence detailed design would be subject to a subsequent application should this scheme be successful. It is however necessary to consider whether a policy compliant scheme could be achieved in respect of residential amenity.
- 10.11 The indicative site layout indicates that a third of a plot for private amenity space can be achieved for each proposed dwelling, in accordance with Policy LP16 (h), though the arrangement for plots 7 and 8 is somewhat convoluted due to the need to need to provide a 3m easement to the ditch to the north of the site.
- 10.12 The boundary of the site is approximately 48m from the dwellings on Feldale Lane, there is a detached carport/office/garage with storage above serving 30 Feldale Lane in closer proximity, however this has no openings on the side facing towards the site and does not provide habitable accommodation. As such it is considered that a policy compliant scheme in relation to the impact on the residential amenity of the Feldale Lane dwellings could be achieved.
- 10.13 The scheme would need to be carefully designed to ensure that there are no significant detrimental impacts upon the residential amenity of the dwellings on Blackthorn Court, particularly as these have limited amenity space.
- 10.14 Of concern however are the relationships between the proposal and the dwellings on Peakes Drive, at the closest point these are located between 3m-4m of the boundary of the site and have limited amenity space, whilst indicative, a 2-storey dwelling on plot 7 in such close proximity would result in a poor outlook and a level of overshadowing to the detriment of the residential amenity of the existing dwellings of 6-8 Peakes Drive and conversely these would overlook the proposal resulting in an adverse impact on the residential amenity of future occupiers.
- 10.15 The Council's Environmental Health team have advised that due to the existing use of the site there may be potential for contaminants to exist and as such it is recommended that a contaminated land condition is imposed to ensure the land is suitable for residential development. They also recommend a Construction Environmental Management Plan is secured given the proposed demolition, construction and proximity of the site to nearby dwellings. It is also considered necessary to secure a refuse collection strategy as part of any detailed scheme should this application be successful.

Highways and parking

- 10.16 Aside from the principle of development, access is the only matter being committed as part of this application. 8 dwellings are proposed to be accessed via The Fold, with the remaining plot via Feldale Lane.
- 10.17 The access to 8 dwellings via The Fold has been amended following the advice of the Local Highways Authority (LHA), they do acknowledge that The Fold is narrow, irregular in nature and serves as a means of access to Coates Primary

School and whilst it is not automatically of a standard suited for notable intensification, the impact associated with 8 dwellings is likely to be equal or less than the agricultural uses permitted on site. As such, they do not have any objections to this aspect of the development subject to conditions in relation to Construction Management, Highway Drainage and to ensure the accesses are not gated/enclosed.

- 10.18 The remaining plot (plot 9) is accessed via Feldale Lane, which is a private road and as such outside the LHA's jurisdiction to comment, however they consider that the impact of a single dwelling is likely to be immaterial. However, Feldale Lane to the north of the shared access serving 18-30 Feldale Lane (approximately 150m from the access to Plot 9), is narrow, unmade, does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict, hence it is likely there would be reliance upon the use of private motor vehicles, and as such this element of the proposal is not considered to be sustainably linked to the settlement. As such, this element of the development is considered contrary to Policy LP2, LP12 and LP15 of the Fenland Local Plan which seek to provide sustainable, adequate and safe access to essential services and paras 110 and 112 of the NPPF and chapter M1 of the NDG 2021 which seek to prioritise pedestrians and cyclists by ensuring that routes are safe, direct, convenient and accessible for people of all abilities and that people should not need to rely on the car for everyday journeys.
- 10.19 The indicative site plan indicates 2 parking spaces per dwelling which would be in accordance with Policy LP15 and Appendix A of the Fenland Local Plan 2014 for dwellings with up to 3 bedrooms. However, these are not well designed in the most part, supporting the view that it has not been demonstrated that the number of dwellings applied for could be accommodated.

Flood Risk and Drainage

- 10.20 The site is located in Flood Zone 1, the lowest risk of flooding, hence the sequential and exception tests are not applicable to this site. It is also at a low risk of surface water flooding.
- 10.21 Nevertheless, the application is accompanied by a drainage strategy which demonstrates that surface water from the proposed development can be managed through the use of permeable paving and soakaways, on this basis the LLFA have removed their objections and recommend conditions in relation to detailed drainage design and surface water during construction. The comments of North Level IDB are noted and as aforementioned should the application be successful a condition would need to be imposed to secure a detailed drainage design.

Ecology

- 10.22 The application is accompanied by a Preliminary Roost Assessment and Preliminary Ecological Appraisal which concluded that no further surveys were required, that overall the site is of low ecological value and would benefit from enhancement.
- 10.23 The Council's Wildlife Officer has no objection to the development subject to conditions in relation to landscaping (ensuring that suitable number of trees are provided to replace those removed and provide an uplift in numbers), biodiversity enhancements and site clearance to avoid bird nesting season.

- 10.24 The site is located with a SSSI impact zone and Natural England have advised that there should be appropriate consideration of recreational pressure impacts. The proposal is for up to 9 additional dwellings and as such there is not considered to be a significant impact in this regard.

Archaeology

- 10.25 Cambridgeshire County Council Archaeology have advised that the site lies in an area of archaeological potential, they do not object to the development, however request a pre-commencement condition is imposed to secure of programme of archaeological works, should the application be successful.

11 CONCLUSIONS

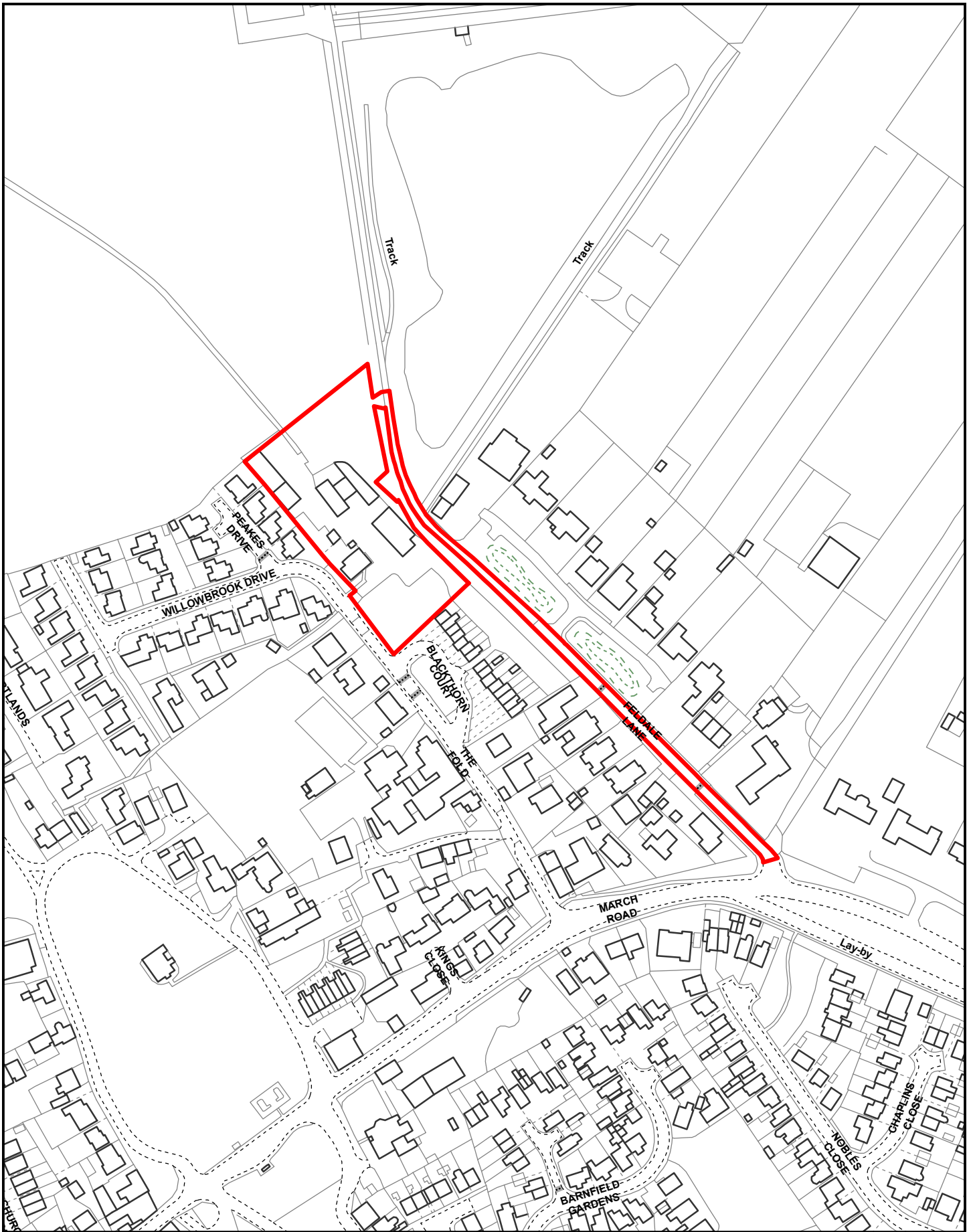
- 11.1 The redevelopment of the area of existing built form is considered acceptable in principle due to its edge of settlement location (which is supported by LP12, Part A (a)). However, development would not be supported where this falls outside the existing developed footprint and relates more to the surrounding agricultural land than the built form of the settlement, this would result in an encroachment into the open countryside, creating an urbanising impact to the detriment of the character and appearance area.
- 11.2 It is considered that 9 dwellings would be an overdevelopment of the site, as it has not been demonstrated that this number of dwellings could be accommodated without significant detrimental impacts in relation to the visual amenity and character of The Fold and Blackthorn Court and the residential amenity of existing dwellings on Peakes Drive and conversely on future occupiers of the development.
- 11.3 Whilst the access via The Fold is considered to be acceptable, access to the remaining plot is via Feldale Lane, which in this location is narrow, unmade, does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict, and as such this element of the proposal is not considered to be sustainably linked to the settlement.
- 11.4 As such, whilst matters in relation to flood risk and drainage, ecology and archaeology can be addressed via conditions, overall the development is considered to be unacceptable and the recommendation is one of refusal.

12 RECOMMENDATION

Refuse; for the following reasons:

1.	<p>Policies LP2, LP12 (Part A), and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 and 174 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.</p> <p>The application site incorporates a substantial area of land which falls outside the existing developed footprint and relates more to the</p>
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	<p>surrounding agricultural land than the built form of the settlement, this would result in an encroachment into the open countryside, creating an urbanising impact to the detriment of the character and appearance area. The development is therefore considered contrary to the aforementioned policies.</p>
2.	<p>Policies LP2, LP12 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness and are informed by the settlement pattern.</p> <p>It is considered that 9 dwellings would be an overdevelopment of the site, as it has not been demonstrated that this number of dwellings could be accommodated without significant detrimental impacts in relation to the visual amenity and character of The Fold and Blackthorn Court and the residential amenity of existing dwellings on Peakes Drive and conversely on future occupiers of the development. As such, the development is contrary to the aforementioned policies.</p>
3.	<p>Policy LP2, LP12 and LP15 of the Fenland Local Plan 2014 seek to provide sustainable, adequate and safe access to essential services and paras 110 and 112 of the NPPF and chapter M1 of the NDG 2021 seek to prioritise pedestrians and cyclists by ensuring that routes are safe, direct, convenient and accessible for people of all abilities and that people should not need to rely on the car for everyday journeys.</p> <p>Access to one of the plots is via Feldale Lane, which in this location is narrow, unmade, does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict, and as such this element of the proposal is not considered to be sustainably linked to the settlement. The development is therefore considered contrary to the aforementioned policies.</p>



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 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.
 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 specifications. 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 COTD 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 manufacturer's current recommendations.
 The contractor is to arrange inspections of the works by the BCU (or WABC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.

LEGEND

- GRAVEL (PERMEABLE COVERING)
- TARMAC
- GRASS
- BLOCK PAVING
- PATHS/PATIO AREA
- APPLICATION SITE
- LAND OWNED BY APPLICANT
- HOUSEHOLDER BIN LOCATIONS

PROPOSED SITE PLAN 1:200



D	DRAWINGS UPDATED	MAY 23
C	PLANNERS COMMENTS	MAR 23
B	PLANNERS COMMENTS	SEP 22
A	CLIENTS COMMENTS	MAY 22
	REVISIONS	DATE

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Fenland District Council
 Building Design Awards
 Building Excellence in Fenland

Mr R Dale, Mr M Dale,
 Mr J Dale & Mrs J Spires

43 The Fold
 Coates
 Whittlesey
 Peterborough
 PE7 2BP

Proposed Site Plan
 INDICATIVE LAYOUT

DATE	MH	DATE OF ISSUE
DATE		
DATE	April 2022	ISSUED FOR
SCALE	1:200 AT A3	PROJECT NUMBER
		H8139/04c

LAB 0804

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F/YR23/0047/F

Applicant: Mr & Mrs Channing

**Agent : Mr R Swann
Swann Edwards Architecture Limited**

Land South East Of The Chase, Gull Road, Guyhirn, Cambridgeshire

Erect 4x dwellings and garages (comprising 1x 5-bed and 3x 4-bed)

Officer recommendation: Refuse

Reason for Committee: The number of representations is contrary to the Officers recommendation.

1 EXECUTIVE SUMMARY

- 1.1. This is a full application for the development of land at `The Chase`, Gull Road, Guyhirn for four dwellings all two storey (1 x 5-bedroom & 3 x 4-bedroom).
- 1.2. The site currently forms residential land which serves the host dwelling directly to the north-west known as, `The Chase`.
- 1.3. The site has some planning history. A planning application (ref: F/YR17/1224/F) for four dwellings was refused on the 29 March 2018 and dismissed at appeal on the 2 October 2018. The site also has had another planning application (ref: F/YR16/0130/F) for four dwellings which was refused on the 22 February 2016 and dismissed at appeal on the 10 November 2016. Both refused applications are of a very similar design as the proposal subject of this application. The only variation from the refused applications and this application is the pond features have been removed.
- 1.4. The proposal would introduce four dwellings to the rear of existing dwellings fronting onto Gull Road and would appear as backland development.
- 1.5. The local area is characterised by dwellings fronting onto Gull Road, with few dwellings located outside the linear line of development. Therefore, the application does not meet the requirements of policies LP3, LP12 and LP16 of the Fenland Local Plan.
- 1.6. The proposal is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The site is located to the western side of Gull Road in Guyhirn and is located to the rear of existing residential developments along Gull Road. The site is currently used as a residential garden serving the property to the north-west known as, `The Chase` and its boundary is defined by hedgerows.

- 2.2. The immediate area is residential in character with dwellings mainly fronting onto Gull Road.
- 2.3. The site is located within flood zone 1 (low risk).

3 PROPOSAL

- 3.1. The proposed dwellings are set in a linear pattern, with each dwelling benefitting from a large rear garden and parking provision. The site is accessed from Gull Road which is an existing point of access serving `The Chase`.
- 3.2. The dwellings are proposed to be 1.5 to 2 storey in height, varying in design and scale. Plots 1,2 & 4 would benefit from single storey detached garages (6m x 6m x 5.5m) whereas plot 3 would benefit from an adjoining garage.
- 3.3. Plot 1 is located to the south of the site and is proposed to be 1.5 storeys in height and provide 4 bedrooms. The dwelling is located approximately 12m from Sunflower House to the southeast. The dwelling will have a maximum ridge height of approximately 7.5m and eaves heights of 3.7m (front) and 2.5m (rear). The detached double garage is located to the southeast corner of the plot.
- 3.4. Plot 2 is sited approximately 5.8m north of the proposed dwelling on Plot 1. It would be two storey in height and provide 4 bedrooms. The dwelling would have a main footprint measuring approximately 8m x 7.8m with a rear extension extending approximately 4m beyond the main dwelling, and a minor single storey side element to the north. The dwelling provides some alternative design features from Plot 1 with an open porch instead of an enclosed one and catslide dormers to the front of the dwelling. The detached garage is to the north of the dwelling and slightly in the rear garden.
- 3.5. Plot 3 is a larger dwelling in terms of footprint, measuring approximately 9m x 11m, however it still retains the character of a chalet style dwelling with dormer windows to the front and rear elevation. This dwelling has a maximum ridge height of approximately 7.2m and this plot includes an attached garage to the northern side of the dwelling with a bedroom above. This dwelling also provides 4 bedrooms.
- 3.6. Plot 4 is also a large dwelling with a detached garage. The footprint of the dwelling is approximately 13.4m x 9.8m at its maximum and will have a maximum ridge height of 8.2m. This dwelling will provide 5 bedrooms at first floor level and is sited to the northernmost point of the site, approximately 5m from the boundary with the existing dwelling, `The Chase`, at its closest point. The design of this dwelling is of a two-storey dwelling with no dormers proposed for this plot. The dwelling replicates some of the features of the other 3 plots in terms of porch design and materials.
- 3.7. Full plans and associated documents for this application can be found at:
[F/YR23/0047/F | Erect 4x dwellings and garages \(comprising 1x 5-bed and 3x 4-bed\) | Land South East Of The Chase Gull Road Guyhirn Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0047/F)

4 SITE PLANNING HISTORY

F/YR17/1224/F	Erection of 4no 2-storey dwellings comprising of 1 x 5-bed and 3 x 4-bed with garages	Refused 29/03/2018 Appeal dismissed 02/10/2018
F/YR16/0130/F	Erection of 4no 2-storey dwellings comprising of 1 x 5-bed and 3 x 4-bed with garages	Refused 03/05/2016 Appeal dismissed 10/11/2016

5 CONSULTATIONS

5.1 Wisbech St Mary Parish Council

The Parish Council object to the application for the following reasons:

- Access
- Backfill
- Density/Over development
- Design/Appearance
- Does not comply with policy
- Out of character/not in keep with area
- Overlooking/loss of privacy
- Proximity to property
- Residential Amenity

At the meeting of Wisbech St. Mary Parish Council on 13th February 2023, the Council recommended REFUSAL, based on loss of residential amenities to neighbours, access concerns, loss of privacy, backfill and the development not being in keeping with the area.

5.2 Highways

I have no objection to the proposed development.

The existing access is not of sufficient design standard to safely accommodate the new four proposed dwellings but, the proposed enhancement as shown on drawing PP 1000 Rev A is appropriate to accommodate the forecast intensification.

In the event that the LPA are mindful to approve the application, please append the following Conditions and Informatives to any consent granted:

Conditions

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.

Parking/Turning Area: Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

Non Standard Condition: Prior to the first occupation of the development, 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.

5.3 Archaeology

Our records indicate that the site lies in an area of high archaeological potential, situated upon a north- west to south-east aligned roddon (ancient infilled river). To the north west the cropmarks of a Romano- British settlement (Cambridgeshire Historic Environment Record reference 09427) and Romano-British field systems (CHER refs. 09436, 03900) extend on either side of Gull Drove. To the south west is an area of upstanding earthworks, possibly representing the remains of a small inland harbour (CHER ref. MCB17827), which were truncated by the former course of Morton's Leam (CHER ref. MCB17919) during its construction in 1490. In addition, to the east is further evidence of Roman (CHER refs. 09590, 09437, 09218) and medieval occupation (CHER refs. MCB17859, MCB19319).

We have commented on this development previously (F/YR17/1224/F and F/YR16/0130/F) our recommendation of the use of a condition still applies. Due to the archaeological potential of the site a programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

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

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

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

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

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges.

5.4 North Level District Internal Drainage Board

No Objections to the application in principle.

There is a riparian drain to the west of the site and the applicant should be made aware of their responsibility in respect of this drain.

It also has been noted that soakaways are indicated as the preferred method of surface water disposal. It needs to be shown that soakaways would be effective, allowing for all relevant factors such as peak groundwater levels, required distances between buildings and soakaways, and ensuring they would be below current ground levels and not too close to the water course (when bank stability may be affected).

If this application is approved, I would be grateful if you could impose a condition requiring full details of surface water drainage to be agreed before commencement of the development.

5.5 Environmental Health

No comments received.

5.6 Local Residents/Interested Parties

5 letters of objection have been received from residents of Gull Road which are summarised below:

- Traffic on Gull Road;
- Back land development;
- Noise and light pollution;
- Density/Over development
- Out of character/not in keep with area
- Highways concerns;
- Visual impact;
- Environmental concerns;
- Flooding.

8 letters of support have been received from four addresses in Gull Road and High Road which are summarised below:

- Positive expansion of the village;
- Local economic benefit;
- Continue to populate village.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

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

Fenland Local Plan 2014

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

- **Background**
- **Principle of Development**

- **Layout and Design**
- **Residential Amenity**
- **Highway Safety**
- **Ecology, Wildlife & Trees**

9 ASSESSMENT

Background

- 9.1 The site has had a recent planning application (ref: F/YR17/1224/F) for four dwellings refused on the 29TH of March 2018 and dismissed at appeal on the 2ND of October 2018. The reasons are outlined below.
- 9.2 *(1) Policy LP3 of the Local Plan identifies Guyhirn as a Small Village where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling. The proposal would introduce a back land form of development which would be harmful to the character of the surrounding area and the dwellings to the north and south of the development site are sporadic dwellings and do not form a continuous area of development. As such the proposal is not considered to result in residential infilling. Therefore the proposal fails to comply with the provisions of Policy LP3 of the Fenland Local Plan, (2014).*
- 9.3 *(2) Policies LP12 Part A (d) and LP16 (d) resists new development which adversely impacts on the character of the area and requires development to respond to and improve the character of the built environment. The prevailing form and character of the area comprises frontage development. The tandem positioning of the dwellings, which are behind the established built form would be out of keeping with the character of the area. This would result in an incongruous development and is therefore contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014).*
- 9.4 The site also benefits from another planning application (ref: F/YR16/0130/F) for four dwellings which was refused on the 22ND of February 2016 and dismissed at appeal on the 10TH of November 2016. The reasons for this refusal are the same as the ones listed above.
- 9.5 Both refused applications are of a very similar design as the proposal, subject of this application. The only variation from the refused applications and this application is the pond features have been removed.
- 9.6 The applicant has outlined in their Design & Access Statement that since the most recently refused application (ref: F/YR17/1224/F), there has been significant changes to the surroundings and refers to a recent planning approval for a single dwelling (ref: F/YR20/0377/F) to the north. This is addressed in more detail within the *Principle of Development* section of this report.
- 9.7 With regards to the most recently refused application (ref F/YR17/1224/F) it is worth drawing attention to the fact this application (also for four dwellings) was refused at a time when there was no 5-yr land supply and greater weight was given to housing delivery. In view of the NPPF, it was concluded that the scheme had no sustainably credentials over and above a limited economic benefit during the construction phase. Its social and environmental credentials were negative as

there would be limited opportunities for community cohesion given the sites relationship to the main village and the intended occupants would be reliant on private modes of transport. It was considered there was a clear planning argument to resist the development as unsustainable within Guyhirn.

Principle of Development

- 9.8 Policy LP3 of the Local Plan identifies Guyhirn as a ‘Small Village’ where development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity.
- 9.9 Policy LP12 is also relevant which outlines the criteria to be met for supporting development in villages. LP12 Part A requires that new development should be in or adjacent to the existing developed footprint, 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 amongst other criteria.
- 9.10 This proposal will see four dwellings introduced into a site which is considered to be backland when considered against the prevailing form and character of this part of Guyhirn, which is characterised by linear, road frontage development. It is noted that there are some sporadic dwellings sited back from Gull Road, namely the host dwelling, ‘The Chase’ and ‘Sunflower House’, however these are historic and do not override the prevailing form of road frontage developments. Policy LP3 requires development in Small Villages to be infill and whilst the presence of these two properties is noted, as the site is not within the main built-up frontage it is not considered to be infill.
- 9.11 The proposal is therefore considered to be out of keeping with the core shape and form of the settlement and is out of character with this part of Guyhirn. It is therefore considered to be contrary to Policy LP3 and Part A (d) of Policy LP12 for these reasons and as such is considered to be unacceptable in principle. The previous refusals on this site are also material considerations, on appeal the inspector agreed with the LPA’s position on both occasions that the effect of the development would cause detrimental harm to the appearance and character of the surrounding area.
- 9.12 The applicant has outlined their justification for this proposal, in light of the previous two refused planning applications and unsuccessful appeals in their submitted Design & Access statement (section 2.5). This claims “there have been significant changes to the site and the surroundings consisting of the emerging Local Plan and planning permission which was granted under F/YR20/0377/F for a dwelling to the north of the site”.
- 9.13 The emerging Local Plan contains an allocation 200 plus metres north of the site, however as the Plan is at an early stage little weight can be attributed to such an allocation, and should the allocation proceed it is unclear as to how any future development of this would be brought forward in terms of its form. The referenced planning permission is on Gull Drove, and it is not clear how a site for one dwelling on a different road, 300m away from the application site results in “significant changes” to the current site or its surroundings.
- 9.14 However, the site of permission F/YR20/0377/F is located between residential dwellings within a parade of existing housing and fronting directly onto Gull Drove. Consequently, this site is not materially similar to the current application

site, which is situated to the rear of existing dwellings and is viewed as a backland site. Additionally, the applicant argues that the village has changed in form and character to that of 'pocket development'. Although there may be examples elsewhere within Guyhirn, the Gull Road character in the vicinity of the site is linear. Consequently, reasons regarding backland development and impact on the character are still not satisfied and to come to a different conclusion would be inconsistent with the previous decisions regarding this site.

- 9.15 Whilst it is acknowledged each planning application is assessed on their individual merits; this planning application is objected to in principle.

Layout and Design

- 9.16 Policy LP16 seeks to ensure that new development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the area part (d). Furthermore, parts (e) and (h) of Policy LP16 require new development to not adversely impact on the amenity of neighbouring users, through noise, light pollution, loss of privacy and loss of light, and provide sufficient private amenity space.

- 9.17 In design terms, this part of Gull Road is characterised by a variety of dwelling designs and a range of scales with little uniformity. The proposed dwellings themselves have been designed to show variety between the dwellings, whilst retaining certain features, such as the dormer windows and porch detailing. No objections are raised to the design of the dwellings, which is unlikely to have any adverse impacts on the surroundings due to the different dwelling designs present around the site. In terms of the proposed garages, the dimensions shown on the plan would not meet the requirements of the local plan in terms of internal dimensions, and as such cannot currently be considered as parking spaces. However, the site could accommodate larger garages therefore this aspect could be addressed.

Residential Amenity

- 9.18 The proposed development would introduce 4 dwellings to the rear of a number of existing frontage properties along Gull Road. It is noted that a number of the points of objection relate to the potential for adverse impacts on the amenities of the existing residents along Gull Road. Part (e) of Policy LP16 states that new development should not adversely impact on the amenity of neighbouring users, such as through noise, light pollution, loss of privacy and loss of light.
- 9.19 The dwellings have been sited towards the western part of the site, with the existing access located to the eastern side of the site, adjacent to the side boundaries of the existing properties. In terms of dwelling-to-dwelling distances, Plot 1 is located approximately 13m from the adjacent dwelling to the southeast, known as 'Sunflower House'. Plot 2 is sited approximately 46.4m from the rear elevation of the closest dwelling, known as 'Fernleigh', Plot 3 is located approximately 46m from the rear elevation of the closest dwelling, known as 'Copper Beeches', and Plot 4 is located approximately 45.6m from the closest dwelling, known as, 'Maple Cottage' and 24.6m from, 'The Chase' (applicant's ownership). It is considered that given these distances, it is unlikely that there

would be any issues with overlooking or loss of privacy from the proposed dwellings to the existing dwellings along Gull Road. This could be further mitigated against by additional landscaping along this boundary to add screening and controlled via a condition, if approved.

- 9.20 It is noted that the existing access runs between two of the frontage properties, `Fernleigh` and `Copper Beeches`. The development would result in an intensification of the use of this access, which currently only serves the dwelling, `The Chase` and is proposed to serve five dwellings total (increase of four dwellings). This would increase the number of vehicular movements between these two properties, however with `Fernleigh` being sited approximately 4.6m from the access and `Copper Beeches` sited approximately 8.4m from the access, noise impacts would be mitigated to the level where it would not represent a significant adverse impact and therefore, would not warrant a reason for refusal in this instance. It is noted that the Environmental Health Team have raised no concerns with regards to the impacts of the development.

Highway Safety

- 9.21 The proposed dwellings would be served by turning areas and parking forecourts which would provide parking provision for up three spaces (minimum per dwelling) and so meets the parking standards set out within Appendix A of the Local Plan.
- 9.22 The proposal will utilise the existing access which currently serves, `The Chase`. The access, highway safety and parking considerations have been assessed by the Local Highway Authority who raise no objections to the proposed access, subject to conditions being attached. The application proposed improvements to the access point, including widening it to 5m for the first 10m back from the highway which will allow for two-way vehicle flow at the access with Gull Road. As such, there are no concerns in relation to highway safety and the proposal complies with the provisions of LP15 in this regard.

Ecology, Wildlife & Trees

- 9.23 The site is garden land and benefits from dense landscaping which is proposed to be retained. No trees are proposed to be removed in fact additional tree planting has been proposed. The applicant has submitted a completed biodiversity checklist which outlined no protected species are within/adjacent the site. The proposal is not considered to have a significant impact on biodiversity. In addition, there are no protected trees, and the site is not within a Conservation Area. Subject to suitable ecology and tree conditions, the proposal is not objected to.
- 9.24 It is noted that there were no ecological issues in the previously refused applications.

10 CONCLUSIONS

- 10.1 The proposal fails to comply with the provisions of Policies LP3, LP12 and LP16 in relation to the principle of residential development in this location. Whilst it is noted that the design of the dwellings and the highway safety considerations are acceptable, the site is not considered to be infill and will be at odds with the

prevailing form and character of the surrounding area and would result in a tandem form of development, consistent with previous decisions of both the Council and Planning Inspectors..

11 RECOMMENDATION

Refuse; for the following reasons:

1	Policy LP3 of the Local Plan identifies Guyhirn as a Small Village where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling. The proposal would introduce a backland form of development which would be harmful to the character of the surrounding area and the dwellings to the north and south of the development site are sporadic dwellings and do not form a continuous area of development. As such the proposal is not considered to result in residential infilling. Therefore, the proposal fails to comply with the provisions of Policy LP3 of the Fenland Local Plan (2014).
2	Policies LP12 Part A (d) and LP16 (d) resists new development which adversely impacts on the character of the area and requires development to respond to and improve the character of the built environment. The prevailing form and character of the area comprises frontage development. The tandem positioning of the dwellings, which are behind the established built form would be out of keeping with the character of the area. This would result in an incongruous development and is therefore contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014).



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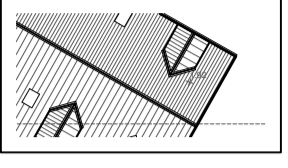
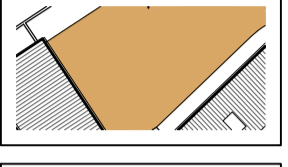
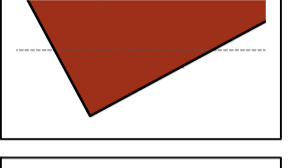

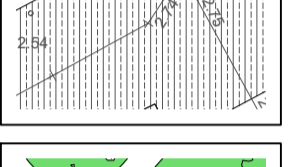


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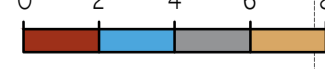
- General Notes**
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors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

SITE PLAN KEY

-  Indicates proposed dwellings
-  Indicates parking spaces and access
-  Indicates existing neighbouring dwellings
-  Indicates trees and hedges to remain
-  Indicates widened shared access driveway to be constructed to Cambridge County Council specification to a width of 5.0m, 10.0m into the site
-  Indicates proposed landscaping
-  Indicates site access



Site Plan
Scale: 1:200



Status
FOR APPROVAL



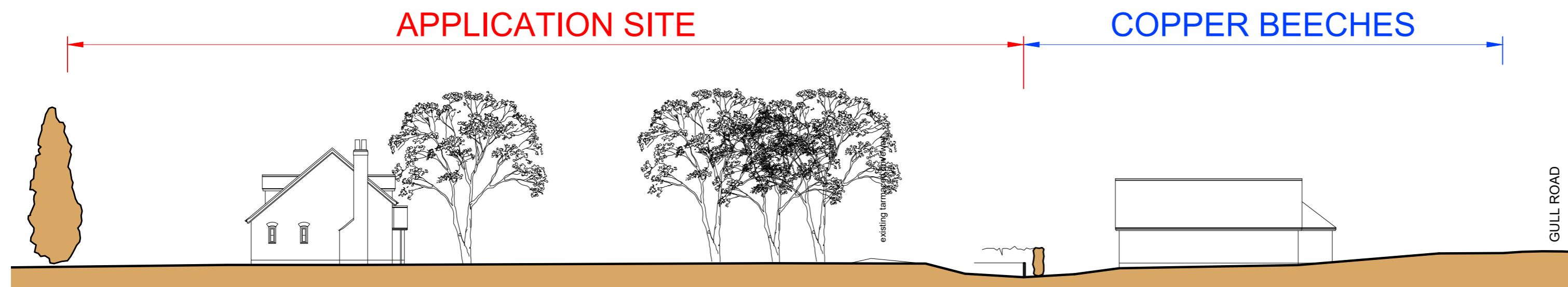
SWANN EDWARDS
ARCHITECTURE

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Job Title Proposed Residential Development The Chase, Gull Road, Guyhirn Wisbech, Cambs for Mr & Mrs J Channing	Date December 2022	Scale As Shown Sheet Size A1
Drawing Title Planning Drawings Site Plans	Job No. SE-1905 Dwg No. PP1000	Drawn by RS Revision A

General Notes

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Site Section Showing Plot 3 and Copper Beeches
Scale: 1:250

Plot 1 FFL = 2.22
 Plot 2 FFL = 2.24
 Plot 3 FFL = 2.30
 Plot 4 FFL = 2.35

Copper Beeches FFL = 2.10
 Maple Cott FFL = 2.10



Gull Road Street Elevation
Scale: 1:250

Status

FOR APPROVAL



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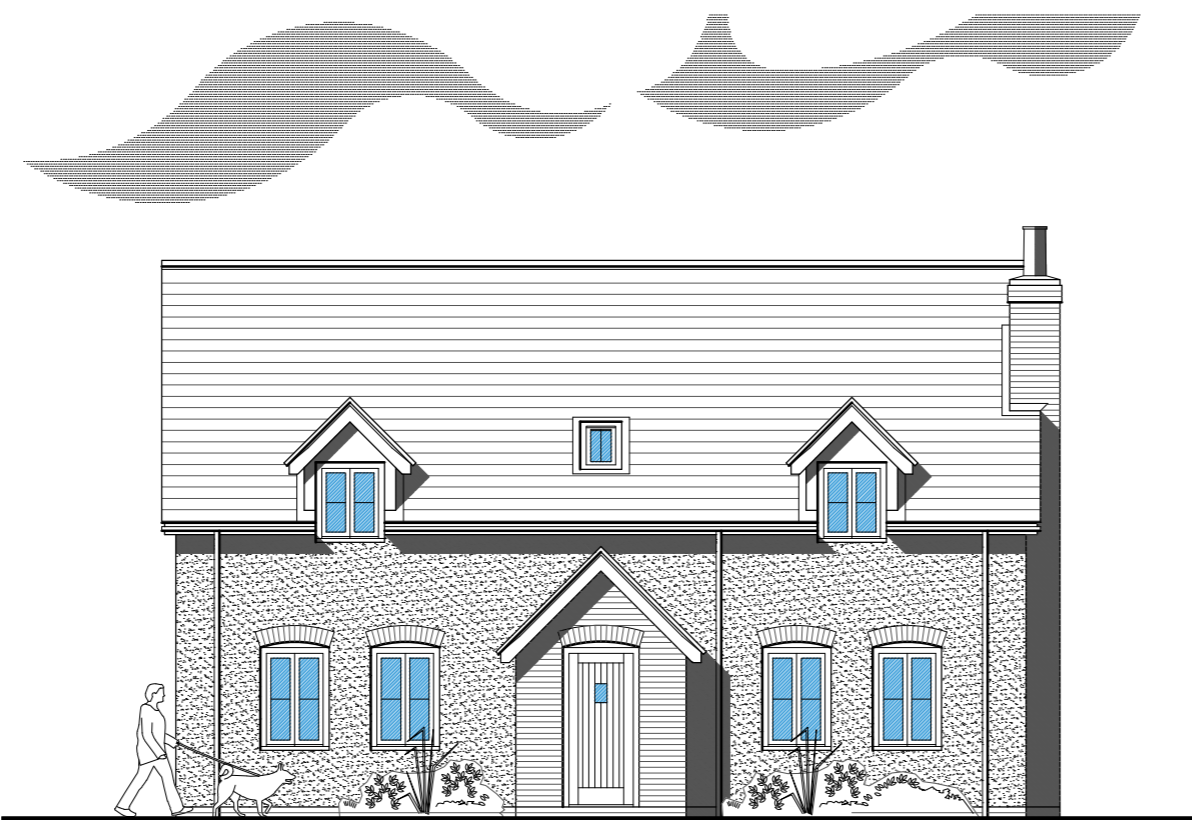
Proposed Residential Development The Chase, Gull Road, Guyhirn Wisbech, Cambs for Mr & Mrs J Channing	Job Title	Date	Scale
	Planning Drawing	December 2022	As Shown Sheet Size A2
Site Section and Street Elevation	Job No.	Dwg No.	Drawn by
	SE-1905	PP1002	RS
			Revision
			A

General Notes

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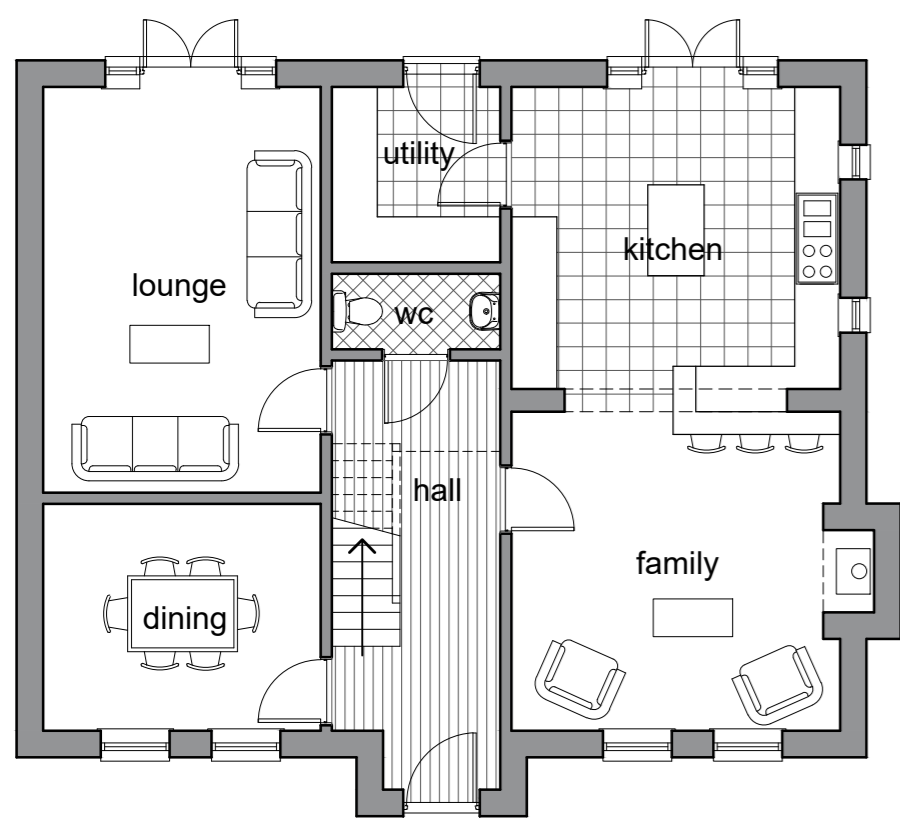
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Scale: 1:100 metres



Front Elevation (NE) 0 1 2 3 4
Scale: 1:100 metres



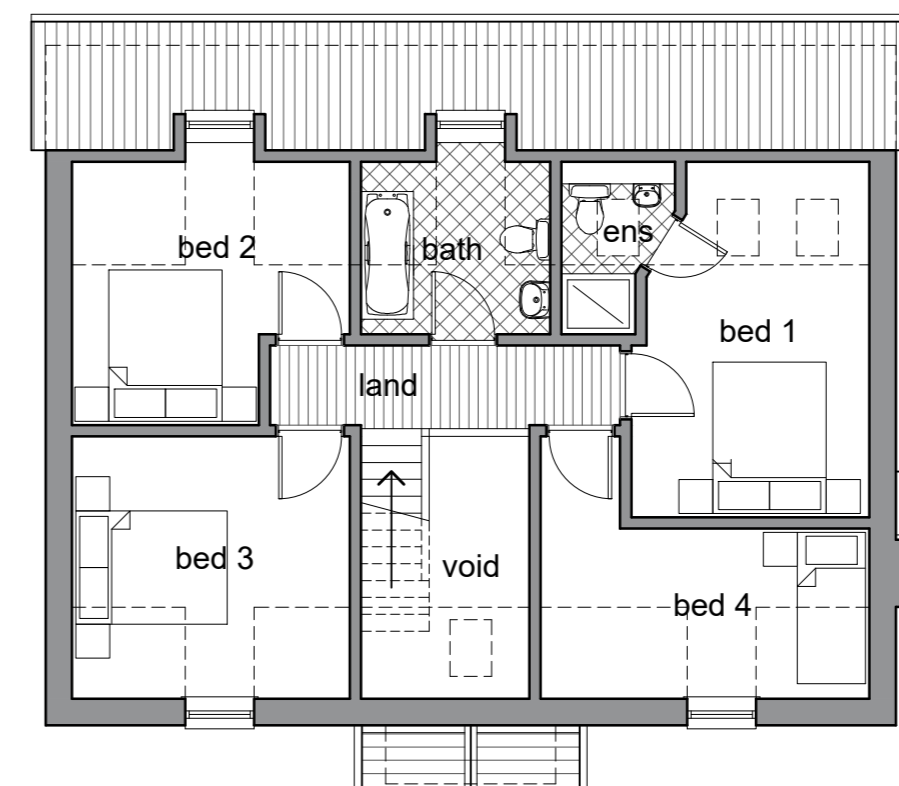
Side Elevation (NW) 0 1 2 3 4
Scale: 1:100 metres



Ground Floor Plan 0 1 2 3 4
Scale: 1:100 metres



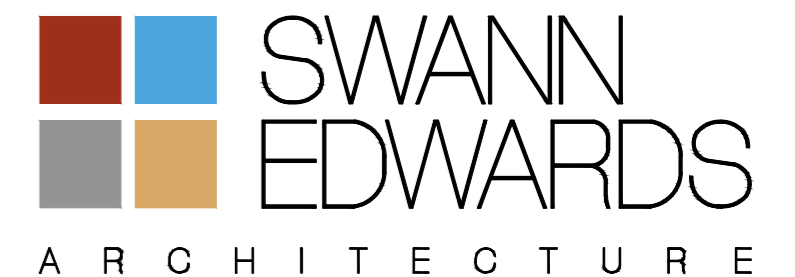
Rear Elevation (SW) 0 1 2 3 4
Scale: 1:100 metres



First Floor Plan 0 1 2 3 4
Scale: 1:100 metres

Status

FOR APPROVAL



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Proposed Residential Development The Chase, Gull Road, Guyhirn Wisbech, Cambs for Mr & Mrs J Channing	Job Title Planning Drawing Elavations and Floor Plans PLOT 1	Date December 2022	Scale As Shown Sheet Size A2	Drawn by RS Revision A
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- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 4. Any discrepancies are to be brought to the designers attention.



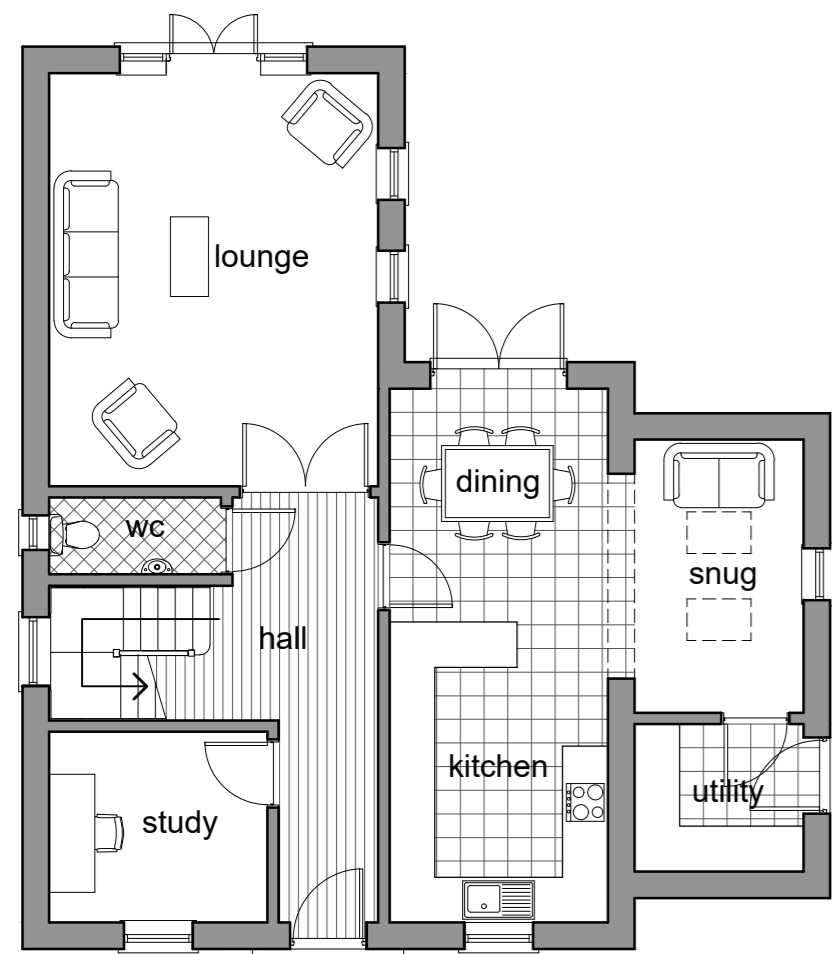
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Scale: 1:100 metres



Front Elevation (NE) 0 1 2 3 4
Scale: 1:100 metres



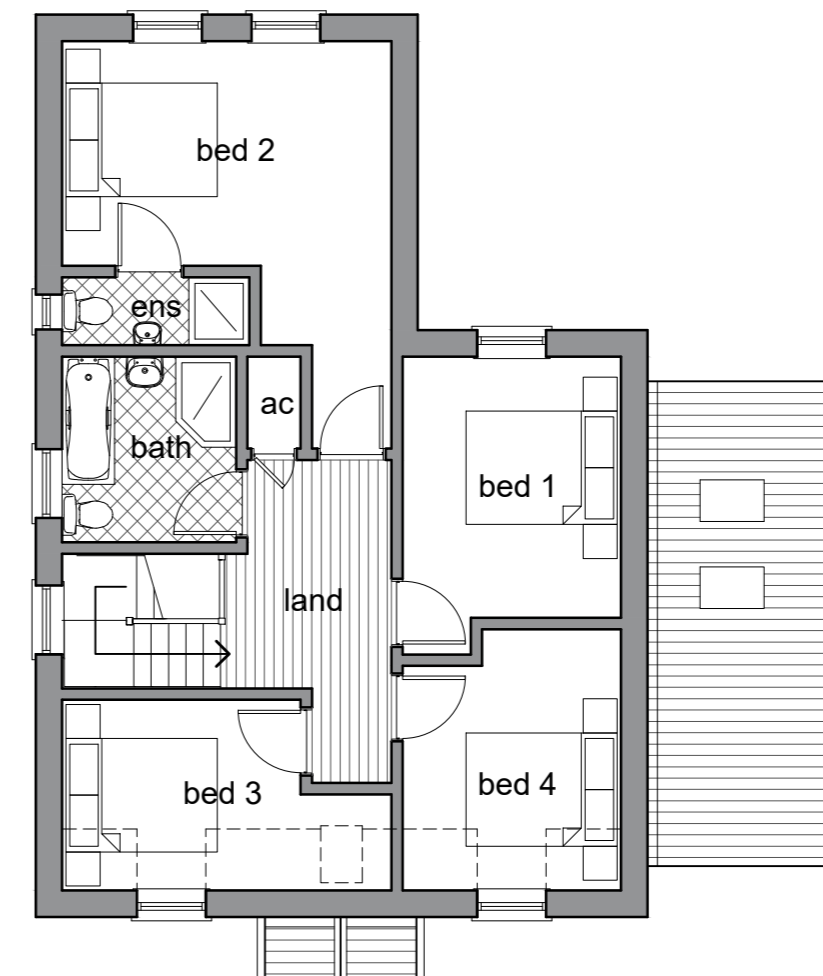
Side Elevation (NW) 0 1 2 3 4
Scale: 1:100 metres



Ground Floor Plan 0 1 2 3 4
Scale: 1:100 metres



Rear Elevation (SW) 0 1 2 3 4
Scale: 1:100 metres



First Floor Plan 0 1 2 3 4
Scale: 1:100 metres

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Proposed Residential Development The Chase, Gull Road, Guyhirn Wisbech, Cambs for Mr & Mrs J Channing	Job Title Planning Drawing Elevations and Floor Plans PLOT 2	Date December 2022	Scale As Shown Sheet Size A2	Job No. SE-1905 Dwg No. PP1101	Drawn by RS Revision A
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Side Elevation (SE) 0 1 2 3 4
Scale: 1:100 metres



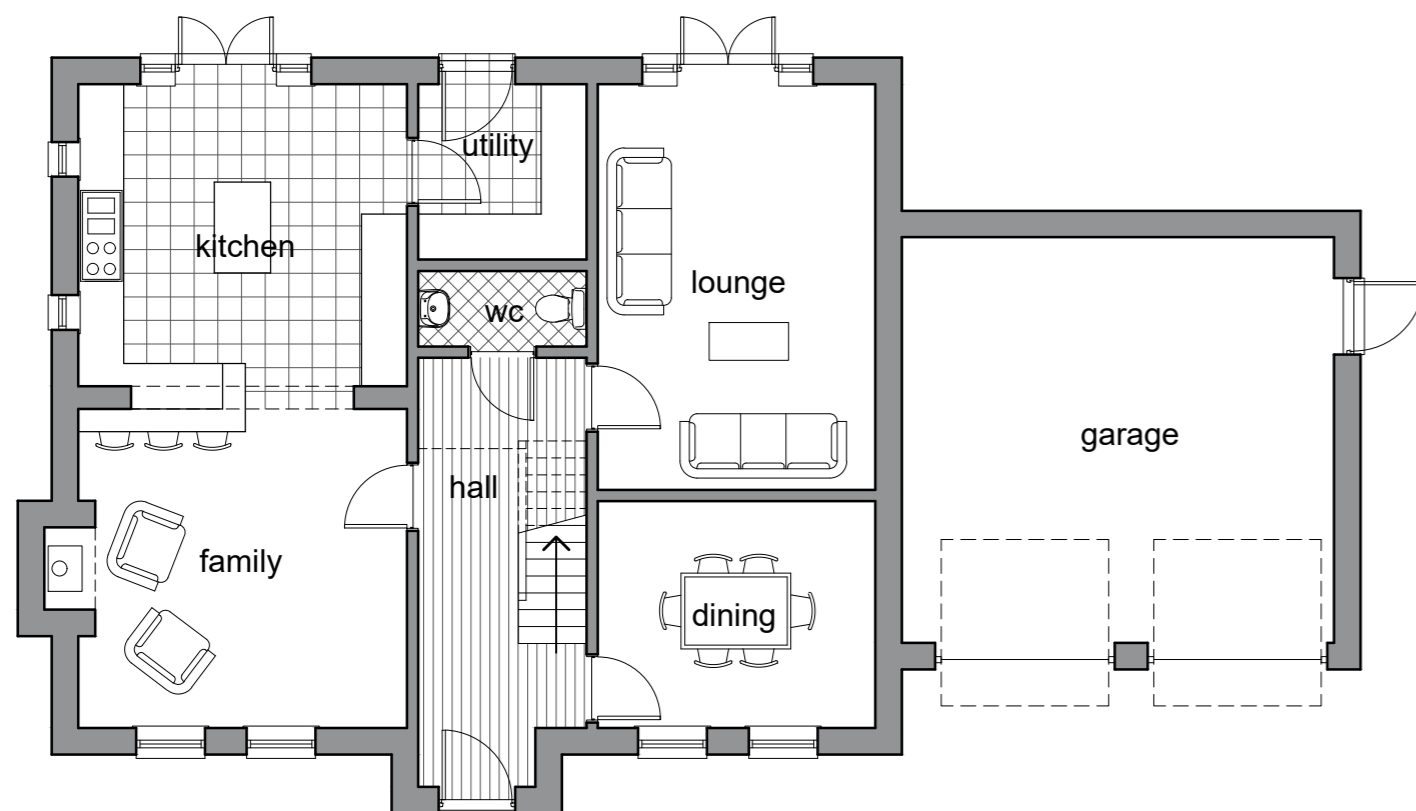
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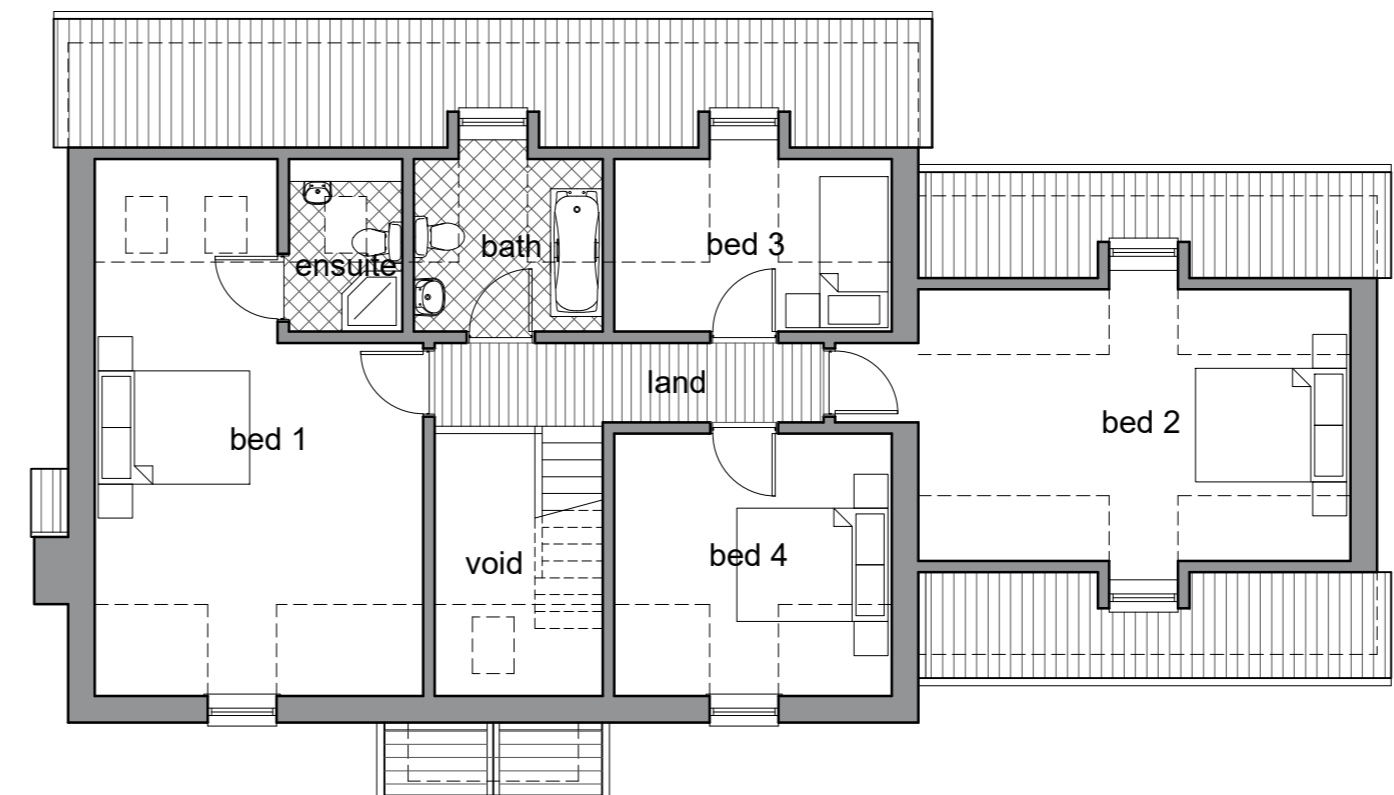
Side Elevation (NW) 0 1 2 3 4
Scale: 1:100 metres



Rear Elevation (SW) 0 1 2 3 4
Scale: 1:100 metres



Ground Floor Plan 0 1 2 3 4
Scale: 1:100 metres



First Floor Plan 0 1 2 3 4
Scale: 1:100 metres

- General Notes
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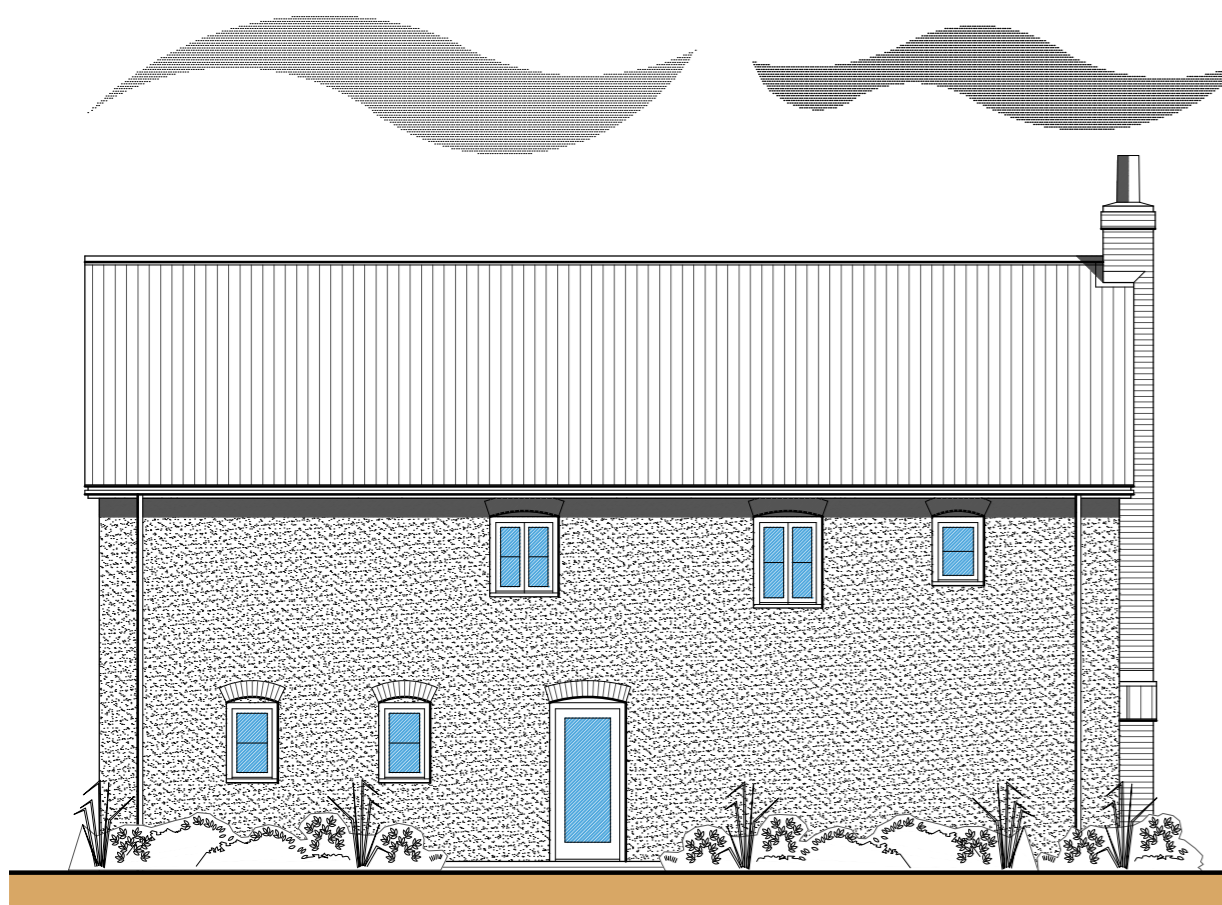
Status
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Proposed Residential Development The Chase, Gull Road, Guyhirn Wisbech, Cambs for Mr & Mrs J Channing	Job Title Planning Drawing Elevations and Floor Plans PLOT 3	Date December 2022	Scale As Shown Sheet Size A2	Job No. SE-1905 Dwg No. PP1102	Drawn by RS Revision A
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- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 4. Any discrepancies are to be brought to the designers attention.



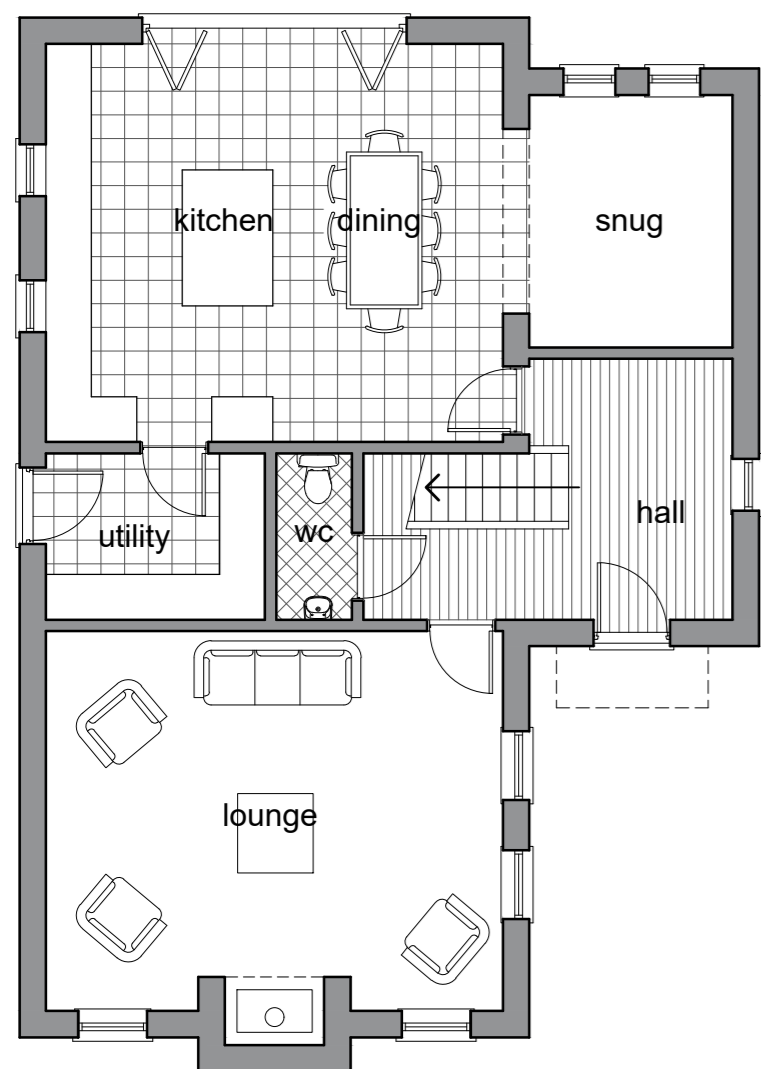
Side Elevation (SE) 0 1 2 3 4
Scale: 1:100 metres



Front Elevation (NE) 0 1 2 3 4
Scale: 1:100 metres



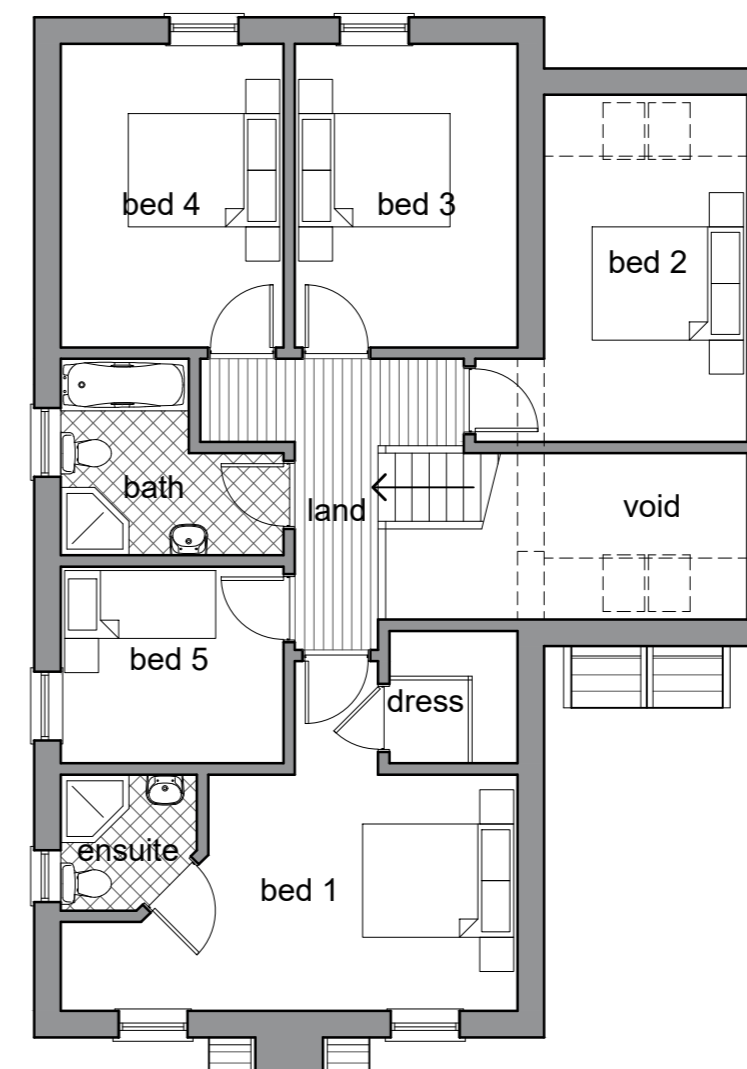
Side Elevation (NW) 0 1 2 3 4
Scale: 1:100 metres



Ground Floor Plan 0 1 2 3 4
Scale: 1:100 metres



Rear Elevation (SW) 0 1 2 3 4
Scale: 1:100 metres



First Floor Plan 0 1 2 3 4
Scale: 1:100 metres

Status
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Proposed Residential Development The Chase, Gull Road, Guyhirn Wisbech, Cambs for Mr & Mrs J Channing	Job Title Planning Drawing Elevations and Floor Plans PLOT 4	Date December 2022	Scale As Shown Sheet Size A2	Job No. SE-1905 Dwg No. PP1103	Drawn by RS Revision A
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F/YR23/0118/F

Applicant: Mr Ali Boyraz

**Agent : Mr Ivan Chonkov
ADP LONDON**

91 High Street, March, Cambridgeshire, PE15 9LH

Erect a 3-storey building comprising of 2 x commercial units (Class E) and 7 x dwellings (4 x 1-bed flats and 3 x 2-bed flats) with associated waste and cycle storage involving demolition of existing 2-storey building

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 western side of High Street, March. Adjacent to the north is a two and a half storey building no. 89 – 87 High Street that at ground floor currently houses a hair salon and cafe. The site contains a two-storey building, which sits slightly forward of the building line in the vicinity, alongside an irregular shaped area of hard standing with 2-metre-high timber boarded fencing along its east and southern boundary. There is currently a portacabin structure on the north side of the site just to the rear end of the two-storey host property. The building on the site currently operates as a pizza takeaway away (Leonardo's Pizza) the area of hardstanding is currently used in connection with car sales.
- 1.2 The application is also located within a Conservation Area, additionally there are two Grade II Listed buildings in close proximity to the site, no. 86 High Street, the former County Courthouse, directly opposite the site and no. 93 High Street, Audmoor House, to the south. As such, the setting of these designated heritage assets are a key consideration in this proposal.
- 1.3 The application seeks full planning permission for the erection of a 3-storey building comprising of 2 x commercial units (Class E) and 7 x dwellings (4 x 1-bed flats and 3 x 2-bed flats) with associated waste and cycle storage involving demolition of existing 2-storey building.
- 1.4 The proposed development would fail to preserve or enhance the character and appearance of the March Conservation Area and the setting of the adjacent listed buildings. By virtue of its scale, siting and design, the proposed development would form an unduly prominent and incongruous feature on High Street to the detriment of the historic buildings around it and this part of the Conservation Area. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.
- 1.5 Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity. Policy LP16 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they do not adversely

impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal. The proposed development by virtue of its scale, siting and design would create unacceptable adverse impacts on the residential amenity of neighbouring dwellings surrounding the site, particularly those at Chapel Lane and those to the north of the site, in terms of overlooking, overshadowing and overbearing impacts. The proposed development is therefore considered to be contrary to policy LP16 of the Fenland Local Plan 2014.

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 western side of High Street, March,. Adjacent to the north is a two and a half storey building no. 89 – 87 High Street that at ground floor currently houses a hair salon and cafe. The site contains a two-storey building, which sits forward of the building line in the vicinity, alongside an irregular shaped area of hard standing with a 2-meter-high timber boarded fencing along its east and southern boundary. There is currently a portacabin structure on the north side of the site just to the rear end of the two-storey host property. The building on the site currently operates as a pizza takeaway away (Leonardo's Pizza) the area of hardstanding is currently used in connection with car sales.
- 2.2. The site is located within the Town Centre Boundary in a mixed commercial/residential area, that is characterised by two storey buildings, though there are some three storey buildings. The site is also located within the March Conservation Area, there are two Grade II Listed buildings in close proximity to the site, no. 86 High Street, the former County Courthouse, directly opposite the site and no. 93 High Street, Audmoor House, adjacent to the south, separated by a narrow roadway serving the Oliver Cromwell Hotel to the rear and Chapel Lane which 'wraps around' the rear of the site.
- 2.3. The site is located within Flood Zone 1.

3 PROPOSAL

- 3.1. The application seeks full planning permission for the erection of a 3-storey building comprising of 2 x commercial units (Class E) fronting High Street, and 7 x dwellings (4 x 1-bed flats and 3 x 2-bed flats) with associated waste and cycle storage involving demolition of the existing 2-storey building; the building would measure a maximum of 17.5m in width, 19.7m in depth and 9m in height with a flat roof.
- 3.2. At ground floor there would be two accesses to an entrance hall/stairwell to the flats above, one off High Street and one at the rear of the building, alongside 2 x commercial units consisting of a shop and takeaway both with storage areas to the rear. The first floor would consist of 4 flats, 3 x one bedroom and 1 x two bedroom and the third floor would consist of 3 flats 1 x one bedroom and 2 x two bedroom, access to the flats would be off the main stairwell. Each of the flats comprises one bathroom with open plan living/dining/kitchen, Flat 3 would also have a utility room. At the rear of the building Flats 3 and 6 would have external terraces. Externally at the rear of the building, and accessed through the rear entrance, a double stacking system cycle store with 10 spaces and commercial and residential bins are proposed.

- 3.3. The proposed materials would be yellow bricks, timber framed sliding sash windows and timber doors.
- 3.4. Full plans and associated documents for this application can be found at: [F/YR23/0118/F | Erect a 3-storey building comprising of 2 x commercial units \(Class E\) and 7 x dwellings \(4 x 1-bed flats and 3 x 2-bed flats\) with associated waste and cycle storage involving demolition of existing 2-storey building | 91 High Street March Cambridgeshire PE15 9LH \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0118/F)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR20/0014/F	Relocation of extraction flue to side elevation and erect brick effect cladding to ducting on the side elevation to match finish of existing building (part retrospective)	Granted	16/04/2020
F/YR20/0049/F	Erect a single-storey rear extension, alterations to size of 2no first floor front windows and alteration to stairway to rear of existing building (retrospective)	Granted	15/04/2020
F/91/0966/F	Change of use of existing shop to cafe	Granted	29/04/1992

5 CONSULTATIONS

5.1. March Town Council (06/03/2023)

Recommendation: Approval

5.2. CCC Archaeology (27/02/2023)

The proposed development is in an area of high archaeological potential it fits between Chapel Street and High Street near the historic core of March in an area occupied by a number of different denomination of church, with the Methodist church just to the south Cambridgeshire Historic Environment Record CB14927), a Baptist church to the north (CHER CB14928) a Strict Baptist Church also to the north (CHER MCB16831), the Anglican church to the northeast (CHER CB14867) and the Jehovahs Witness Meeting house also to the northeast (CHER MCB16832). On the 1st edition OS map we can see that the site of the proposed development is the location of a smithy industrial site (CHER MCB23712), as well as other buildings including what appears to be the current 91 High Street which is due for demolition as part of the development.

The 'Design, Access & Heritage statement' supplied as part of this application refers to the London Plan, London Borough of Waltham Forest etc. which obviously isn't applicable here. It also states that, 'The heritage asset (Conservation Area), building and context, are described in Section 3.' This is not the case. The proposed development area is particularly interesting because of a combination of the potential for sub surface remains of an industrial site, the extant remains of a historic building and its position fronting the High Street. 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 to include an element of Historic Building Recording, 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.

5.3. FDC Environmental Health (02/03/2023)

This application makes no mention of the provision of a takeaway on the ground floor despite this facility being present on the proposed ground floor plan. I also note that the existing takeaway, which is to be demolished, has what looks like a bespoke brick built chimney housing the extraction unit which discharges at above eaves height. If this new structure is to include a ground floor takeaway then a similar facility will be needed to protect local residents from noise associated with the extract system and to ensure the effective dispersal of cooking fumes to control odours. This provision will be important as this development introduces a number of new residential units above the takeaway, and there are also a number of existing residences which face onto the northern aspect of the development.

Assuming the provision of a takeaway on the ground floor Environmental Health have no objections in principle to the proposed development if the potential for noise and odour nuisance from the kitchen extraction system and mechanical services plant can be satisfactorily addressed.

Ideally the application should include details of noise and odour mitigation to achieve the conditions detailed below. However, it is noted that no details have been provided regarding this, by the applicant.

The following conditions are therefore recommended.

Noise Generating Mechanical Services Plant

Before any mechanical services plant including kitchen extraction plant to which the application refers, is used at the premises, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise design requirements can be complied with and shall thereafter be retained as approved.

The cumulative measured or calculated rating level ($L_{Ar,Tr}$) of noise emitted from the mechanical services plant to which the application refers, shall not exceed the existing background noise level ($L_{A90,T}$) at any time that the plant operates.

The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 meter from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance to the latest British Standard 4142;(currently 2014) An alternative position for assessment /measurement may be used to allow ease of access, this must be shown on a map and noise propagation calculations detailed to show how the design criteria is achieved.

A commissioning acoustic assessment (applying BS4142:2014 Methods for rating and assessing industrial and commercial sound- methodology) shall be undertaken within 2 weeks of mechanical services commissioning, in order to demonstrate that condition above has been achieved. The results of the assessment shall be submitted to and approved in writing by the LPA

REASON To safeguard the amenity of the surrounding area Kitchen Extraction System Odour Control A scheme for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises shall be submitted to and approved in writing by the local planning authority.

Any equipment, plant or process approved pursuant to such details shall be installed prior to the first use of the premises and shall be operated and retained in accordance with the approved details and operated in accordance with manufacturer's instructions.

Odour Control

The use hereby permitted shall not operate until a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including the location and appearance of any external ducting and flues, has been submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be

installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.

The scheme shall be installed in accordance with the requirements detailed in EMAQ Control of Noise and Odour from Commercial Kitchen Exhaust Systems: 2018 The Building Engineering Services Association (BESA), contains a register of companies who provide commercial kitchen odour control services.

REASON To safeguard the amenity of residential premises the surrounding area from noise and odours emanating from the ground floor takeaway in accordance with Policy LP16 (e) – Delivering and Protecting High Quality Environments across the District.

Construction Management

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

No demolition or construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

Contamination

Due to the demolition of existing structures and assuming the removal of the concrete cap which covers most of the site, the following unsuspected contamination condition should also be imposed in the event that planning permission is granted:

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.

5.4. Historic England (07/03/2023)

This planning application proposes the demolition of number 91 High Street, and erection of a large 3 storey building of 6 bays. The building is not listed but it does lie within the March Conservation Area. Although the building in question is modest in appearance, it retains its traditional timber shopfront, which along with its pleasingly proportioned composition and scale, in our view, is typical of the local historic townscape, and makes a positive contribution to the character and appearance of the conservation area to some degree.

The building appears to be in good general condition and structurally sound, and it therefore seems somewhat regrettable that it cannot be retained and repaired and maybe incorporated into the redevelopment of the site in a more sensitive way. We believe that the loss of the existing building would detract from the historic character of the conservation area to some degree.

The proposed replacement building is of 3 storeys. Whilst this may not necessarily be out of scale with its context, we are concerned that its flat roof, would be at odds with prevailing character of the conservation area where most of the other buildings either have hipped roofs or pitched roofs with dormers. We believe that revision to the design of the roof form would achieve a more contextual solution that might help to mitigate the visual impact to some extent.

Policy context

The National Planning Policy Framework (NPPF) makes it clear that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance (paragraph 189). Paragraph 199 reminds us that that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be, paragraph 199. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 200). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 202).

Historic England's position

In our opinion the loss of the existing building would have a deleterious effect on the character and appearance of the conservation area. Also, we do not consider that the proposal as it stands would enhance the conservation area as fully as it could do. We therefore conclude that the proposal would result in a degree of less than substantial harm to the March Conservation Area in terms of the NPPF. However, we believe that this harm could be mitigated by revisions to the proposal, as described above. If however your authority is minded to approve this planning application, then in accordance with the tests and requirements of paragraph 202 of the NPPF we advise that it satisfies itself that the development would deliver public benefit that is sufficient to outweigh any harm that would result.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 197, 199, 202 of the NPPF. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas.

5.5. East Cambs Conservation Consultant (23/03/2023)

The application site is a late C19 commercial building on March High Street within close proximity to the following designated heritage assets:

- *NHLE ref 1216220 86 High Street (former county court) Grade II listed building*
- *NHLE ref 1216223 Audmoor House, 93 High Street Grade II listed building*
- *March conservation area*

The proposal is for the demolition of No 91 and its replacement with 2 shops and 7 flats.

Historic England's 2016 Advice Note 2 'Making Changes to Heritage Assets states:

'The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of [development] that might be appropriate.'

This site was the subject of pre-application advice in 2022 (22/0004/PREAPP) and the previous conservation officer's comments remain pertinent here:

'Should a full application be submitted, the heritage statement will have to define the contribution No. 91 makes to the character and appearance of the conservation area, and then justify its total loss. It is a quaint, characterful building of a traditional scale and appearance and contributes to the character and appearance of the conservation area, despite its unsympathetic alterations. It is not however considered as a non-designated heritage asset.

The heritage statement will also need to take into account those surrounding historic buildings which also contribute to the character and appearance of the conservation area by virtue of their scale, massing and materials, some of which could be considered as non-designated heritage assets (e.g. the church). There is also the setting of at least two listed buildings which CONSERVATION REFERRAL COMMENTS Application Ref: F/YR23/0118/F Address: 91 High Street, March DC Case Officer: Nikki Carter Conservation Consultant: Chris Partrick Date: 23rd March 2023 2 will be impacted by the proposal – if not those slightly further afield, by virtue of the scale of the proposed building.

To advise further, the area is characterised by two storey buildings, though there are some three storey. The area is characterised by dormer windows (in three storey buildings), pitched slate roofs and gable ends. These characteristics should be incorporated into a scheme in order both to preserve and enhance the character and appearance of the conservation area and the setting of nearby listed buildings.'

In the first instance, no assessment of No 91's significance has been made, contrary to the NPPF and the advice given previously. Secondly no serious attempt has been made to address the concerns identified above: merely reducing the scheme by one storey from four to three is not sufficient. The only full three storey building in the vicinity is the Grade II listed C19 county court opposite, a building whose status justified its scale and presence, and it is not appropriate for the present scheme to have such a dominant impact. Whatever their architectural merits, the 1980s flats adjoining the site demonstrate that it is possible to integrate a three storey building without disrupting the streetscape, and the current scheme would benefit from more sensitivity to its context and a less monolithic design and massing, in line with the characteristics identified in the 2022 advice.

Recommendation

Objection

5.6. FDC Conservation Officer (25/05/2023)

Due regard is given to the impact of this proposal on the architectural and historic interests of the listed building, setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal requires amendment. The following comments are made:

The site is located along High Street within the March Conservation Area. There are two listed buildings in close proximity to the site. One being no.86 directly opposite the site and the other being 93 adjacent south, separated by a narrow roadway. As such, the setting of these designated heritage assets are a key consideration in this proposal.

The existing site is considered to have a negative impact on the character and appearance of the conservation area. The host building, whilst of congruent form and overall proportion and once being a positive building, is much altered from its original appearance. The painted elevations awkwardly proportioned modern windows and a rather unsightly extraction system that has been clad in particularly poorly matching brick slips to the gable. This is an example of the damage that incremental poorly and considered alterations can have on the street scene. The rest of the site to the south is a forecourt bounded by industrial looking fencing and an unfortunate proliferation of unauthorised signage.

The principle of the proposal to demolish the host building is on balance supported owing to the limited contribution that it now provides to the March Conservation Area.

The front elevation of the current proposals are in some ways well-conceived and detailed. On the other hand, the height of the building of three floors is somewhat out of scale, especially considering it is sited substantially further forward than its direct neighbours which are also two storey with attics.

Although the heritage statement labours the point that the building is in scale with the former listed courthouse at no 85 opposite, this is ill-judged. The listed Courthouse is clearly a building of high status and designed to be a standalone building of scale and dominance. The Courthouse is also stepped back from the street frontage. It is inconceivable that the proposed building is of comparable status, or indeed of a design and material quality to command such presence.

The building proposed under this application stands much further forward of the main building line and therefore will become the dominant feature in views when progressing along the High Street.

The box like form of the building has to my mind been dictated by a wish to absolutely maximise profit from the site, but this has been done in lieu of designing a scheme that is appropriate to the position it is located and the setting of the heritage assets adjacent.

Similarly designed elevations could be achieved under a pitched roof with modestly proportioned dormers forming the second floor and be far more sympathetic to its immediate surroundings.

Owing to the access road directly to the south of the site, the very deep floorplan of the building would also be highly visible and prominent within the streetscene. Again the elevation detailing is not poor, but the unrelieved boxy form is.

There are indeed examples of three storey buildings within the town centre, most of which are historic and set within a consistent street frontage, a number are buildings of historically high-status and appropriately detailed as such. There are also a couple of examples which should serve as a stark reasons not to repeat such erroneous decisions.

The material palette and quality will be particularly important for any development on this site, owing to its prominence. Any permission will need to have a condition requiring all external facing materials to be submitted to and agreed in writing by the LPA in the form of a detailed material schedule. Additionally, a brick and mortar sample will be required to be made available and agreed in writing.

The door proposed to the front elevation is a 1970's housing estate style door with the characteristic arched fanlight incorporated into the door. This should be revised to a simple 6 panel timber door of quality.

Amendment and Additional Information

- *Reduce height to two storey's with attic provided by way of a pitched roof.*
- *Omit boxy form for a design of traditional scale, that is respectful to its surroundings.*

Suggested Conditions

All external facing materials to be submitted to and agreed in writing by the LPA.

All windows and doors shall be recessed into their reveals from the front face of the brickwork by at least 50mm to enable depth and shadowlines.

Pointing shall be carried out in a lime coloured mortar (not grey cement)

5.7. Designing Out Crime Team (22/03/2023)

I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering the above ward and surrounding streets for the last 2 years. At present, I would consider this to be an area of low to medium risk to the vulnerability to crime.

With the above statistics in mind, I have the following comments for your consideration.

- *External Lighting – There should be LED dusk to dawn wall mounted lights above each entrance/exit doors, including bin and cycle storage locations. I would like to see the lighting plan, including lux levels and calculations when available please. Please note: Bollard lighting should be used as wayfinding only and not as a main source of lighting.*
- *Audio-visual access control – Communal entrances (front/rear) Audio visual visitor entry system – (5.9 Secured by Design). It would be good to see what*

access control and visitor entry systems are being considered for the residents. Our recommendation is audio/visual visitor entry to allow the residents to see and speak to visitors prior to allowing access. There should be no trade buttons or other electronic release mechanisms. Access control should also be considered on each level to prevent free flow throughout the building.

- *External Cycle Storage – Point 5.9 (Secured by Design) in the DAS states that access will be via a lockable roller shutter & 5.6 Parking & Cycle Storage suggests secure double doors. The residents will have to rely on one another to ensure that the security of the unit is always maintained/locked, this is not ideal as human error occurs. Our recommendations are that Sheffield stands are provided and fixed into a concrete subbase and a security rated door set LPS1175 SR2 with a self-closer and thumb turn or push button for easy egress and are access controlled for residents only. It is also important that it is well lit and covered by CCTV and positioned in view of active windows. Please note: There should be no windows to allow people to see inside.*
- *Boundary Treatments - Our recommendation for the boundary fencing is that it should be 1.8m close boarded fencing. Access to the rear of the building needs to be controlled. If there is a shared gate to the rear for both residents/shop owners, this should have a self-closer.*
- *Car Parking – My understanding is that no parking will be provided and if the residents need to park their vehicle there is a free car park available within walking distance. However, I do have some concerns as this could cause some neighbouring disputes should the residents choose to park elsewhere.*

5.8 The March Society

As this is an historic area of March on the main road through March, we expect there to be a full archaeological investigation of the site before demolition and building work.

The building will be in the Conservation Area near to the listed Audmoor House. We hope that the new building will be congruous with neighbouring buildings and will enhance the character and appearance of the street scene.

We are concerned about the lack of parking for the seven flats and question that 'there is existing informal car parking spaces adjacent to the front of the plot for approx. 7 cars with 1 disabled parking space' The plans appear to show the building fronting onto the pedestrian pavement and does not show the 'informal' parking spaces.

5.9 Representaitons

Objectors

Three letters of objection have been received from three addresses within March (Chapel Street, Elwyn Court and the operators of the Oliver Cromwell Hotel) which raise the following summarised concerns:

- Lack of parking facilities
- Lack of Doctors, Dentists and other services
- Overdevelopment of the site
- Concerned residents will use parking at the Oliver Cromwell Hotel next to the site

- Flat roof not in keeping with the surrounding buildings, especially considering the close proximity to several grade II listed buildings and the site is also within the conservation area
- Overshadowing impacts from proposed building on neighbouring property

Supporters

23 letters of support have been received.

10 of these were submitted directly to the Council (nine from various addresses across March and one from Chatteris)) which made the following summarised comments:

- Would enhance the area taking into consideration its current use.

In addition, photographs of a further 13 proforma letters of support (two of which are from people who have commented directly) stating 'I have no objection to this application...and support it' have been submitted. Of these letters 11 are from various addresses across March with letters also completed by residents of Doddington and Christchurch.

6 STATUTORY DUTY

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

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

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

Para 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

Para 131: Great weight should be given to outstanding or innovative designs.

Para 184: Heritage assets should be conserved in a manner appropriate to their significance.

Para 189: Applicants should describe the significance of any heritage assets affected.

Para 194: Harm to or loss of significance of a heritage asset should require clear and convincing justification.

Para 195: Substantial harm should result in refusal unless substantial public benefits outweigh it.

Para 196: Less than substantial harm should be weighed against public benefits.

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity

Built Form

Uses

Homes and Buildings

Resources

Lifespan

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP6 - Employment

LP9 – March

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

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

LP18 – The Historic Environment

LP19 – The Natural Environment

March Neighbourhood Plan 2017

H2 – Windfall Development

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

DM4 – Waste and Recycling Facilities

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan.

Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP11 – Community Safety

LP16 – Town Centres

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP23 – Historic Environment

8 KEY ISSUES

- **Principle of Development**
- **Heritage, design considerations and visual amenity of area**
- **Residential Amenity**
- **Parking and Highways**
- **Flood Risk and Drainage**

9 BACKGROUND

- 9.1. Pre-application advice was provided in February 2022 (22/0004/PREAPP) which considered that the principle of development could be supported subject to compliance with other relevant policies. It was advised that there was potential to improve the character and appearance of the site to the benefit of the wider area. However, it was outlined that the proposed part 4 storey, part 3 storey building brought forward at this stage was an overdevelopment and needed to be scaled back considerably, the officer detailed that the height and building should take a steer from 87-89 and 93 High Street and provide a transition between these.
- 9.2. The officer expressed concerns regarding impacts of the proposed on the residential amenity of dwellings located at Chapel Street creating a sense of enclosure due to the proposed scale of the building and landscaping and some separation and/or mitigation should be provided as the existing road here sits lower than the site. Additionally, the officer also expressed concerns of adverse impacts on residential amenity on a number of dwellings to the north, with windows facing towards and gardens abutting the site.
- 9.3. The pre-application submission also detailed that no on-site parking was proposed, the officer commented that this may be preferable on this site given the need to turn within the site to exit onto High Street (which is a B Class road) and the constrained nature of Chapel Street, however the impact of additional traffic movements, potential for on street parking and use of public car parks will need to be considered and justified, it is likely that only a lesser number of units would be acceptable in this regard.
- 9.4. Within this pre-application advice the Conservation Officer also expressed concerns regarding the scale of the proposal on the character and appearance of the conservation area and the setting of listed buildings, by virtue of the potential of the scheme to completely overwhelm and dominate this area of High Street. It was advised that the proposed should be set back to align more with no. 87-89 than the current position of no. 91, as the existing no. 91 building does not overwhelm the area due to its small scale. Overall, the Conservation Officer expressed concerns about the impact of the loss of 91 High Street on the character of the conservation area – the level impact of this loss could be altered by the impact of the proposed replacement building. The Conservation Officer stated the loss of the quaint and characterful building that is existing is not outweighed (architecturally) by the current proposal.

10 ASSESSMENT

Principle of Development

- 10.1. The application site is located within the settlement of March which is identified within the Settlement Hierarchy as a Primary Market Town; Market Towns are identified within Policy LP3 as the focus for where housing growth, employment growth, retail growth and wider service provision should take place, accordingly there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, heritage, design, parking, highways and flood risk.
- 10.2. The site is located within the Town Centre Boundary where retail development would be supported, Policy LP6 of the Fenland Local Plan 2014 seeks to increase employment opportunities across the district and paragraph 81 of the NPPF 2021 places significant weight on the need to support economic growth.
- 10.3. The application site currently contains a two-storey building alongside an irregular shaped area of hard standing with a 2-meter-high timber boarded fencing along its east and southern boundary. There is currently a portacabin structure on the north side of the site just to the rear end of the two-storey host property. The building on the site currently operates as a pizza takeaway away (Leonardo's Pizza) the area of hardstanding is currently used in connection with car sales.
- 10.4. The proposal is to demolish the existing building and to construct a single building on the site, containing a combination of retail and residential uses.
- 10.5. The site is also located within a Conservation Area, setting of two Grade II Listed buildings, and is within flood zone 1, the zone of lowest flood risk.
- 10.6. The principle of the proposal is therefore in accordance with the relevant policies of the development plan and consideration must be given to specific impacts as outlined above.

Heritage, design considerations and visual amenity of area

- 10.7. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.8. Policy LP18 addresses matters concerning the historic environment within Fenland, noting that development proposals will be required to describe and assess the significance of any heritage asset, identify the impact of proposed works on its character and provide justification for those works, especially if they would harm the setting of the asset.
- 10.9. Due regard is given to the impact of this proposal on the architectural and historic interests of the setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

- 10.10. The application is located within a Conservation Area, additionally there are two Grade II Listed buildings in close proximity to the site, no. 86 High Street, the former County Courthouse, directly opposite the site across High Street and no. 93 High Street, Audmoor House, adjacent to the south, separated by the roadway serving the Oliver Cromwell hotel and Chapel Lane..
- 10.11. In regards to the proposal brought forward after receiving pre-application advice in February 2022 under application reference 22/0004/PREAPP the applicant has made a series of changes to the proposed development that include the removal of the part 4 storey element, removal of 1 of the flats reducing the overall number from 8 to 7 flats and removal of a number of proposed terraces, including the shared terrace, terraces are now proposed at the rear of the building to serve flats 3 and 6 only.
- 10.12. It is noted that the existing site is considered to have a negative impact on the character and appearance of the conservation area. The host building, whilst of congruent form and overall proportion and once being a positive building, is much altered from its original appearance. The painted elevations, awkwardly proportioned modern windows and a rather unsightly extraction system that has been clad in particularly poorly matching brick slips to the gable. This is an example of the damage that incremental poorly and considered alterations can have on the street scene. The rest of the site to the south is a forecourt bounded by industrial looking fencing and an unfortunate proliferation of unauthorised signage. The principle of the proposal to demolish the host building is on balance supported owing to the limited contribution that it now provides to the March Conservation Area.
- 10.13. The area is characterised by two storey buildings, though there are some three storeys of varied architectural forms, eras and materials. Nevertheless, the proposed height of the replacement building at a height of three floors is out of scale, the adverse impact of the height is increased further when the building is read in context of the surrounding built environment, as the site is set substantially further forward than the adjacent building no. 89 – 87 High Street which is a two-storey building with attics.
- 10.14. Historic England have provided comments for the application suggesting the proposed development, to be acceptable, would need amendments to be made. The comments submitted state ‘the loss of the existing building would have a deleterious effect on the character and appearance of the conservation area. Also, we do not consider that the proposal as it stands would enhance the conservation area as fully as it could do. We therefore conclude that the proposal would result in a degree of less than substantial harm to the March Conservation Area in terms of the NPPF. However, we believe that this harm could be mitigated by revisions to the proposal’.
- 10.15. The Conservation Officer has commented on the application and submitted comments of objection, with amendments required. The Conservation Officer has stated ‘although the heritage statement labours the point that the building is in scale with the former listed courthouse at no 86 opposite, this is ill-judged. The listed Courthouse is clearly a building of high status and designed to be a standalone building of scale and dominance. The Courthouse is also stepped back from the street frontage. It is inconceivable that the proposed building is of comparable status, or indeed of a design and material quality to command such presence. The building proposed under this application stands much further

forward of the main building line and therefore will become the dominant feature in views when progressing along the High Street.'

- 10.16. Furthermore, the Conservation Officer has also provided comment on the proposed design of the building outlining that 'the box like form of the building has to my mind been dictated by a wish to absolutely maximise profit from the site, but this has been done in lieu of designing a scheme that is appropriate to the position it is located and the setting of the heritage assets adjacent. Similarly designed elevations could be achieved under a pitched roof with modestly proportioned dormers forming the second floor and be far more sympathetic to its immediate surroundings.'
- 10.17. It is therefore evident that the proposed scale, siting and design of the building would lead to an adverse impact on the Conservation Area and Grade II Listed buildings no. 86 and 93 High Street that are in close proximity to the application site. It is observed that the proposed development would provide public benefit associated with the redevelopment of the site, specifically the provision of additional housing catering located in close proximity to the town centre and the creation of commercial units leading to employment provision, though, these benefits would not outweigh the harm that would be created by the proposal on designated heritage assets. Therefore, it is apparent that the proposed development by virtue of its scale, siting and design would lead to an adverse impact on setting of adjacent listed buildings and on the character and appearance of the Conservation Area. Overall. It is therefore considered that the proposed development would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

Residential Amenity

- 10.18. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and Policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal.
- 10.19. As the development proposes flats as the residential accommodation on the site, there is no indicated minimum level of amenity space provision within the policies of the development plan required to serve the proposed dwellings.
- 10.20. The proposal has the potential to result in amenity impacts on the surrounding developments through matters such as overlooking, loss of privacy, overshadowing and overbearing impact. Within the pre-application advice provided in February 2022 under planning reference 22/0004/PREAPP the officer expressed concerns regarding impacts of the proposed on the residential amenity of dwellings located at Chapel Street creating a sense of enclosure due to the proposed scale of the building and landscaping and some separation and/or mitigation should be provided as the existing road here sits lower than the site. Additionally, the officer also expressed concerns of adverse impacts on residential amenity on a number of dwellings to the north, with windows facing towards and gardens abutting the site.
- 10.21. Within the proposed scheme brought forward within this application it is noted that the 4-storey element has been removed reducing the building to a maximum height of 3 storeys and various of the previously proposed balconies have been removed. Nevertheless, no separation and/or mitigation has been provided to

Chapel Street, therefore this would create an additional sense of enclosure to the dwellings existing here that already sit lower than the site. Furthermore, in relation to the dwellings to the north, the proposed building, although it has been reduced in height and some of the windows are shown on the plans as being obscured glazing, would generate adverse impacts in terms of overlooking from windows of the proposed flats leading to loss of privacy, and adverse impacts of overlooking. In addition, loss of privacy would also be generated through the external terraces that would serve flats 3 and 6 at the rear elevations of the building overlooking to rear amenity space of these dwellings. Overbearing and overshadowing adverse impacts would also be generated to the gardens of these dwellings to the north, especially in the winter months, due to the scale of the proposed building and the building sharing a boundary with the gardens serving these dwellings.

10.22. It is therefore considered that due to the adverse impacts the proposed development would have on residential amenity of dwellings located at Chapel Lane and to the north of the site the proposed development would be contrary to LP2 and LP16 of the Fenland Local Plan 2014.

Parking and Highways

10.23. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for flatted developments, 1.25 spaces per unit are required for units of a single bedroom, and 1.5 per unit for units of more than 1 bedroom. Appendix A also allows development to make an under provision of parking in places with good transport links, such as the central area of a market town.

10.24. The proposal includes the development of 4 x 1-bed flats and 3 x 2-bed flats, in line with Policy LP15 and Appendix A of the Fenland Local Plan 2014 the development would be required to provide 10 parking spaces. The submitted scheme has not provided any on-site parking within the proposed development, it is acknowledged that the proposed would provide a double stacking system cycle store with 10 spaces. Within the pre-application advice provided in February 2022 under planning reference 22/0004/PREAPP, the officer stated no on-site parking may be preferable on this site given the need to turn within the site to exit onto High Street (which is a B Class road) and the constrained nature of Chapel Street.

10.25. Noting the above comments from the pre-application advice given to the applicant, it is acknowledged that the proposed number of flats has been reduced from 8 in total to 7 in total, additionally the constrained nature of the plot and potential inability to provide on-site parking, availability of public car parks within the local area, existing approvals in the area whereby parking requirements have not been met and the sustainable nature of the site's location and availability to public transport links are noted. It is therefore considered that the presence of no on-site parking would not justify the refusal of this application on this basis.

Flood Risk and Drainage

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

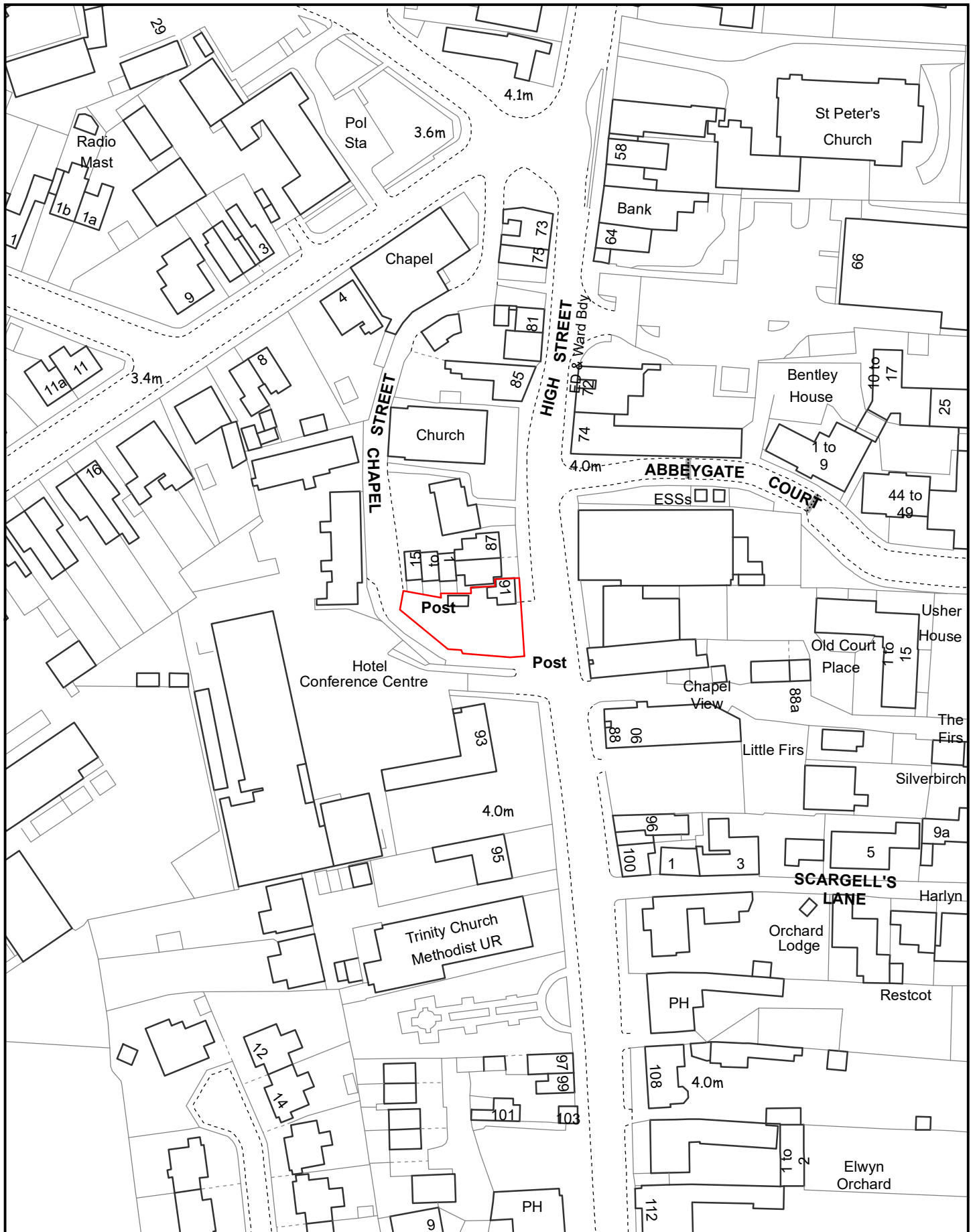
11 CONCLUSIONS

- 11.1. The proposed development would fail to preserve or enhance the character and appearance of the March Conservation Area and the setting of the adjacent listed buildings. By virtue of its scale, siting and design, the proposed development would stand as an unduly prominent and incongruous feature on High Street to the detriment of the setting of the historic buildings around it and this part of the Conservation Area. Any benefits arising from the development would not outweigh this harm. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, and Section 16 of the NPPF. To grant the application could be seen as a failure by the Council to fulfil its duties under Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.2. Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity. Policy LP16 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal. The proposed developed by virtue of its scale, siting and design would create unacceptable adverse impacts on the residential amenity of neighbouring dwellings surrounding the site, particularly those at Chapel Lane and to the north of the site, in terms of overlooking, overshadowing and overbearing impacts. The proposed development is therefore considered to be contrary to policy LP16 of the Fenland Local Plan 2014.

12 RECOMMENDATION

Refuse; for the following reasons:

1	The proposed development would fail to preserve or enhance the character and appearance of the March Conservation Area and the setting of the adjacent listed buildings. By virtue of its scale, siting and design, the proposed development would stand unduly prominent and incongruous on High Street to the detriment of the historic buildings around it and this part of the Conservation Area. Any benefits arising from the development would not outweigh the harm on the Conservation Area and adjacent listed buildings which are designated heritage assets. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014 and Section 16 of the NPPF.
2	Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity. Policy LP16 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal. The proposed developed by virtue of its scale, siting and design would create unacceptable adverse impacts on the residential amenity of neighbouring dwellings surrounding the site, particularly those at Chapel Lane and to the north of the site, in terms of overlooking, overshadowing and overbearing impacts. The proposed development is therefore considered to be contrary to policy LP16 of the Fenland Local Plan 2014.



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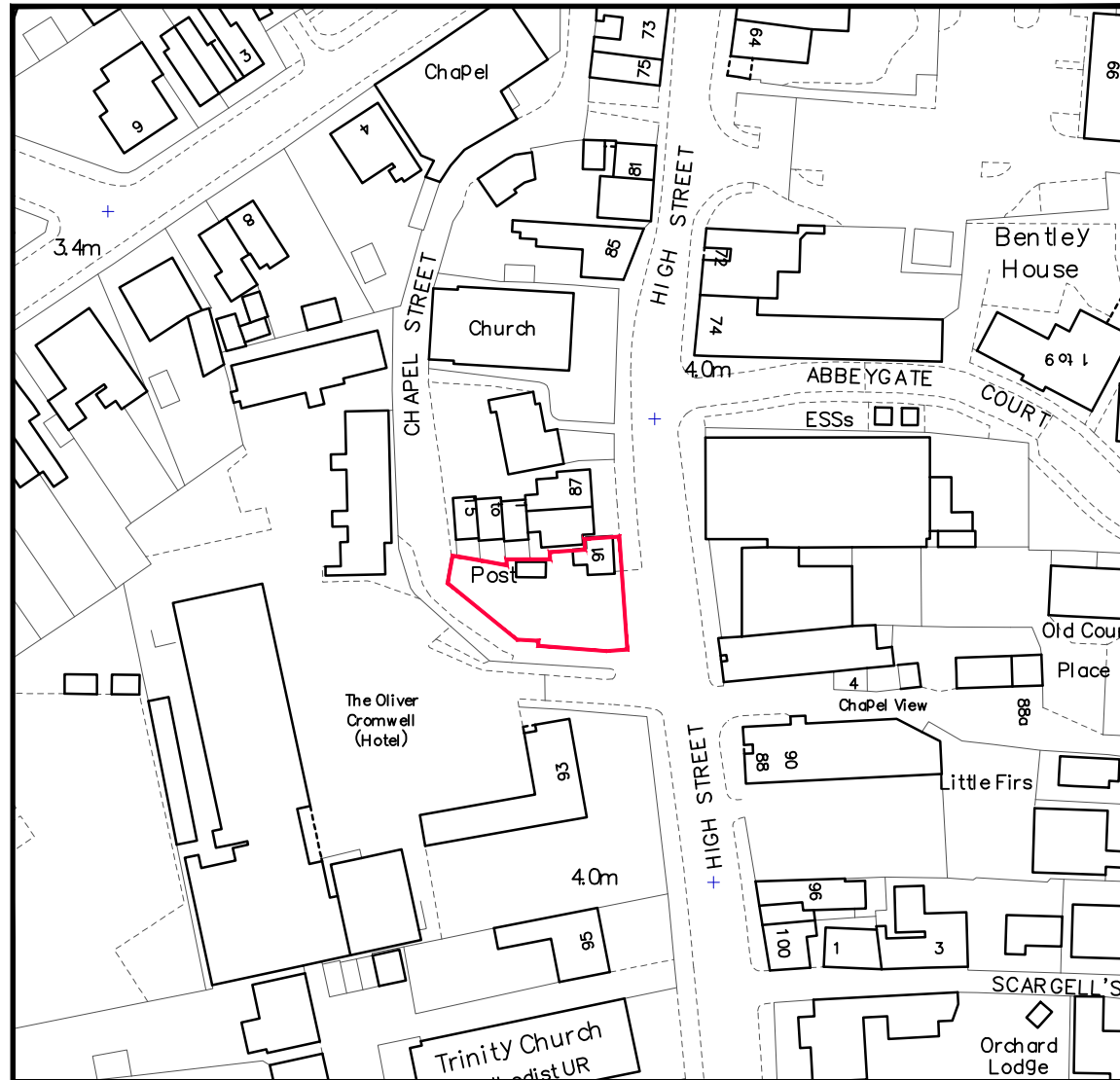
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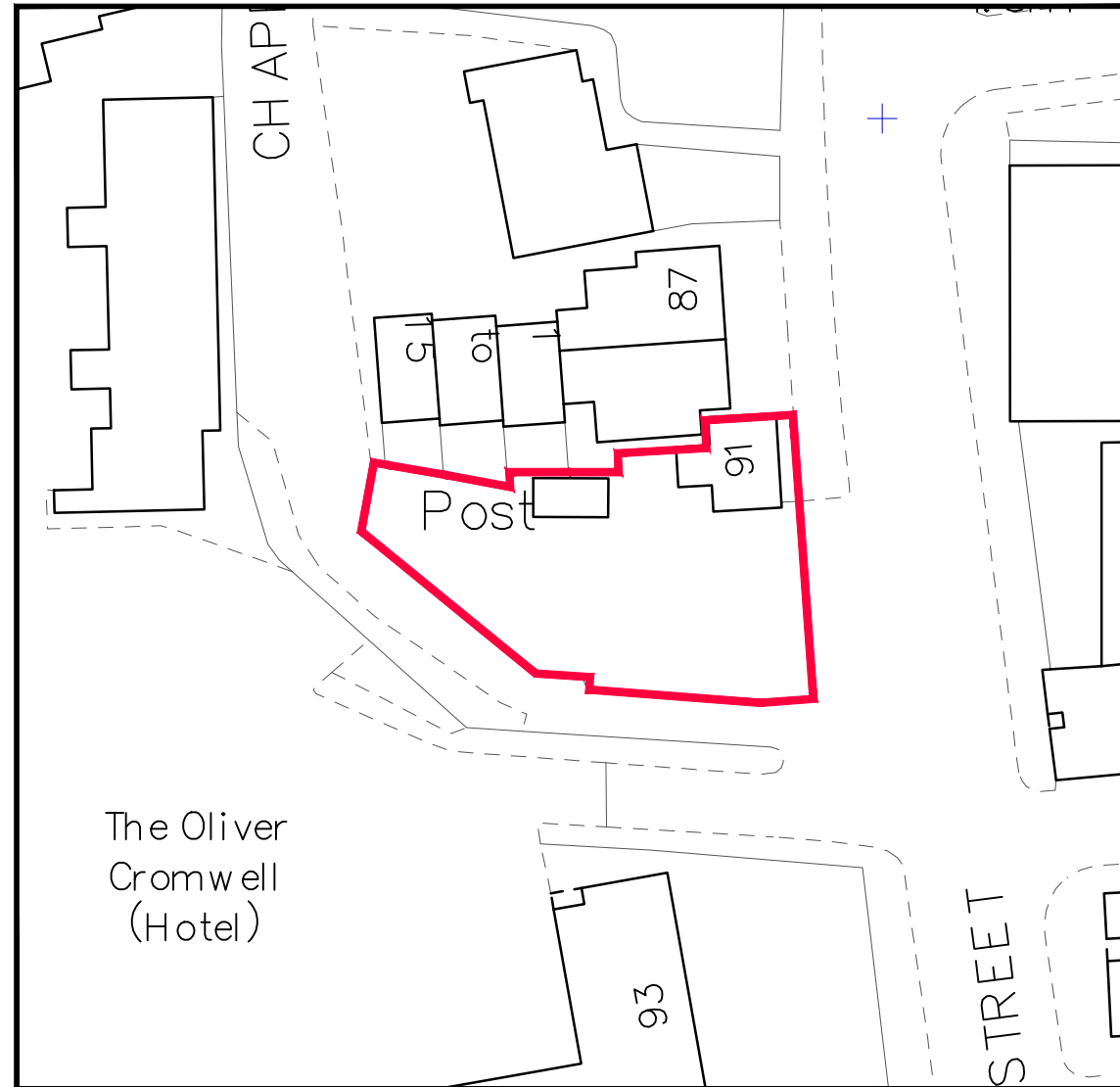
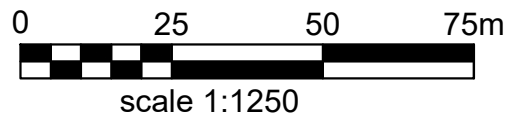
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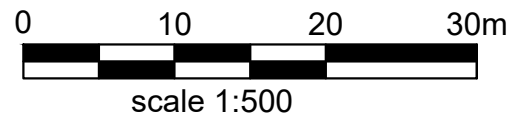
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LOCATION PLAN
SCALE 1:1250



SITE PLAN
SCALE 1:500



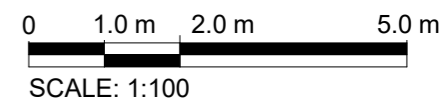
Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

FOR PLANNING

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Project	91 High Street, March, PE15 9LB	
Scale	1/500-1/1250@A3	Date 01/2023
Drawn By	I.C	Checked By H.C
Project No.	Drawing No.	Revision
210702-01	A100	A
Drawing title		
Location & Site Plans		

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EXISTING SIDE(SOUTH) ELEVATION



EXISTING FRONT ELEVATION

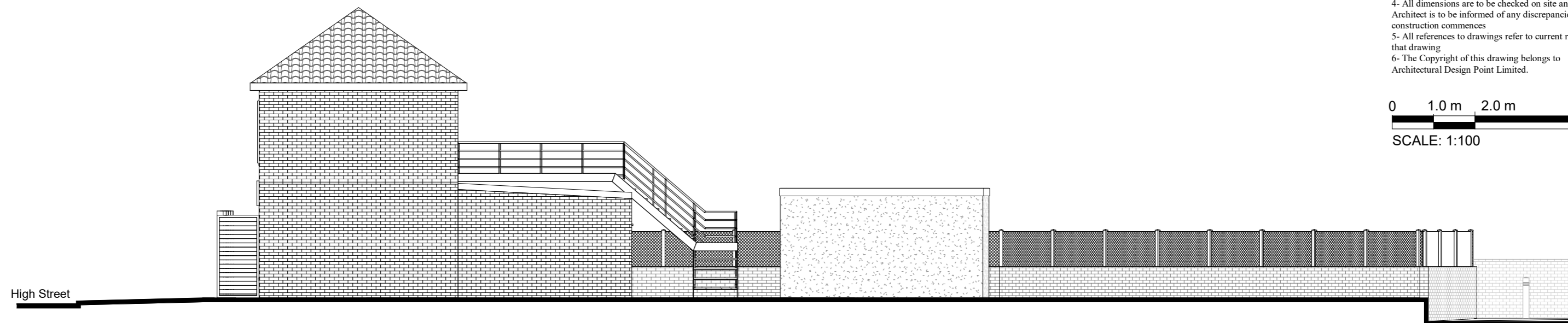
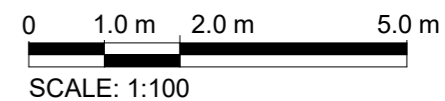
Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

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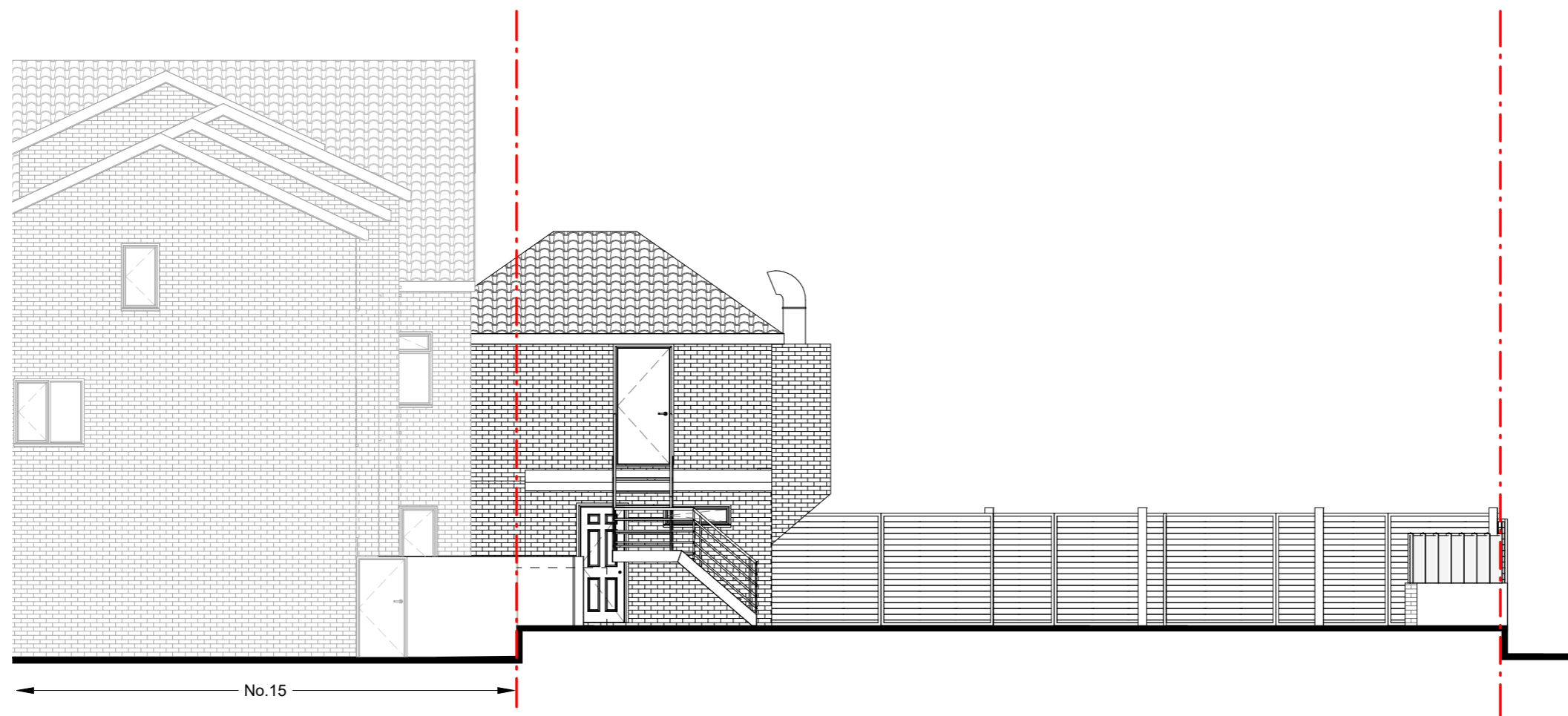
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Client Mr Ali Boyraz		
Project 91 High Street, March, PE15 9LB		
Scale 1 : 100 @A3	Date 01/2023	
Drawn By I.C	Checked By H.C	
Project No. 210702-01	Drawing No. A106	Revision A
Drawing Title Existing Elevations		

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EXISTING SIDE(NORTH) ELEVATION



EXISTING REAR ELEVATION

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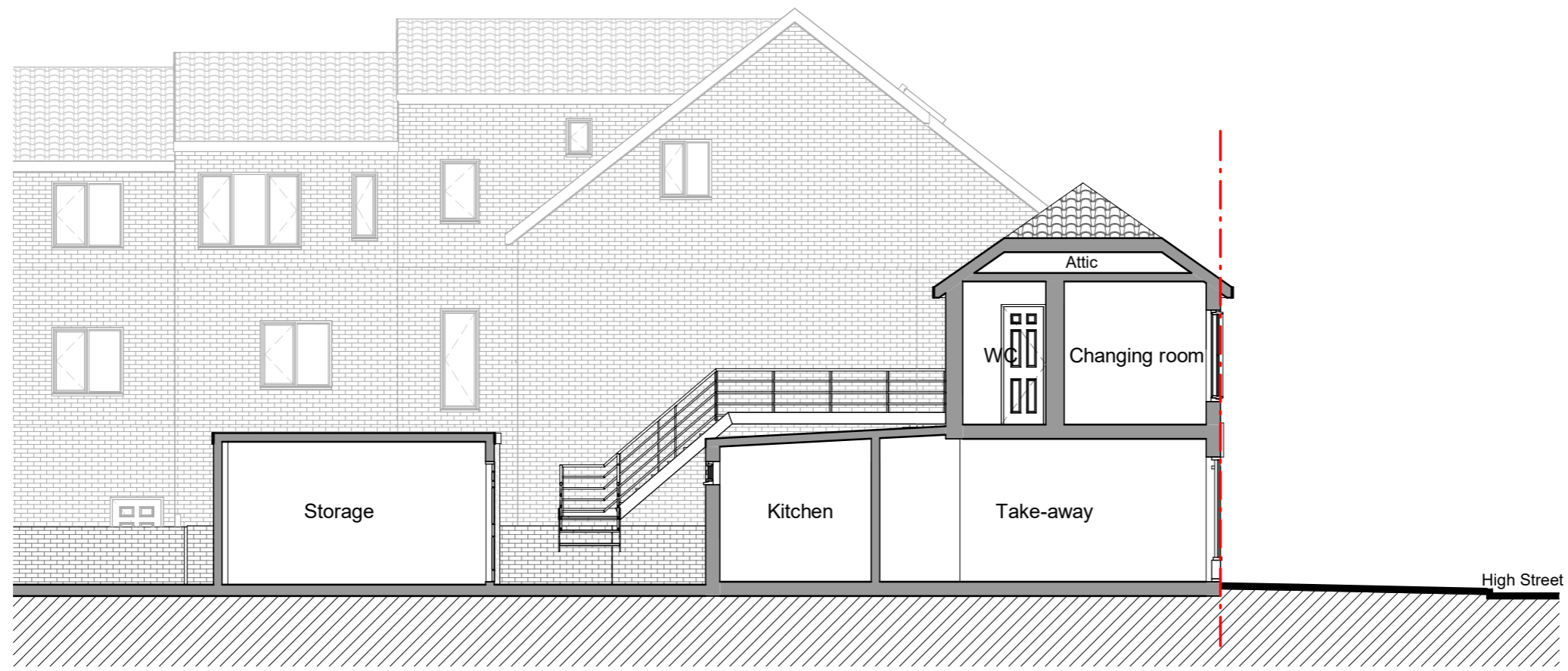
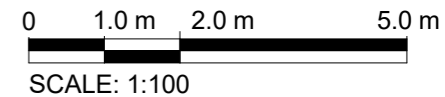
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Client	Mr Ali Boyraz		
Project	91 High Street, March, PE15 9LB		
Scale	1 : 100 @A3	Date	01/2023
Drawn By	I.C	Checked By	H.C

Project No.	Drawing No.	Revision
210702-01	A105	A

Drawing Title
 Existing Elevations

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EXISTING SECTION AA

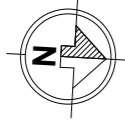
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- Wall/partition to be removed
- Proposed wall/partition

Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

FOR PLANNING

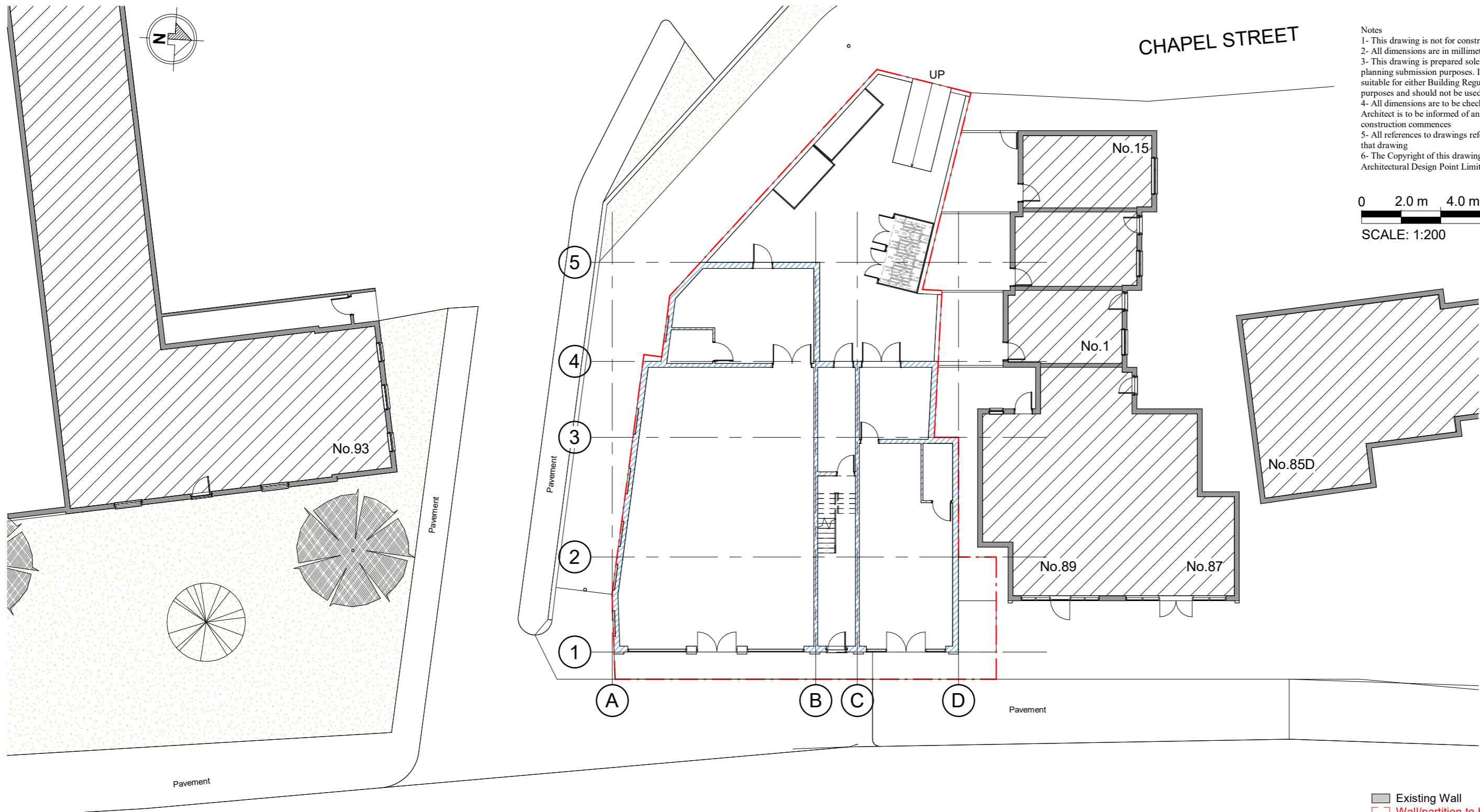
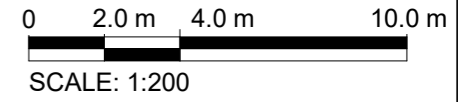
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Client Mr Ali Boyraz		
Project 91 High Street, March, PE15 9LB		
Scale 1 : 100 @A3	Date 01/2023	
Drawn By I.C	Checked By H.C	
Project No. 210702-01	Drawing No. A104	Revision A
Drawing Title Existing Section AA		



CHAPEL STREET

- Notes
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HIGH STREET

- Existing Wall
- Wall/partition to be removed
- Proposed wall/partition

Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

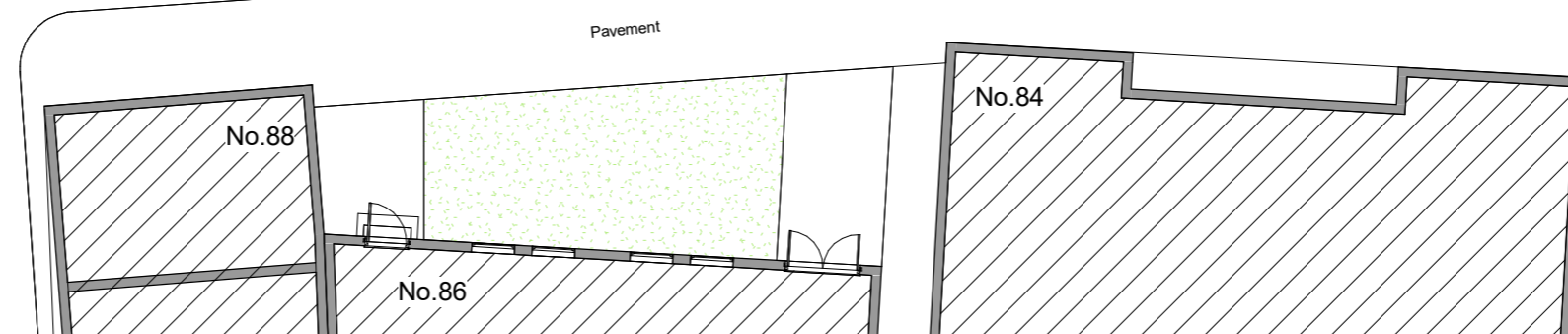
FOR PLANNING



**ARCHITECTURAL
DESIGN POINT**
8-10 Silver Street, Enfield, EN1 3ED
Office: 0208 367 7479
Tel: 0796 029 9656
Email: info@adplondon.co.uk

Client		Mr Ali Boyraz	
Project		91 High Street, March, PE15 9LB	
Scale	1 : 200 @A3	Date	01/2023
Drawn By	I.C	Checked By	H.C
Project No.	210702-01	Drawing No.	A107
		Revision	A
Drawing Title			
Proposed Block Plan			

PROPOSED SITE PLAN



Notes
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0 1.0 m 2.0 m 5.0 m
 SCALE: 1:100



PROPOSED STREET VIEW

Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

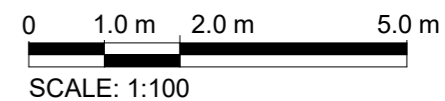
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Client		Mr Ali Boyraz	
Project		91 High Street, March, PE15 9LB	
Scale	1 : 200 @A3	Date	01/2023
Drawn By	I.C	Checked By	H.C
Project No.	210702-01	Drawing No.	A117
		Revision	A
Drawing Title Proposed Street View			

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PROPOSED FRONT ELEVATION

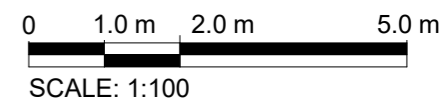
Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

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 Email: info@adplondon.co.uk

Client		Mr Ali Boyraz	
Project		91 High Street, March, PE15 9LB	
Scale	1 : 100 @A3	Date	01/2023
Drawn By	I.C	Checked By	H.C
Project No.	210702-01	Drawing No.	A113
		Revision	A
Drawing Title Proposed Front Elevation			

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PROPOSED REAR ELEVATION

Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

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 Email: info@adplondon.co.uk

Client	Mr Ali Boyraz	
Project	91 High Street, March, PE15 9LB	
Scale	1 : 100 @A3	Date 01/2023
Drawn By	I.C	Checked By H.C
Project No.	210702-01	Drawing No. A114
		Revision A
Drawing Title Proposed Rear Elevation		

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0 1.0 m 2.0 m 5.0 m
 SCALE: 1:100



PROPOSED SIDE(SOUTH) ELEVATION

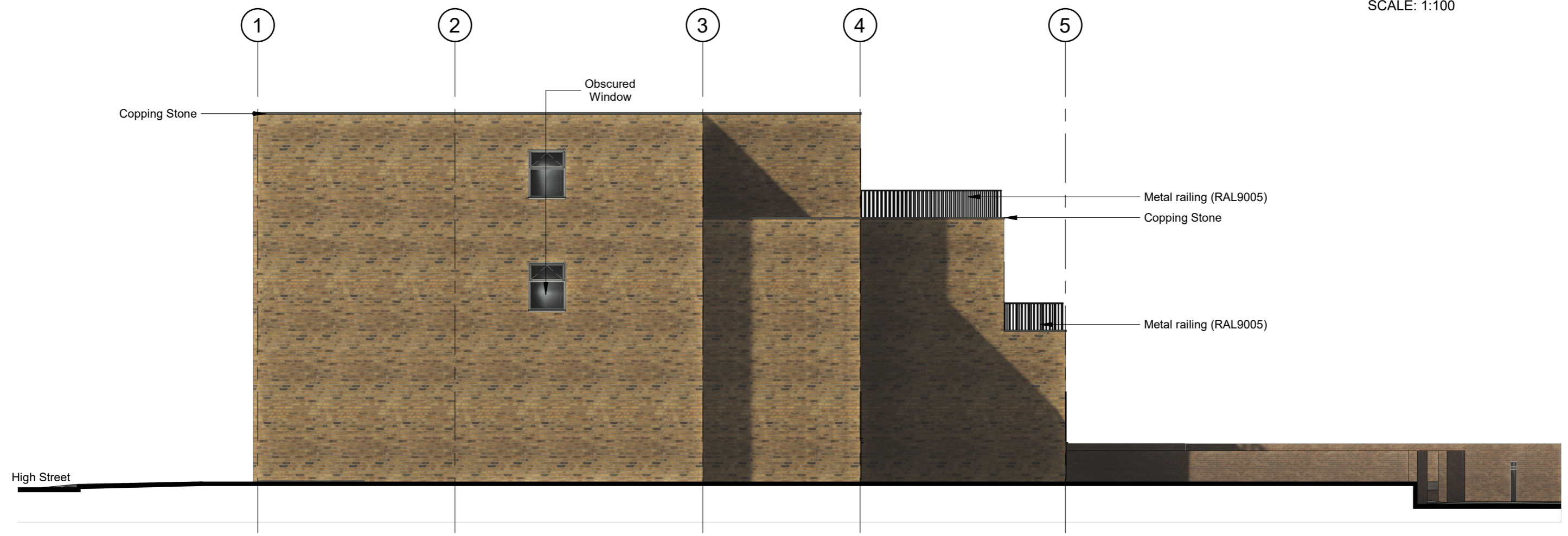
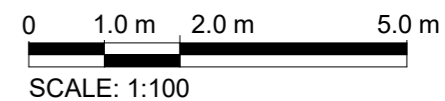
Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

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Client	Mr Ali Boyraz	
Project	91 High Street, March, PE15 9LB	
Scale	1 : 100 @A3	Date 01/2023
Drawn By	I.C	Checked By H.C
Project No.	Drawing No.	Revision
210702-01	A115	A
Drawing Title Proposed Side Elevation		

Notes
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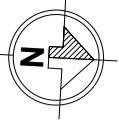
PROPOSED SIDE(NORTH) ELEVATION

Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

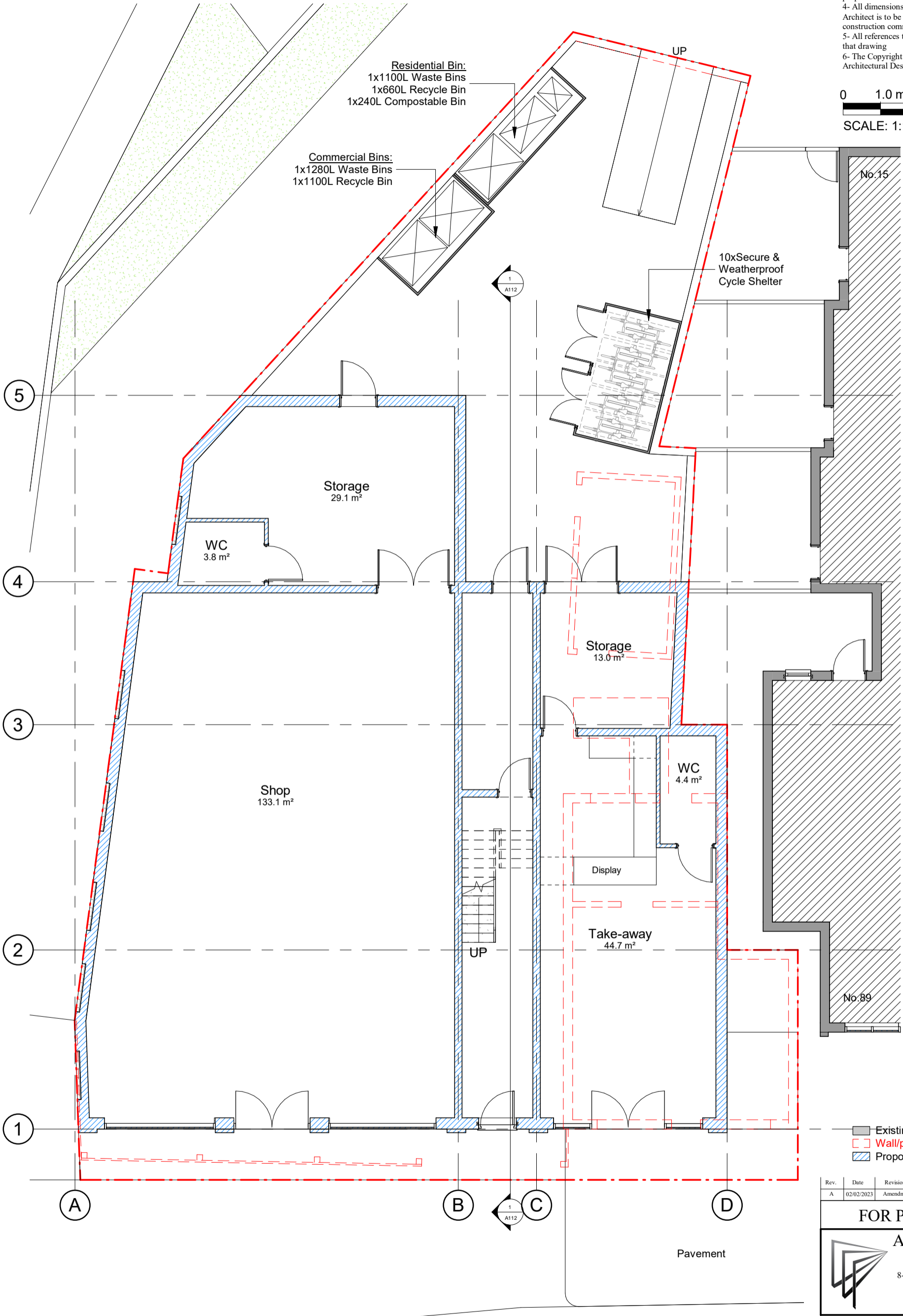
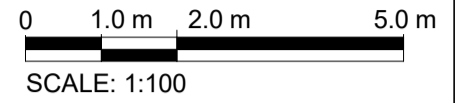
FOR PLANNING

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 Email: info@adplondon.co.uk

Client		Mr Ali Boyraz
Project		91 High Street, March, PE15 9LB
Scale	1 : 100 @A3	Date 01/2023
Drawn By	I.C	Checked By H.C
Project No.	210702-01	Drawing No. A116
		Revision A
Drawing Title Proposed Side Elevation		



- Notes
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- Existing Wall
- Wall/partition to be removed
- Proposed wall/partition

Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

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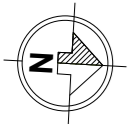
8-10 Silver Street, Enfield, EN1 3ED
Office: 0208 367 7479
Tel: 0796 029 9656
Email: info@adplondon.co.uk

Client		Mr Ali Boyraz	
Project		91 High Street, March, PE15 9LB	
Scale	1 : 100 @A3	Date	01/2023
Drawn By	I.C	Checked By	H.C
Project No.	210702-01	Drawing No.	A108
		Revision	A
Drawing Title			
Proposed Ground Floor Plan			

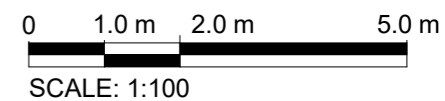
PROPOSED GROUND FLOOR PLAN
GIA: 259.54m²

High Street

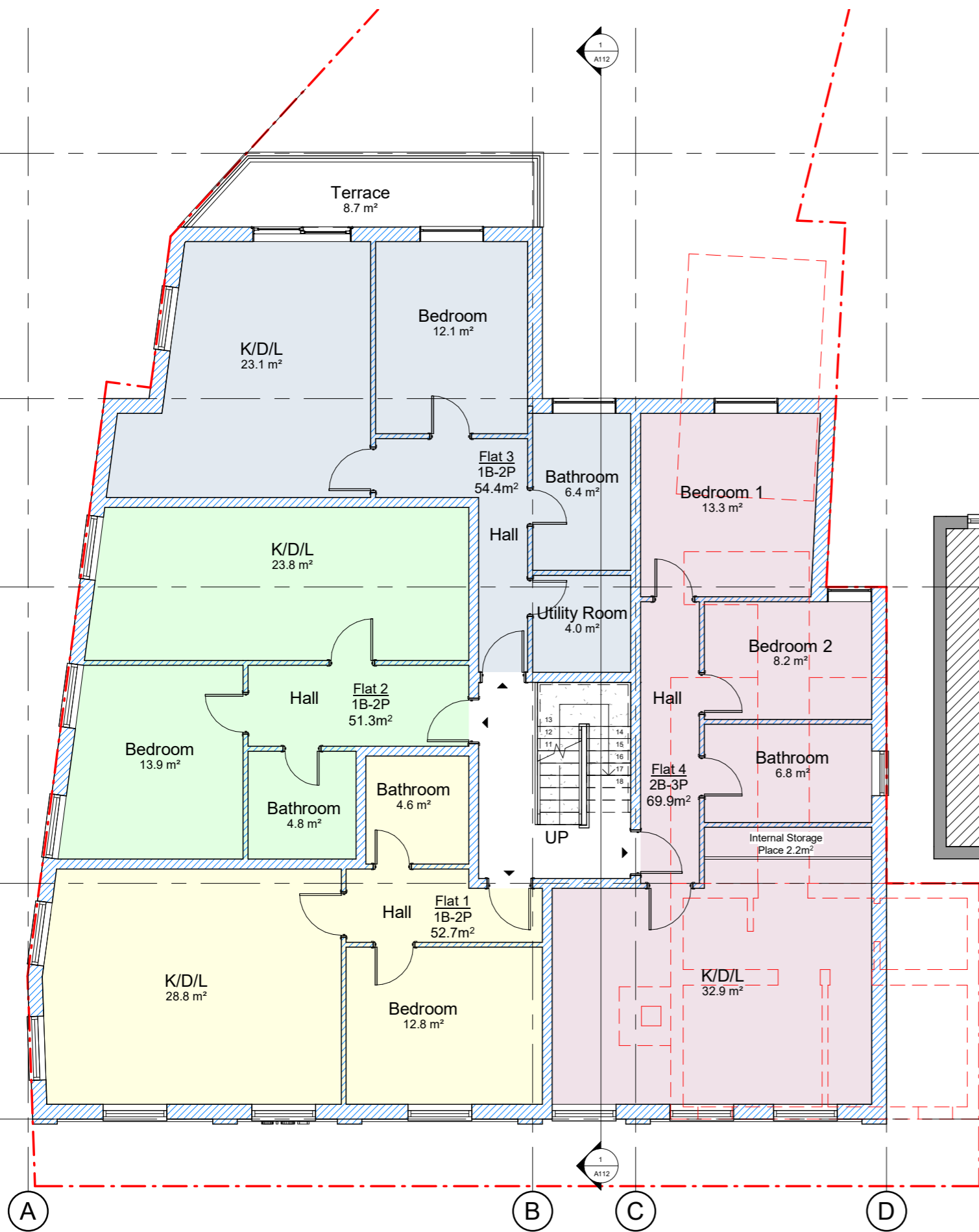
Pavement



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5
4
3
2
1



FLATS LEGEND:

FLAT NO.	Type of Dwelling	No. of Persons	GIA (m ²)	L/D/K ROOM (m ²)	BATHROOM (m ²)	BEDROOM1 (m ²)	BEDROOM2 (m ²)	HALL (m ²)	STORAGE (m ²)	TERRACE (m ²)
FLAT 1	1 Bed	2 Person	52.7	28.8	4.6	12.8	-	5.4	-	-
FLAT 2	1 Bed	2 Person	51.3	23.8	4.8	13.9	-	7.4	-	-
FLAT 3	1 Bed	2 Person	54.4	23.1	6.4	12.1	-	7.3	4.0	8.7
FLAT 4	2 Bed	3 Person	69.9	32.9	6.8	13.3	8.2	6.9	2.2	-
FLAT 5	2 Bed	3 Person	66.8	26.1	5.4	12.8	11.1	7.1	2.2	-
FLAT 6	2 Bed	3 Person	69.1	27.0	6.1	14.8	9.9	6.6	2.5	25.1
FLAT 7	1 Bed	2 Person	56.2	28.7	6.2	13.9	-	4.0	1.8	-

- Existing Wall
- Wall/partition to be removed
- Proposed wall/partition

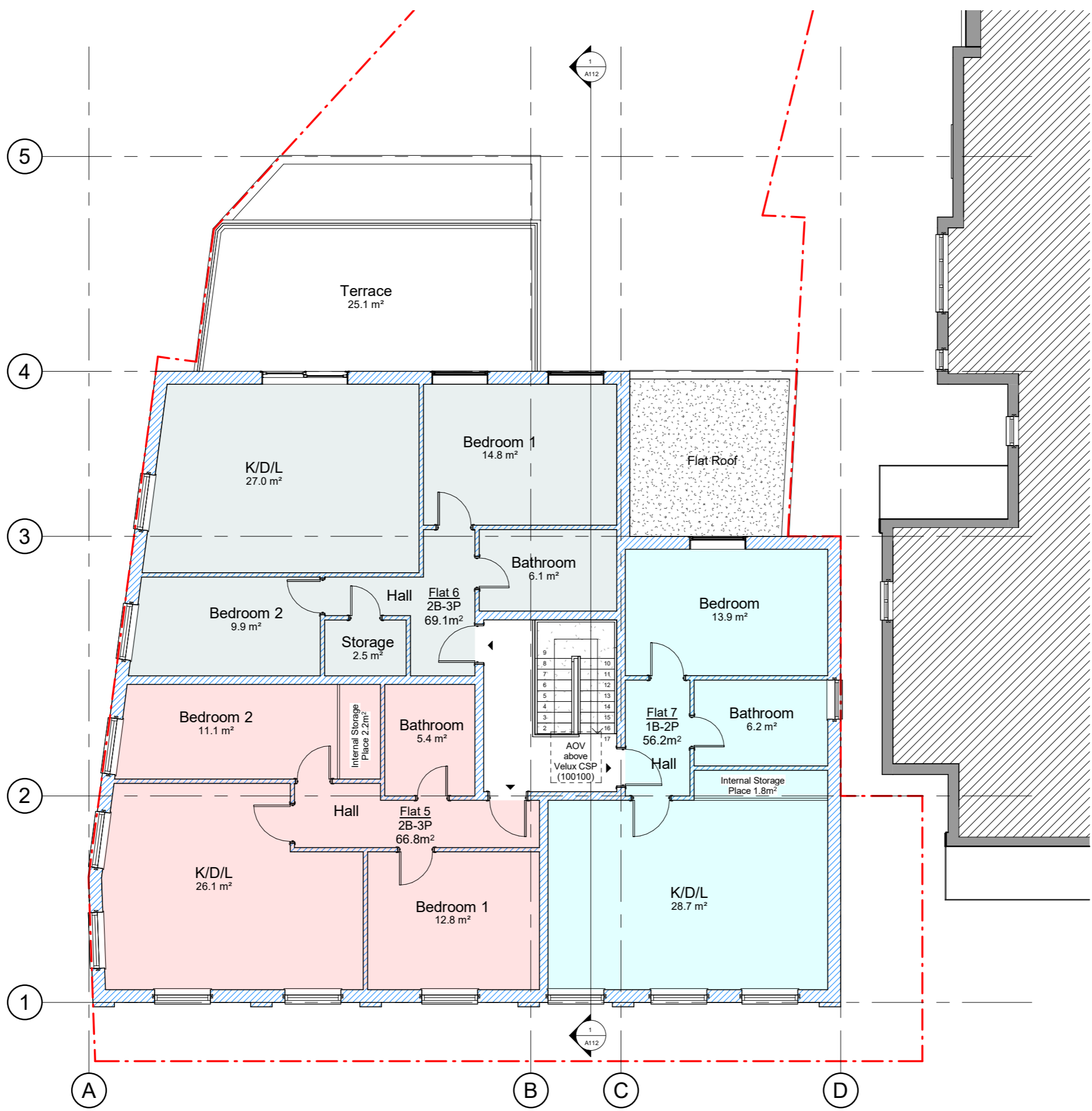
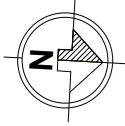
Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

FOR PLANNING

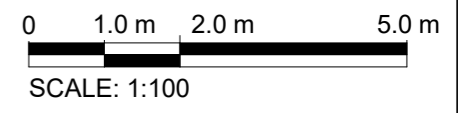
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 Email: info@adplondon.co.uk

Client	Mr Ali Boyraz	
Project	91 High Street, March, PE15 9LB	
Scale	1 : 100 @A3	Date 01/2023
Drawn By	I.C	Checked By H.C
Project No.	Drawing No.	Revision
210702-01	A109	A
Drawing Title Proposed First Floor Plans		

PROPOSED FIRST FLOOR PLAN
 GIA: 250.06m²



- Notes
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- Existing Wall
- Wall/partition to be removed
- Proposed wall/partition

Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

FOR PLANNING

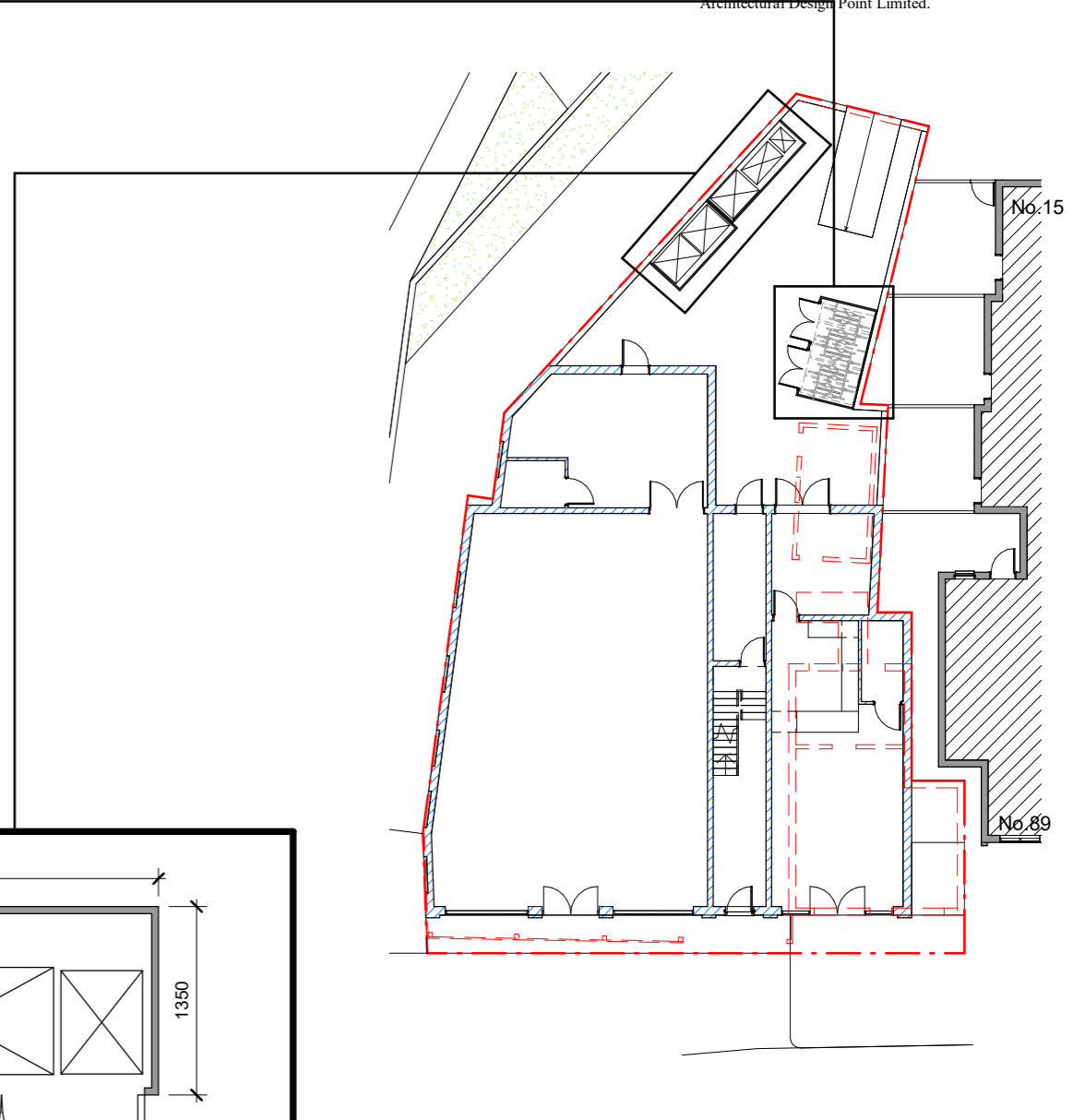
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 Email: info@adplondon.co.uk

Client		Mr Ali Boyraz	
Project		91 High Street, March, PE15 9LB	
Scale	1 : 100 @A3	Date	01/2023
Drawn By	I.C	Checked By	H.C
Project No.	210702-01	Drawing No.	A110
		Revision	A
Drawing Title Proposed Second Floor Plan			

PROPOSED SECOND FLOOR PLAN
 GIA: 210.37m²

Secure & Weatherproof Cycle Shelter

Notes
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Commercial Bins

Residential Bins

Rev.	Date	Revisions
A	02/02/2023	Amendment to labels.

FOR PLANNING

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 Office: 0208 367 7479
 Tel: 0796 029 9656
 Email: info@adplondon.co.uk

Client	Mr Ali Boyraz	
Project	91 High Street, March, PE15 9LB	
Scale	As indicated @A3	Date 01/2023
Drawn By	I.C	Checked By H.C
Project No.	Drawing No.	Revision
210702-01	A118	A
Drawing Title		
Details		

F/YR23/0161/O

Applicant: Mrs S Vawser

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

105 Nene Parade March Cambridgeshire PE15 8TA

Erect 3 x dwellings involving the demolition of existing dwelling (outline application with matters committed in respect of access and layout)

Officer recommendation: Refuse

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

1. EXECUTIVE SUMMARY

- 1.1. The site has an area of 0.32ha and is located to the south of Creek Road and north of Nene Parade within the Market Town of March.
- 1.2. The planning application seeks outline permission for the erection of three dwellings which includes the demolishing of the existing dwelling, known locally as `Nene House` which is a non-designated heritage asset. Matters committed include access and layout.
- 1.3. The proposed would be in conflict with the relevant local planning policies and is therefore recommended for refusal.
- 1.4. Owing to the layout, the proposal would fail to provide a suitable private amenity space for the future occupants of Plot 1, would fail to provide adequate outlook for the future occupants of Plots 2 & 3, and the location of the driveway and parking area serving Plot 2 would result in adverse noise impacts on the future occupants of Plot 1. As such the proposal fails to accord with Policy LP16 of the Fenland Local Plan 2014.
- 1.5. Owing to the access, the proposal would result in intensification of the existing access as vehicles cannot pass each other and would need to reverse onto Creek Road. In the absence of appropriate mitigation, the proposal would fail to provide a well-designed, safe and convenient access and therefore, would prejudice the highway safety of Creek Road. As such the proposal fails to accord with Policy LP15 of the Fenland Local Plan 2014.

2. SITE DESCRIPTION

- 2.1. The site is located on the south side of Creek Road and sited to the east of no.104 Nene Parade, to the west of no.22 Waterside Garden, and 40m south of no.163a Nene Parade.
- 2.2. The site is accessed via a narrow, private laneway which serves a parade of dwellings. The site is occupied by a two-storey dwelling (originally built in 1860)

and benefits from a large amenity area to the south and east. The site also benefits from large landscaping along the south-west and north-east boundaries (protected by two group TPO`s) with further hedgerow defining the south boundary.

- 2.3. The surrounding area is predominantly residential characterised by detached dwellings of single, two and three storey forms.
- 2.4. The site is within Flood Zone 1 (low risk) however, the private laneway access from Creek Road is within a Flood Zone 2 which serves other dwellings.

3 PROPOSAL

- 3.1 This planning application seeks outline permission for the erection of three dwellings which includes the demolishing of the existing dwelling, known locally as `Nene House`. Matters committed include access and layout.
- 3.2 The means of access would be from Creek Road via a laneway. The proposed layout outlines three detached dwellings separated into Plots 1, 2 & 3. Plot 1 would have its own driveway whereas Plots 2 & 3 would have a shared access. The submitted plans illustrate the subdivision of the site.
- 3.3 Full plans and associated documents for this application can be found at: [F/YR23/0161/O | Erect 3 x dwellings involving the demolition of existing dwelling \(outline application with matters committed in respect of access and layout\) | 105 Nene Parade March Cambridgeshire PE15 8TA \(fenland.gov.uk\)](https://fenland.gov.uk/105/Nene-Parade-March-Cambridgeshire-PE15-8TA)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR20/0979/F	Alterations to 1 x 2-bed holiday let to form a 4-bed dwelling including the erection of a 2-storey extension and demolition/alterations to 1 x 1-bed holiday let	Granted	29/03/2021
F/YR11/0180/RM	Erection of a holiday let	Approved	11/04/2011
F/YR10/0711/O	Erection of a holiday let	Granted	26/10/2010
F/YR09/0041/TRTPO	Works to 8 Lime Trees covered by TPO 31/1972	Refused	01/04/2009

5 CONSULTATIONS

- 5.1 **March Town Council**
Approval, subject to access off Creek Road to allow safe access and egress for emergency vehicles.
- 5.2 **Definitive Map Team.** No objection. Informative(s) recommended.
Thank you for consulting with the Definitive Map team at the County Council on

the above planning application.

Public Footpath 4, March, runs along the southern boundary of the site. To view the location of the footpath please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>. Whilst the Definitive Map Team has no objection to this proposal, the footpath must remain open and unobstructed at all times.

5.3 FDC Environmental Health. No objection, subject to conditions.

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 the 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.

Due to the demolition of an existing structure and close proximity to existing noise sensitive dwellings, the following conditions should be imposed in the event that planning permission is granted;

NOISE CONSTRUCTION HOURS

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

5.4 FDC Estates Team

No objection from Estates. There is some background on land transfers, that may have relevant covenants - but this would come out in resident owner searches if applicable.

5.5 CCC Highways

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

The existing access onto Nene House is circa 3m – 3.5m in width for a length in excess of 100m. This does not provide enough room for two vehicles to pass, nor does it provide enough room for safe overtaking of pedestrians, cyclists, prams, wheelchairs etc. There is a material risk that vehicles would on occasion need to reverse out of the site, endangering other road users, namely pedestrians along Creek Road.

Any internal passing would likely need to utilise private driveways which are outside of the application boundary.

While the access is existing, it is not suitable for intensification. The neighbouring planning history demonstrates that individual dwellings (or a pair) have been permitted in the past, but the intensification associated with a further three additional units (33% increase in number of dwellings served) in absence of appropriate mitigation is unacceptable in highway safety terms.

Furthermore, should the scheme be permitted, the access road will remain private, so I recommend you consult with FDC's waste team regarding waste collection and storage.

I also recommend that you consult with Cambridgeshire Fire & Rescue. Part B5 of the Building Regulations 2010 states that a pumping appliance needs access to within 45m of all points inside a dwelling and that appliances should not have to reverse more than 20m. Therefore, access for pumping appliances needs to be considered. Table 13.1 of the regulations states the minimum width needed for access is 3.7m which does not comply with the current access track width.

5.6 CCC Waste and Minerals

No comment received.

5.7 Wildlife Officer

No comments received.

5.8 Tree Officer. No Objection.

The applicant has submitted an arboricultural impact assessment and preliminary method statement detailing the impact on the tree population and methodology for the safe retention of trees.

I have no objections to the assessment of the trees on site.

The proposed development requires the removal of a number of trees and groups. The report states in the summary that 3 category B trees will be felled, six low value trees (category C) and 3 landscape features (groups). However, with the reference to the landscape implications (section 4.11.1), 1 B category tree is shown; confirmation is required that the table (4.11.1) is correct.

Increasing importance is being placed on both the retention and expansion of tree canopy cover during developments. Whilst this site has a number of trees retained, the proposal will result in a net loss of canopy cover. A landscape scheme including replanting of trees must be included to ensure continuity of tree cover at this site.

5.9 Principal Conservation Officer

Demolition of host dwelling (Non-Designated Heritage Asset):

There is a presumption that such NDHA's are retained unless there are very good reasons not to. Para 203. of the NPPF states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

In this instance there is a structural report submitted as supporting information. On past occasions I have vetted particularly questionable structural reports that have been written solely for the purpose of condemning historic buildings in order to aid future speculative development. In many cases the issues are nowhere near as bad as they are portrayed.

In light of the above, I visited the property and benefitted from an internal inspection also. The building indeed has issues of substantial sinking sub-floors (both suspended and solid) in the ground floor rooms. The shell of the building is on the whole in better structural condition than the internals, albeit evidence of remedial works having been carried out in the C20 pertaining to subsidence.

Like with most issues with buildings, they can be repaired, but this does come at a cost. The building is in need of full refurbishment in any case and the added cost of underpinning and rectifying the sunken floors will likely be substantial and probably unviable taking into consideration land values in the area. With this not being a listed building, an element of pragmatism has to be applied. In line with para 203. of the NPPF a balanced judgement is given.

Further consideration was given as to the setting of the NDHA and its surroundings. Had the building been one of a grouping of historic buildings that formed a character area, there would be greater concern over its loss. However, there has been much modern backland and infill development both surrounding and within the site during the latter parts of C20 and C21. This has resulted in a discordant variety of character and materials, in effect sterilising the setting of the host NDHA.

I do not say this lightly, however, I am of the view that there is little scope of this being brought back into good structural condition.

On the basis that it is a non-designated heritage asset, with high quality original fixtures and fittings, I would strongly suggest that a Level 3 Historic Building Recording condition is appended to any permission to demolish the NDHA, in accordance with Historic England's 'Understanding Historic Buildings A Guide to Good Recording Practice'.

Proposed Replacement Dwellings x 3:

As previously mentioned, the setting of the current house has been harmed by substantial modern development that lack a harmonious character. If the existing building is demolished, this will generally be the end of the historic character in the immediate vicinity. On that basis, other than the proposed designs being somewhat uninspiring and the number of large dwellings proposed being somewhat shoehorned, I have little to add on this matter.

Conditions:

Prior to demolition of the existing building a Level 3 Building recording shall be carried out in strict accordance with Historic England's 'Understanding Historic Buildings A Guide to Good Recording Practice'. Following the recording and production of the report, a copy shall be submitted to both the Local Planning Authority and the Fenland Archive Collection at Wisbech Library. Following submission to the stipulated standard, this condition will thereafter be discharged.

5.10 Local Residents/Interested Parties

16 letters of objection have been received (four from residents of Creek Road, seven from residents elsewhere in March, with the remainder from outside the District) which are summarised below:

- Loss of trees
- Vehicle access issues
- Congestion
- Parking issues
- Narrow road/passing issues
- Safety issues/road not wide enough

14 letters of support have been received (two from residents of Creek Road, eight from elsewhere within March and the remainder from outside the District) which are summarised below:

- High quality development/homes
- Good location
- New turning area
- Lovely gardens

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

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP9 – March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

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
LP4: Securing Fenland's Future
LP5: Health and Wellbeing
LP7: Design
LP20: Accessibility and Transport
LP22: Parking Provision
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Visual & Residential Amenity (Layout)**
- **Demolition of host dwelling (Non-Designated Heritage Asset)**
- **Means of Access**
- **Flood Risk**
- **Trees/Arboricultural**
- **Ecology**

9 ASSESSMENT

Principle of Development

- 9.1 The site is located within the settlement of March which is identified within the Settlement Hierarchy as a Market Town. Market Towns are identified within Policy LP3 as the focus for housing growth, therefore, the principle of residential development is considered acceptable, in view of planning policy. It should be noted that this point of general principle is subject to broader planning policy and other material considerations which are discussed in more detail in the following sections.

Visual & Residential Amenity (Layout)

- 9.2 Policy LP16 of the Fenland Local Plan 2014 requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. This is further supported within Paragraph 126 of the National Planning Policy Framework 2021.
- 9.3 Section (h) relates to private amenity and states proposals must provide sufficient private amenity space, suitable to the type and amount of development proposed; for dwellings other than flats, as a guide and depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside as private amenity space.

- 9.4 Policy LP16 of the Fenland Local Plan 2014 requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they do not adversely impact on the amenity of neighbouring users such as, noise, loss of privacy and loss of light etc.
- 9.5 In terms of layout, each of the three dwellings would occupy the same footprint and would have a maximum width of 14m x a maximum depth of 11m. Plot 1 would be in the northeast corner of the site; Plot 2 in the east side of the site and; Plot 3 in the southeast corner of the site. The proposed dwellings would each have a frontage towards the private drive and would benefit from open setbacks with generous rear amenities. Plot 3 would be served by a predominantly southside amenity area which is not objected to.
- 9.6 The application site is located 100m south of the streetscene of Creek Road and would be bounded by dense landscaping therefore, the site would be isolated from the main streetscene as such, impacts would be limited. Notwithstanding, the surrounding plots do not benefit from any uniformity in terms of size or built ratios and generally appear to be built in an ad-hoc basis. There are examples of neighbouring dwellings occupying a similar footprint to the proposed footprints. Considering this, coupled with the open areas adjacent the proposed dwellings, the proposal would not appear contrived and would not prejudice the surrounding pattern of development. The proposal would provide benefits in terms of surveillance and placemaking.
- 9.7 Whilst the existing garden space of `Nene House` contributes to the area by way of providing a visually open and undeveloped area this in itself would not exclude development of the site as the local area is built-up. The insertion of further dwellings will have a neutral impact overall.
- 9.8 Regarding private amenity, each dwelling would be provided with a generous garden and their size is in-keeping with the local character and so is not objected to. It is acknowledged the site would benefit from landscaping along the northeast and southwest boundaries, this would result in a large amount of tree cover on the gardens serving all three plots. Plot 1 would be isolated in the northeast corner of the site and with the presence of the adjacent tree cover coupled and the location of Plot 2 which is only 1.5m from the shared boundary, would result in adverse overshadowing of the rear garden serving Plot 1 which is objected to. Plots 2 & 3 would have a low hedgerow along the south boundary which would open the rear garden spaces to sun/daylight given the east-west orientation of the sun and so is not objected to. Further, it is acknowledged Plot 2 would back onto a tree line 4m from the rear elevation and Plot 3 would front onto a tree line 2m front the front elevation. These existing trees are dense and would significantly obscure potential views for future occupants. Coupled with the relatively close distances of Plot 2 & Plot 3 to these trees, the proposal would result in an adverse impact on the rear outlook of future occupiers of Plot 2 and the forward outlook of future occupiers of Plot 3 which is objected to.
- 9.9 It is acknowledged the driveway and parking area of Plot 2 would be sited 0.6m from the southeast elevation of Plot 1 which is extremely close. The general coming and goings of users/occupants and their vehicles into Plot 2, this close to Plot 1 would result in an adverse noise impact on the occupants and so is objected to.

- 9.10 The outlook of Plot 2 along its frontage would potentially be impacted by the presence of Plot 1 however, considering the orientation of Plot 2 towards the generally open shared access area and the removal of on-site trees, it is not considered to result in an adverse impact on outlook. Whilst the arrangement is not ideal, it is not objected to.
- 9.11 The applicant has submitted indicative plans illustrating the design of the dwellings as two-storey, detached, 4-bedroom family dwellings. Whilst the scale and appearance are reserved matters and are not for consideration at this stage, it is acknowledged there are detached forms of residential development within the local area of a comparable scale.
- 9.12 Owing to the layout, the proposal fails to accord with Local Plan Policy LP16.

Demolition of host dwelling (Non-Designated Heritage Asset)

- 9.13 The host dwelling is considered to be a non-designated heritage asset. A large mid to late C19 farmhouse of high-quality construction and detailing.
- 9.14 There is a presumption that such Non-Designated Heritage Asset's (NDHA) are retained unless there are very good reasons not to.
- 9.15 Para 203. of the NPPF states: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.
- 9.16 The Principal Conservation Officer visited the site and assessed Nene House and the surrounding context. concluding that there was objection to the proposed loss of the Non-Designated Heritage Asset (as set out within the comments reported above)

Means of Access

- 9.17 Policy LP15 of the Fenland Local Plan 2014 requires development schemes to provide well designed, safe and convenient access and provide well designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the Council's defined parking standards as set out in Appendix A.
- 9.18 The applicant has outlined each dwelling would be served by 4-bedrooms and would benefit from a garage (indicative) and a driveway/parking area with a further shared permeable surface along the west boundary.
- 9.19 Regarding parking, Appendix A outlines the parking provision for a 4-bedroom dwelling is 3 spaces (including garages). Each dwelling would be able to meet this standard (tandem parking). Weight has been afforded to the site's location within a Market Town and so the parking provision is not objected to.
- 9.20 Regarding access, the CCC Highways consultee objected to the application and provided the following comment. *'The existing access onto Nene House is circa 3m – 3.5m in width for a length in excess of 100m. This does not provide enough room for two vehicles to pass, nor does it provide enough room for safe overtaking*

of pedestrians, cyclists, prams, wheelchairs etc. There is a material risk that vehicles would on occasion need to reverse out of the site, endangering other road users, namely pedestrians along Creek Road.

Any internal passing would likely need to utilise private driveways which are outside of the application boundary.

While the access is existing, it is not suitable for intensification. The neighbouring planning history demonstrates that individual dwellings (or a pair) have been permitted in the past, but the intensification associated with a further three additional units (33% increase in number of dwellings served) in absence of appropriate mitigation is unacceptable in highway safety terms`.

9.21 The recommending planning officer agrees with the recommendation from the CCC Highways consultee.

9.22 Owing to the layout, the proposal fails to accord with Local Plan Policy LP15.

Flood Risk

9.23 The applicant has submitted a Flood Risk Assessment (FRA) as the site relates to an area at risk of flooding.

9.24 The location of the proposed dwellings lie within Flood Zone 1 (low risk). It is acknowledged the only area within Flood zone 2/3 (high risk) is the existing access (less vulnerable) and so no robust sequential or exception tests are required. Matters such as surface and foul water disposal can be addressed via a suitable planning condition.

9.25 As such there are no matters arising with regard to Policy LP14 in respect of flood risk.

Tree/Arboricultural

9.26 The applicant has submitted an arboricultural impact assessment and preliminary method statement detailing the impact on the tree population and methodology for the safe retention of trees.

9.27 The Tree Officer consultee has reviewed the proposal and has no objection. A landscape scheme including replanting of trees must be included to ensure continuity of tree cover. This can be controlled via a condition, for any approval.

Ecology

9.28 The applicant has submitted an Ecological Appraisal with regards to the impact on bats.

9.29 The ecology consultee has not provided a comment. Further ecology matters could be controlled via a condition(s), for any approval.

10 CONCLUSIONS

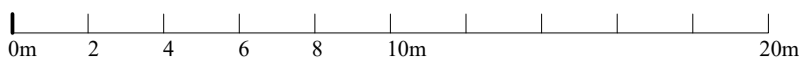
- 10.1 The proposed development would adversely harm the amenity of future occupants and the highway safety of Creek Road. The proposed development would conflict with local and national planning policies.

11 RECOMMENDATION

Refuse; for the following reasons:

1	The proposal would fail to provide a suitable private amenity space for the future occupants of Plot 1, would fail to provide adequate rearward outlook for the future occupants of Plot 2, would fail to provide adequate forward outlook for the future occupants of Plot 3, and the location of the driveway and parking area serving Plot 2 would result in adverse noise impacts on the future occupants of Plot 1. As such, the proposal fails to accord with Policy LP16 of the Fenland Local Plan 2014.
2	The proposal would result in intensification of the existing access as vehicles cannot pass each other and would need to reverse onto Creek Road. In the absence of appropriate mitigation, the proposal would fail to provide a well-designed, safe and convenient access and therefore, would prejudice the highway safety of Creek Road. As such, the proposal fails to accord with Policy LP15 of the Fenland Local Plan 2014.

Scale: 1:200

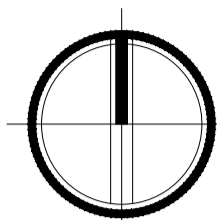


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ALL WORKS TO COMPLY WITH CURRENT CDM REGULATIONS AS APPROPRIATE. IT IS THE CLIENT'S RESPONSIBILITY TO FULLY COMPLY WITH THE CDM 2015 REGULATIONS INCLUDING APPOINTING A PRINCIPAL DESIGNER AND PRINCIPAL CONTRACTOR FOR PROJECTS WITH MORE THAN ONE CONTRACTOR ON SITE.

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North

ACCESS TO CREEK ROAD 1 : 200
(UNCHANGED)



Permeable surface treatment to be agreed with Local Authority

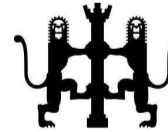
KEY TO SYMBOLS

- New turning head formed, capable of taking 12.5 tonne fire appliance and turning
- Private parking/drives to be formed with permeable block paving in herringbone pattern to approval of Local Authority.
- Indicative paths and patios
- Outline of Nene House to be demolished

- Existing trees to be retained/ off-site trees. (To be read in conjunction with Hatden's Arboricultural Consultants Report)
- Existing trees to be carefully removed shown dotted.
- Existing Privet Spp Elder hedge to be retained to boundary. Refer to Hatden's Arboricultural Consultants Report)
- Timber fencing to be agreed with Local Authority

Biodiversity enhancements key

- Proposed hedgehog homes as per recommendations in Hillier Ecology Report
- Proposed House Sparrow Nest Box in accordance with recommendations in Hillier Ecology Report
- Proposed House Martin Nest Box in accordance with recommendations in Hillier Ecology Report
- Proposed Swift Nest Box in accordance with recommendations in Hillier Ecology Report
- Proposed Bat box in accordance with recommendations in Hillier Ecology Report



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Mob: 07739 562818
Email: enquiries@lbevns-associatesltd.co.uk
Web: www.lbevns-associatesltd.co.uk

DRAWING STATUS	PRELIMINARY	PLANNING	CONSTRUCTION
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

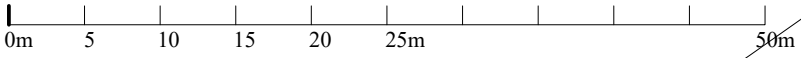
CLIENT
Executors of Mr E Vawser

PROJECT
Re-development of Nene House, Nene Parade, March, Cambridgeshire

DRAWING TITLE
Proposed Site Plan

SCALE	DATE	DRAWN	CHECKED
1:200 @ A2	Nov. 2022	LB	
DRAWING NUMBER	REVISION		
CH22/LBA/616/OP-1-101			

Scale: 1:500

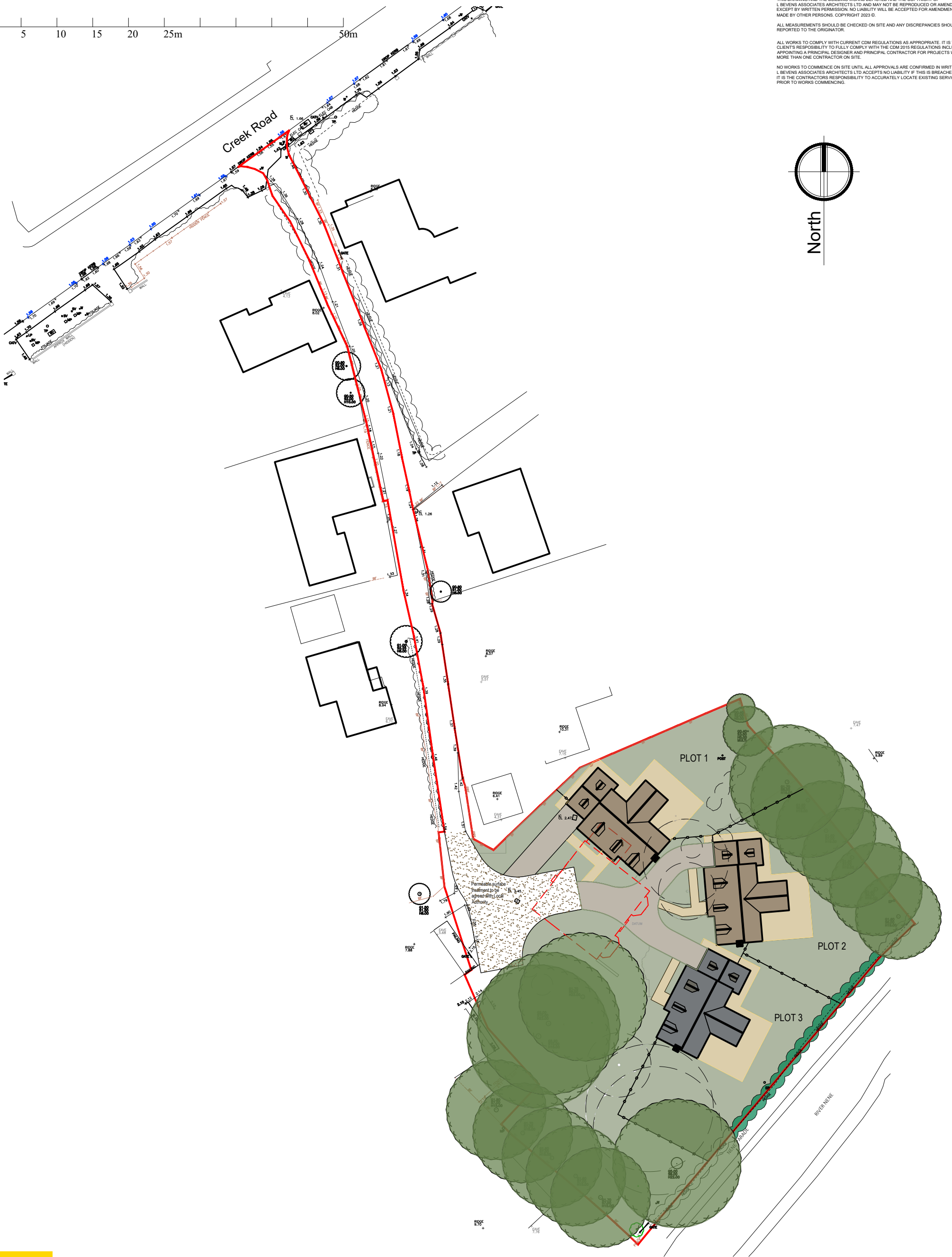
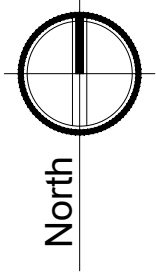


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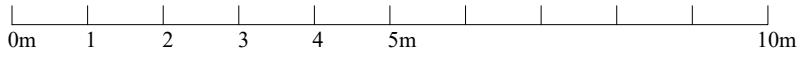
L BEVENS ASSOCIATES LTD ARCHITECTS
 10 CRICKETERS WAY, CHATTERIS, CAMBS. PE16 6UR
 Tel: 01354 693969 Fax: 01354 692426

Re-development of Nene House, Nene Parade, March, Cambridgeshire
 Project Executors of Mr E Vawser

Proposed Block Plan

Rev	Scale	Date	Drawn	Checked
	1:500 @ A3	Nov. 2022	L B	
Drawing Number			Revision	
CH22/LBA/616/OP-1-104				

Scale: 1:100



ILLUSTRATIVE ONLY

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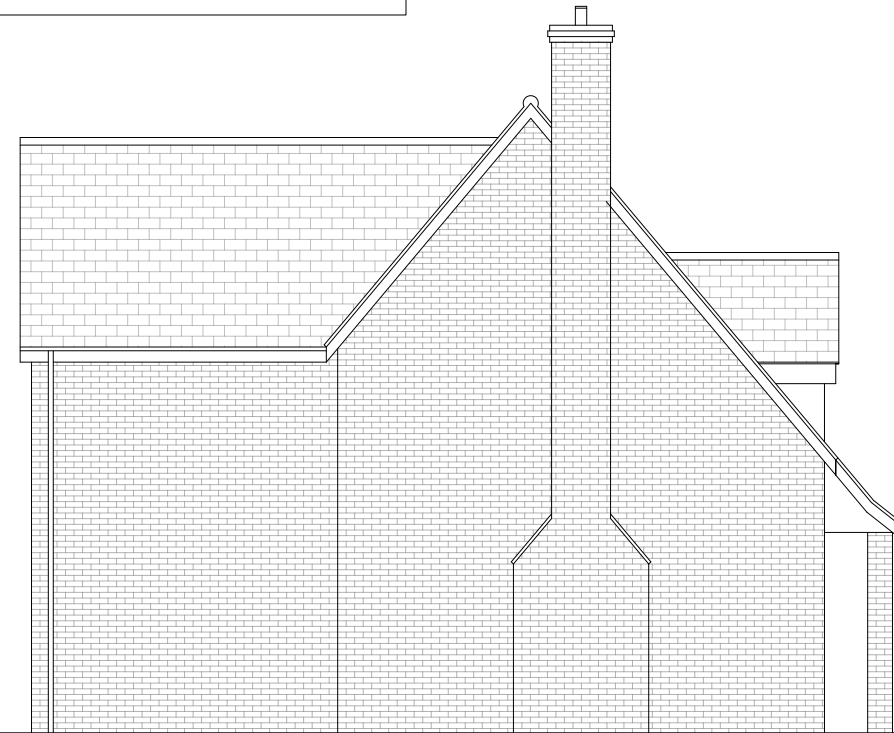
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Illustrative Front Elevation



Illustrative Side Elevation




Illustrative Rear Elevation

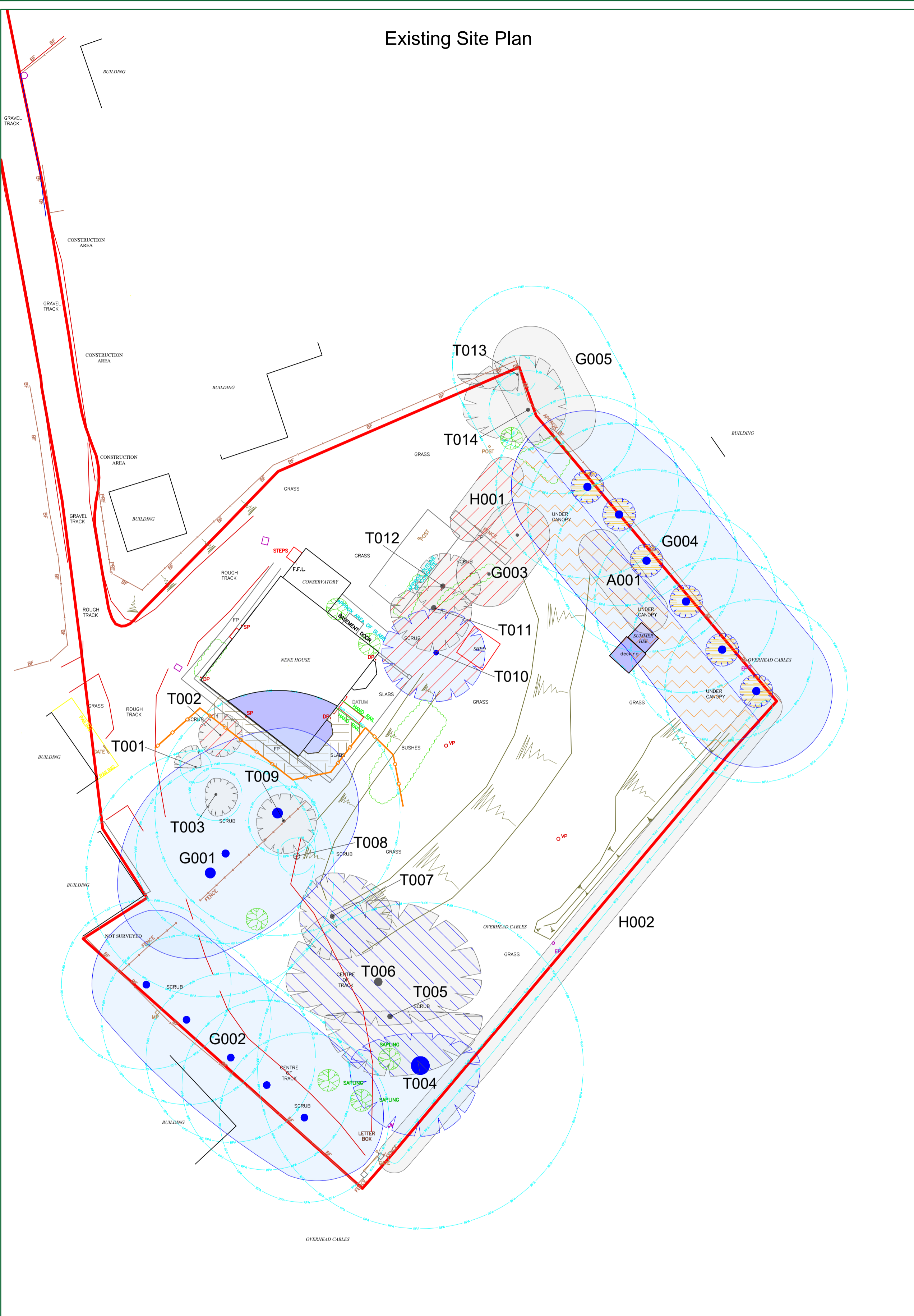


Illustrative Side Elevation

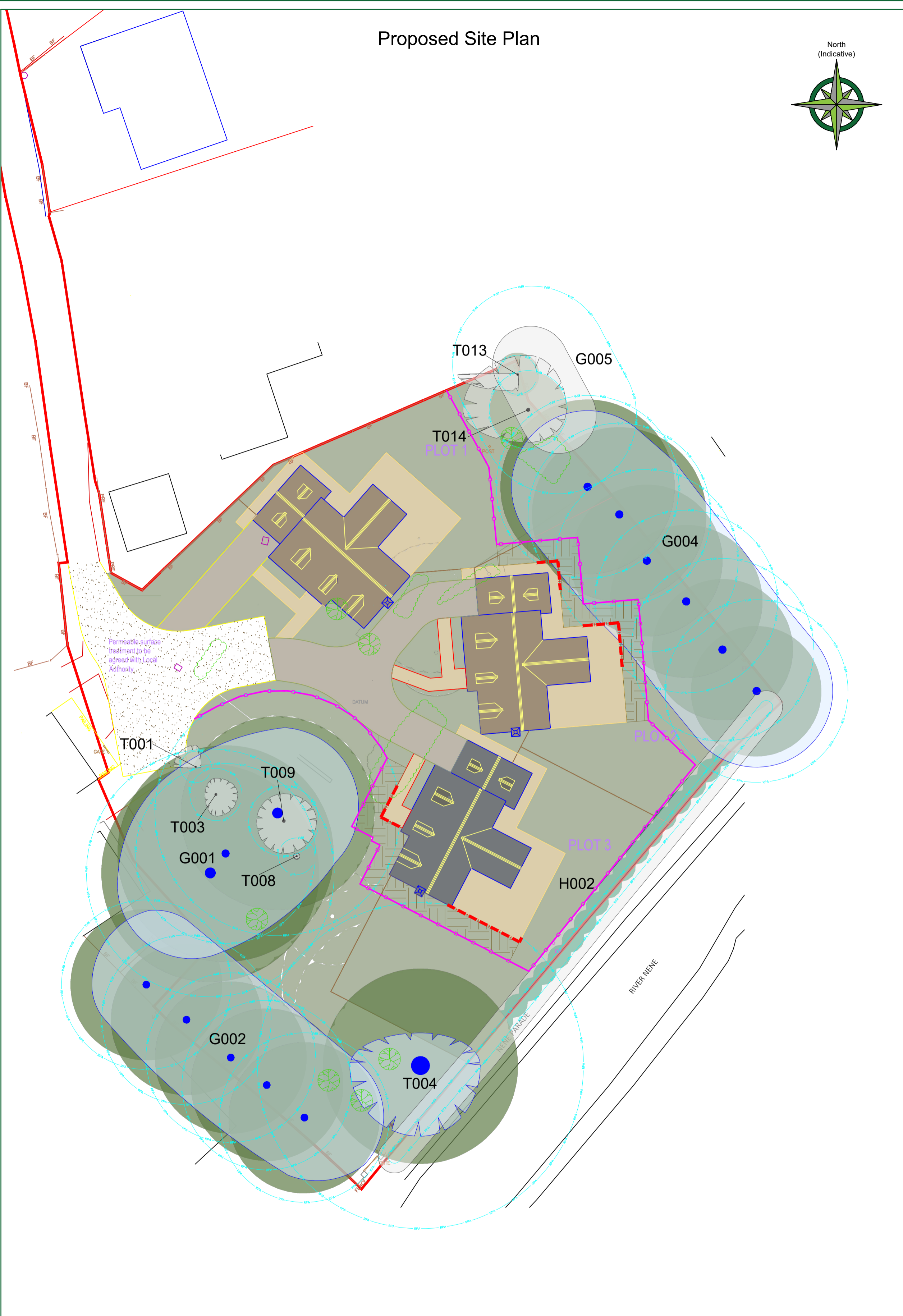


L BEVENS ASSOCIATES LTD ARCHITECTS The Doghouse, 10 Cricketers Way, Chatteris, Cambridgeshire. PE16 6UR Tel: 01354 693969  Mob: 07739 562818	Re-development of Nene House, Nene Parade, March, Cambridgeshire Project Executors of Mr E Vawser	ILLUSTRATIVE Elevations		Scale 1:100 @ A3	Date Nov. 2022	Drawn L B	Checked
		Drawing Number CH22/LBA/616/OP-1-103	Revision				

Existing Site Plan



Proposed Site Plan

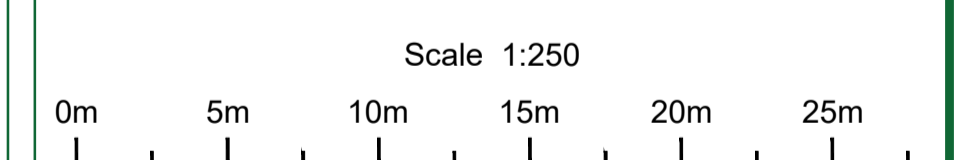


CATEGORY AND DEFINITION

Trees unsuitable for retention	
Category U	Those in such condition that they cannot realistically be retained as living trees in the current land use for longer than 10 years
Trees to be considered for retention	
Category A	Trees of high quality with an estimated remaining life expectancy of at least 40 years
Category B	Trees of moderate quality with an estimated remaining life expectancy of at least 20 years
Category C	Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm

LEGEND

	Existing Tree/Feature BS 5837:2012 Category B
	Existing Tree/Hedge to be crown lifted to allow for development
	Existing Tree/Hedge to remove epicormic growth
	Existing Tree/Feature to be removed to allow for development BS 5837:2012 Category B
	Existing Tree/Feature BS 5837:2012 Category C
	Existing Tree/Feature to be removed to allow for development BS 5837:2012 Category C
	Tree/Landscape Feature to be removed as part of landscape improvement (Allied to development)
	Line of Root Protection Area (RPA) - calculated following guidelines set in BS 5837:2012
	Line of proposed Root Pruning
	Additional feature which doesn't meet BS 5837:2012 categorisation but is included for reference
	Line of proposed protective barrier BS 5837:2012 (Demolition phase)
	Line of proposed temporary protective barrier
	Area of temporary Ground Protection
	Area of specialised foundations



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Client:	L. Bevens Associates Ltd.	Drawing Title:	Prelim AIA
Site:	Nene House, Creek Road, Nene Parade, March, Cambridgeshire, PE15 8RD		
Date:	13/12/22	Drawn By:	HvB
Scale:	1:250 (A1)	Checked By:	AT
		Cad File Ref:	CII/Pro19847-D-AIA
		Drawing No:	9847-D-AIA
		Rev:	-

-	13/12/22	HvB	Based on Site Focus Surveys drg no. SFS-408BEV-1-1/2-2D & L Bevens Associates Architects Ltd drg no. CH22/LBA/616/OP-1-101
Rev:	Date:	By:	Revision:
The position, condition, and dimensions of the trees are based on a site survey undertaken on 06/10/22			
"The original of this drawing was produced in colour - a monochrome copy should not be relied upon"			

NOTE:

Hayden's Arboricultural Consultants were provided with a Topographical Survey but these do not always show the positions of all the trees/features on site. The locations of any additional features have been fixed using GPS. As such the position of the trees/landscape features should not be taken as exact but gives a fair distribution of their locations on site.

F/YR23/0282/F

Applicant: Mr Ben Mauremootoo

**Agent : Paul Sharman
Sharman Architecture**

Langley Lodge Rest Home, 26 Queens Road, Wisbech, Cambridgeshire PE13 2PE

Erection of a single-storey side/rear extension and formation of car parking to front of existing care home involving demolition of existing 2-storey building and removal of swimming pool

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

1 EXECUTIVE SUMMARY

- 1.1 This application seeks to erect a single-storey side/rear extension and formation of car parking to front of existing care home involving demolition of existing 2-storey building and removal of swimming pool.
- 1.2 Comments made by those objecting to the proposal have been considered, but the conclusion is that the development would not adversely harm the character or appearance of the area and or the amenity of surrounding residents. There is sufficient separation distance between the buildings and adequate screening due to mature trees and hedges growing along the northwest boundary to significantly mitigate the impact of development.
- 1.3 As such, the scheme can be considered to be compliant with Policy LP1, LP14, LP15 and LP16 of the Fenland Local Plan 2014.

2 SITE DESCRIPTION

- 2.1 The application site is a detached building located on Queens Road in Wisbech. The building known as Langley Lodge Rest Home is used as a care home and is constructed of brickwork with a tiled pitched roof. The properties surrounding the site are mixed in design.
- 2.2 The building is of some architectural and historical merit, although it is not a Listed Building, nor is it located within a Conservation Area.
- 2.3 Langley Lodge is set further back into the site than other properties along Queens Road.
- 2.4 There is a crescent shaped drive with separate entrance and exit. Parking space is situated to the front of the building.
- 2.5 The application site is located within Flood Zone 3.

3 PROPOSAL

- 3.1 Planning permission is sought to erect a single-storey side/rear extension and formation of car parking to the front of existing care home involving demolition of existing 2-storey building and removal of swimming pool.

- 3.2 The applicant seeks full planning permission to extend and develop the existing care home. The proposal would provide an additional 8 bedrooms and would remove 2 of the existing rooms due to the demolition of the two-storey element.
- 3.3 The proposed development would lead to a net gain of 6 single bedrooms.

Single-storey side/rear extension

- 3.4 The proposed single storey side/rear extension running along the northwest boundary of the site would extend some 8.6 metres from the side elevation of the dwelling and some 27.4 metres from the side elevation. It would have a total length of some 37 metres. It would consist of a pitched roof with a maximum height of some 5.2 metres and an eaves height of some 2.1 metres.
- 3.5 The extension would be used for the addition of 8 single bedrooms with ensuites, a linen store, a hoist store, lounge, dry good room, visitor WC, a waiting area, managers office, an assisted bathroom and a communal day room. No part of the extension would be closer than 2 metres from the boundary.
- 3.6 The proposed extension includes 5 new windows facing north west, 6 new windows and a new door facing north east, 6 new windows facing south east and 6 new windows facing south west.
- 3.7 The materials for the proposed extension would match the existing.

Formation of car parking to front of existing care home

- 3.8 The proposal includes formation of a new car parking to the front of the care home. The site would have a total of 11 parking spaces. The existing site accommodates 3 parking spaces. The proposal therefore involves the addition of 8 spaces.

Demolition of existing 2-storey building

- 3.9 The proposal also includes the demolition of the existing 2 storey element. This element of the building has a ridge height of 6 metres. The proposed extension is therefore some 0.8 metres lower in height when compared to the existing two storey built form.

Removal of swimming pool

- 3.10 Lastly, the proposal includes the removal of the existing swimming pool. This is located to the rear of the building and the proposed extension would be sited in this position instead.

4 SITE PLANNING HISTORY

Application	Description	Decision	Date
F/YR18/0527/F	Erection of a single-storey side/rear extension and formation of car parking to front of existing care home involving demolition of existing 2-storey building and removal of swimming pool	Grant	12 Dec 2018

F/0664/84/F	Conversion of outbuilding to residential accommodation Langley Lodge 26 Queens Road Wisbech	PER	19 Oct 1984
F/YR04/3388/F	Use of property as a care home for adults with learning disabilities without complying to condition 01 of planning permission F/0769/81/F (use solely for the elderly and for no other purpose)	Withdrawn	24 Jun 2004
F/0769/81/F	Change of use from private dwellinghouse to private home for the elderly Langley Lodge 26 Queens Road Wisbech	PER	18 Jan 1982
F/YR16/1180/F	Erection of a part 2-storey/single storey side/rear extension and formation of car parking to front of existing care home involving demolition of existing 2-storey building and removal of swimming pool	Withdrawn	15 Feb 2017
F/1458/88/F	Extension to private Rest Home Langley Lodge 26 Queens Road Wisbech	PER	15 Dec 1988
F/90/0365/F	Erection of a single-storey conservatory to the rear of retirement home	Granted	13 Sep 1990

5 CONSULTATIONS

5.1 WisbechTown Council: Comment received – Supporting.
‘That the application be supported’

5.2 Councillor Steve Tierney: Comment received – Objection.
‘That as the local Councillor I am opposed to this development. It is over-development, it is encroaching too close to neighbours, it will create problems with the highways access.’

5.3 Environmental Agency:

- **Initial consultation:** Objection due to absence of a flood risk assessment.
- **Re consultation (after flood risk assessment added to file):** No objection providing flood risk considerations are taken into account.

‘Flood Risk

The site is partly located within flood zone 3 as defined by the ‘Planning Practice Guidance: Flood Risk and Coastal Change’ as having a high probability of flooding.

We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) ref Geoff Beel/March 2023 /GCB/Sharman and the following mitigation measures detailed within the FRA:

- *Finished floor levels should be set 1m above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth.*

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

Additional Advice

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development

proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

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.

5.4 Highways: On re-consultation the LHA raised no objection to the proposal.

5.5 Local Residents/Interested Parties: 11 objections received (from residents of Queens Road, Kingsley Avenue and Princes Road) on the following grounds:

- Loss of privacy.
- Overlooking.
- Overshadowing.
- Blockage of daylight.
- Removal of trees and hedging concerns.
- Impact of greater car use.
- Damage to trees and hedging.
- Height concerns due to raising the floor levels by a metre.
- Noise and dust issues.
- Insufficient parking.
- Extension too large, out of proportion and out of character.
- New building potentially needing piling.
- Contrary to original conversion conditions.
- Extension too close to boundaries.
- Concerns infrastructure of drainage system.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF):

Para 2 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 11 – A presumption in favour of sustainable development

Para 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para 130 – Achieving well-designed places

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
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District

Emerging Local Plan:

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

LP7 – Design
LP8 – Amenity Provision
LP22 – Parking Provision
LP32 – Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Design Considerations and Visual Amenity of the Area**
- **Residential Amenity**
- **Parking**
- **Flood Risk**
- **Economic Growth**
- **Trees**
- **Additional Staircases Impact**
- **Consultation**

9 BACKGROUND

- 9.1 Planning history of the application site shows that essentially the same proposal was granted under application reference F/YR18/0527/F. The proposed works are the same apart from the current application creates two additional external staircases. These are located on both sides of the extension and are entry points to the manager's office and the waiting area. Both proposals include the same sized extension and the same parking provision proposal.

10 ASSESSMENT

Principle of Development

- 10.1 The application seeks to erect a single-storey side/rear extension and formation of car parking to the front of existing care home involving demolition of an existing 2-storey building and removal of a swimming pool.

- 10.2 Local Plan Policy LP16 requires development to make a positive contribution to the local distinctiveness and character of the area. The rear elevation of has already lost its original character, and only the frontage has a visual quality worth preserving.
- 10.3 The site is located within the built-up area of Wisbech. The principle of extending the care home is therefore supported within Local Plan policies so long as the relevant policy criteria are met.
- 10.4 Policy LP16 supports the principle of such development subject to the significance of, and the likely impact upon the character of the surrounding area, the amenity of neighbouring properties and users in its design and appearance, and the impact on highways and parking. The principle of development is therefore considered acceptable, and indeed has been approved previously by the Council, subject to the policy considerations set out below.

Design Considerations and Visual Amenity of the Area

- 10.5 The site is located within a large plot. It is not located within a Conservation Area, nor is it a Listed Building. The building has previously been extended on the southeast boundary, with an extension some 29 metres long. The proposal would be sited to the side and rear of the building which would be readily visible to the street scene.
- 10.6 LP Policy 16 is concerned with ensuring that the development is acceptable in design terms and protects the character and appearance of an area.
- 10.7 The proposed extension would be set back some 1.6 metres from the front elevation of the existing building. The existing two storey element to be demolished is set back some 13.0 metres from the front elevation of the existing building. Although the proposed extension would have less of a set back distance to the front elevation, it is considered that the extension on the south east elevation is also located in a similar position with less of a set back distance and therefore the proposed extension would provide a balanced appearance to the building.
- 10.8 Although the proposed extension would be visible, it is considered to be of an appropriate single storey size and scale. It is noted that there is an existing two storey element which would be demolished as part of this application. Therefore, it is considered that built form already exists in the position of the proposed single storey extension and therefore is considered to not harm the character and appearance of the area.
- 10.9 The proposed extension would be set back from the front elevation of the existing building and would not have a detrimental impact on the street scene. It also maintains sufficient gaps between buildings, preserving the character and appearance of the existing building and the area.
- 10.10 It is considered that the proposed extension would not introduce any adverse visual impacts upon the character of the area. The proposal would form sympathetic additions to the care home that would not harm the character and appearance of the area.
- 10.11 The proposed materials would be complementary to those on site.

10.12 It is considered that the proposed development would not have a detrimental impact upon the character and appearance of the surrounding area and would be in accordance with policy LP16 of the Fenland District Council Local Plan (2014), as was previously the case also.

Residential Amenity

10.13 The proposed extension would be closest with neighbouring property No.24 Queens Road. The proposed extension would be located some 2.5 metres from the boundary and some 5.6 metres overall from the neighbouring dwelling itself.

10.14 Properties along Kingsley Avenue have their rear elevations facing towards the side of the application site. Properties along Hillburn Road are located to the rear of the site. It is considered there is a sufficient separation distance between the site and these properties for no detrimental impacts to occur. The properties along Kingsley Avenue are hidden from view when standing in the rear garden of Langley Lodge due to the mature trees along the northwest boundary. Trees along the rear boundary, however, are sparser, and rear windows can be glimpsed of the properties which front Hilburn Road. However, these properties are located over 22 metres from the proposed extension and would therefore not be considered to have any unacceptable impacts in terms of overlooking, being overlooked, loss of privacy or overbearing impact.

10.15 All other neighbouring properties are far enough away for there to be no unacceptable impacts by the proposal.

10.16 The neighbouring properties along Queens Road are set further forward than Langley Lodge so their rear elevations are roughly in line with the front elevation of the care home. The main dwelling to be impacted on Queens Road would be No. 24 as this property would be immediately adjacent the proposed extension. The rear elevation of No.24 and the front elevation of Langley Lodge would marginally overlap.

10.17 To the side of Langley Lodge along the shared boundary, there are mature trees which create a tall hedge and provide sufficient screening between the buildings.

Overlooking

10.18 It is considered that there would be a sufficient separation distance from all neighbouring properties and that there would be little likelihood of overlooking from the proposed extension due to its single storey size and scale, as well as the mature hedging running along the north-west boundary.

10.19 Although the extension runs some 37 metres along the northwest boundary, it would have a pitched roof which slopes away from the boundary. This would be mostly screened by view due to the mature trees and hedges.

10.20 It is also considered that there is existing built form in place due to the two-storey element which is proposed to be demolished. Therefore, it is considered that the proposed extension would be single storey and less of an impact in terms of overlooking.

10.21 It is acknowledged that the occupants of No.24 would see part of the proposed extension as it would extend along the boundary, however it is considered that this would be softened by the existing hedging and trees which would result in no unacceptable overbearing impact.

- 10.22 Height concerns due to raising the floor levels by a metre was received by neighbours. However, the floor levels at this height is required as part of flood mitigation methods. It is considered that with this floor height, there would be no unacceptable impacts to the neighbouring properties due to the roof sloping away, sufficient separation distances and screening from the existing landscaping.
- 10.23 Neighbours raised concerns regarding the extension being too close to the boundaries. However, it is considered that there is a sufficient separation distance from the proposal to the neighbouring properties. There is large amount of mature landscaping on the boundaries of the site which provides screening. Lastly, the proposal is of a single storey size and scale which is a reduction storey levels from the existing built form in place.
- 10.24 The conclusion reached when considering the previous application was that relationships in terms of overlooking were acceptable. The current application does introduce one potential change in this regard by creating two additional sets of external steps with a height of 0.8m. These are located on both sides of the extension and are entry points to the manager's office and the waiting area.
- 10.25 One of these would have no amenity impacts being located within the interior of the site. The other set of steps would be located in proximity to the boundary with No. 24 Queens Road and could facilitate some overlooking from people using these. However, the steps would be located some 2.4 metres away from the shared boundary and some 10.7 metres away from the dwelling, and with screening along the boundary. Therefore, it is considered unlikely that any significantly adverse impacts would arise.

Overshadowing

- 10.26 Neighbouring property No.24 Queens Road is located north of the proposed extension so would not be overshadowed significantly. It is considered that the proposed extension could cause some overshadowing to the rear area of the garden due to the additional length of the proposed extension. However, it is considered that No.24 Queens Road rear garden is wide enough for any such impact to not affect the whole garden.
- 10.27 It is therefore considered, as previously, that the proposed extension would not cause any significant harm to the surrounding properties in relation to overshadowing.

Noise Issues

- 10.28 As previously, it is acknowledged that the proposal could create more noise due to the increased in level of usage of rooms and the proximity to the northwest boundary. However, due to the separation distances and existing landscape boundary treatment, it is considered that this would prevent any significant harm to neighbouring amenity. The additional steps to the managers office are not considered likely to create such a level of extra activity in proximity to the boundary to come to a different conclusion in this case.
- 10.29 Construction noise and dust levels was another issue raised and an appropriate condition will be included to give further information relating to hours of use and details of parking for construction and storage of materials.

Overbearing

- 10.30 It is considered that the proposal would not cause overbearing impact as the roof height would be set back from the boundary, the slope would be inclining away from the boundary, and would be screened by the existing landscaping.
- 10.31 Overall, the proposed extension would be appropriate in size and scale for no detrimental impacts to occur to the neighbouring properties in terms of loss of privacy, overlooking, overshadowing or appearing overbearing and would not have any material impact on the residential amenities of the neighbouring properties and is therefore in conformity with policy LP16 of the Fenland District Council Local Plan (2014).

Parking

- 10.32 The existing frontage has a separate entrance and exit within a half circle driveway which accommodates 3 parking spaces to the front of the building. The application is proposing to provide 8 additional car parking spaces, creating 11 car parking spaces in total on site.
- 10.33 On re-consultation the Highways officer has raised no objection to the proposal.
- 10.34 The Local Plan parking standards suggest that there should be 1 resident and 1 visitor parking space per 4 residential units plus 1 space per resident member of staff. It is considered that the existing parking provision currently falls below this level.
- 10.35 The proposal would lead to a shortfall of 11 parking spaces as only 11 spaces can be provided without removing more of the lawn to the front of the building.
- 10.36 In mitigation, the care home is located in an area close to the town centre. Although there are no bus stops down Queens Road itself, public transport would be within walking distance. In addition, the entrance to Langley Lodge is only 130 metres from the first available car parking spaces within Somers Road car park. This car park is for the public to use and provides free parking with 280 car park spaces.
- 10.37 Paragraph 109 of the National Planning Policy Framework 2018 states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe'. The application would therefore not be considered as refusable on the grounds of lack of car parking spaces within the grounds of the care home due to its close proximity to the town centre and a large public car parking area.
- 10.38 Considering the above, the proposal is considered to comply with policy LP15 of the Fenland District Council Local Plan (2014), as previously.

Flood Risk

- 10.39 The proposal is located within flood zone 3 of the Environment Agency's Flood Map for Planning. As such, FFL's are required to be 1 metre above ground level.
- 10.40 The Environment Agency initially provided an objection due to absence of a flood risk assessment. However, this was provided and the Environment Agency has since provided no objection. The Flood Risk Assessment provides mitigation methods proposed including the finished floor levels will be set 1m above ground

level, with flood resilient construction to a height of 300mm above the predicted flood depth. The Environment Agency have mentioned that they strongly recommend the mitigation methods are fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed should be retained and maintained thereafter throughout the lifetime of the development.

Economic Growth

- 10.41 The proposal would have a small positive impact in terms of temporary employment due to construction of the works. Although there are no additional staff indicated, the proposal may create additional local employment opportunities in the future. The residents, staff and visitors may make use of local shops and services which would boost the local economy.
- 10.42 It is generally accepted that care homes need to become larger to remain viable. The proposed extension could safeguard jobs and care facilities which are required in the community. Increased facilities could help to sustain profitability into the future.

Trees

- 10.43 None of the trees within the grounds of Langley Lodge are protected. None of the trees which may be of amenity value to the rear of the site are endangered by the proposed development.
- 10.44 Plan reference LL/15 K shows the trees and hedging at the site. It shows a number of trees and hedging located on the side boundary adjacent to the proposed extension. These would provide sufficient screening from the development. The plan also shows a number of trees to the rear and front of the building. It shows the root protection areas for the trees to the rear, which are largely not impacted from the proposal. However, one tree has its root protection area adjacent to the communal room/conservatory.
- 10.45 It is considered that the impact on the unprotected trees within the grounds would be minimal and therefore not considered to be harmful, as concluded previously.
- 10.46 A condition will be imposed to ensure that existing trees are protected and a landscaping condition will also be imposed to identify all existing trees to be retained and new trees to be planted.

Other matters

- 10.47 Several representations have been received in opposition to the application, including from the local Ward Member. It is considered that these have largely been addressed in the assessment above, however other issues raised are assessed below.
- 10.48 Concerns regarding infrastructure of drainage systems were received. However, drainage can be overseen under building regulations and the Drainage Board. It is also noted that these concerns seem to be referring to drainage system within the area, rather than on site systems. The proposed works are considered modest development which would not have a detrimental impact on the on site drainage system.

10.49 Concerns were also raised regarding the proposal being contrary to the original conversion permission conditions. The conditions were relating to safeguarding the interests of uses of land in the vicinity of the site, ensuring that visually the development accords with the general character, and road safety highway conditions. However, it is considered that the proposal would not be contrary to these conditions as it would not impact the character and appearance of the area, it would not impact neighbouring amenity and it would not cause any highway safety issues as per the following assessment.

10.50 Finally issues were also raised regarding the new building potentially needing piling. However, matters of how construction is to be undertaken or the techniques involved is not a material planning consideration.

11 CONCLUSIONS

11.1 As concluded when considering the previous, almost identical, application on the site, the proposed development will not adversely impact upon the character of the area, nor will it adversely impact upon neighbouring properties by way of overlooking, overshadowing or appearing overbearing. There would also be no adverse impact on parking and highways. No further policy issues were raised during the assessment of the scheme. As such, the scheme can be considered to be compliant with Policy LP1, LP14, LP15 and LP16 of the Fenland Local Plan 2014.

12 RECOMMENDATION

Grant; Subject to the following conditions:

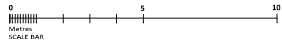
1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:</p> <ul style="list-style-type: none"> - Parking of vehicle of site operatives and visitors; - Areas to be used for the storage of materials and machinery, and - Hours of operation. <p>Reason: In the interests of highway safety and residential amenity both during the demolition and construction phase of the development in accordance with policies LP15 and LP16(e).</p>
3	<p>Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these</p>

	<p>works shall be carried out as approved. The landscaping details to be submitted shall include:-</p> <p>a) proposed finished levels of any earthworks to be carried out, b) existing trees, hedges or other soft features to be retained, and c) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife</p> <p>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014</p>
4	<p>Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.</p> <p>Reason - To ensure that retained trees are adequately protected in accordance with LP16 of the Fenland Local Plan 2014.</p>
5	<p>The development hereby approved shall be finished externally in materials in accordance of plan references LL/19/F, LL/20/H, LL/21/H, LL/23/G, LL/32/A & LL/33/A.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
6	<p>The development hereby permitted shall be constructed in accordance with the recommendations made within the submitted Flood Risk Assessment (FRA) ref: Geoff Beel Consultancy/March 2023/GCB/Sharman and especially the following measures:</p> <p>- Finished floor levels should be set 1m above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth.</p> <p>These measures shall be incorporated into the development before any occupation of the extension hereby approved.</p> <p>Reason: This condition is imposed in accordance with Local Plan Policy LP14 and the principles contained within section 14 of the National Planning Policy Framework 2018.</p>
7	<p>Prior to the first occupation of the development, the proposed on-site parking and turning areas shall be laid out in accordance with the approved drawing numbers LL/15 REV K & LL/30 REV</p>

	<p>B and thereafter retained in perpetuity for that specific use.</p> <p>Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.</p>
8	<p>Notwithstanding the submitted plans, cycle parking facilities shall be provided within the application site prior to the occupation of the development hereby approved. Full details of the cycle parking facilities shall be submitted to and approved by the Local Planning Authority prior to any occupation of the extension hereby approved and constructed in accordance with the approved plans. The submitted details shall include Sheffield stands and secure sheltered cycle parking. The cycle parking facilities as approved shall then be retained and maintained in perpetuity thereafter.</p> <p>Reason: In the interests of sustainable travel and in accordance with policy LP15 of the Fenland Local Plan 2014.</p>
9	<p>The existing hedge along the north west boundary of the site, and which is shown on drawing number LL/15 REV K, shall not be uprooted or removed and shall not be reduced below a level of 2.5 metres adjacent to number 24 Queens Road, and shall be retained and maintained in perpetuity thereafter.</p> <p>Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
10	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>



STREET ELEVATION

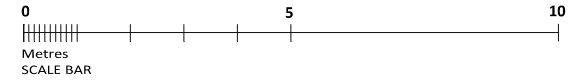


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EXTENSION SHOWING TO QUEENS ROAD

NO:	PROPOSED STREET ELEVATION	DATE:	11:00 AM A1	BY:	MARCH 2023
PROJECT:	LANGLEY LODGE, 26 QUEENS ROAD,	OWNER:	SHARMAN ARCHITECTURE		

sharman architecture
 OAK BARN, WILLOW DROVE, BOROUGH FEN, PETERBOROUGH, PE5 7QB
 TEL: 01753 554 064
 EMAIL: info@sharmanarchitects.co.uk



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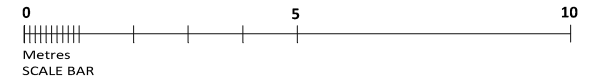
PROPOSED REAR ELEVATION

title PROPOSED REAR ELEVATION	scale 1:100 at A3	date OCTOBER 2016
contract LANGLEY LODGE. 26 QUEENS ROAD.	revision E 16/03/2016 Building moved and roof pitch reduced again F 22/10/2016 Building raised to rear re flood risk G 10/06/2016 Downpipes added H 10/03/2023 Reissued	

sharman architecture
OAK BARN, WILLOW DROVE, BOROUGH FEN, PETERBOROUGH, PE6 7QB

tel: 07724 529 094

email: paulsharman1@btinternet.com



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PROPOSED SIDE ELEVATION 1

title PROPOSED SIDE ELEVATION 1	scale 1:100 at A3	date OCTOBER 2016
contract LANGLEY LODGE. 26 QUEENS ROAD.	revision E 16/08/2018 Building moved and roof pitch reduced again F 22/10/2018 Roof raised 300 to change in levels G 15/06/2019 Downspout added H 10/03/2023 REVISED TO PLAN LAYOUT	

sharman architecture
 OAK BARN, WILLOW DROVE, BOROUGH FEN, PETERBOROUGH, PE6 7QB.
 tel: 07724 529 094 email: paulsharman1@btinternet.com

F/YR23/0451/VOC

Applicant: Mr P Cornwell

**Agent : Mr R Papworth
Morton & Hall Consulting Ltd**

27 Linden Drive, Chatteris, Cambridgeshire, PE16 6DZ

Variation of condition 6 (list of approved drawings) relating to planning permission F/YR21/0060/F (Erect a single-storey 3-bed dwelling with detached garage) relating to the on-site parking/turning area

Officer recommendation: Grant

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application seeks to vary condition 6, list of approved drawings, to allow for an amendment to the on-site parking/turning area at 27 Linden Drive.
- 1.2 A number of letters of objection have been received with regard to visual and residential amenity impacts should the scheme be approved. Permitted development rights were not removed as part of the original approval and if the treatment of the frontage of the dwelling were to be carried out in accordance with the original plans, considerable hard standing could subsequently be laid to the frontage as permitted development. This 'fall back' position is considered to carry significant weight in determining the application.
- 1.3 As such, a refusal of the scheme would be unjustified given that the works proposed fall within permitted development. As such, this application is recommended for approval.

2 SITE DESCRIPTION

- 2.1 The application site is situated to the south of Linden Drive, Chatteris, a late 20th century estate of bungalows. The dwelling on site is a single-storey, 3-bed dwelling with detached garage, recently built and occupied. At the time of officer site visit in mid June, the front garden was semi paved.
- 2.2 There is also an existing turning head within the highway in front of the site and further vehicular access to both No.25 and 26 Linden Drive. The site is within Flood Zone 1. Part of the rear boundary abuts the Chatteris Conservation Area.
- 2.3 Neighbouring properties are situated to the east and west of the application site.

3 PROPOSAL

- 3.1 This application seeks to vary condition 6, list of approved drawings, to allow for amendment to the on-site parking/turning area. The amendment proposes to increase the area of paved parking/turning to the front of the site, which was

originally proposed to be a grassed and planted front garden area. The parking and turning area will be constructed with Marshalls Charcoal Permeable paving, with gravel set around the dwelling and edges.

Full plans and associated documents for this application can be found at: [F/YR23/0451/VOC | Variation of condition 6 \(list of approved drawings\) relating to planning permission F/YR21/0060/F \(Erect a single-storey 3-bed dwelling with detached garage\) relating to the on-site parking/turning area | 27 Linden Drive Chatteris Cambridgeshire PE16 6DZ \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0451/VOC)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR21/3143/COND	Details reserved by Condition 2 (Materials) of planning permission F/YR21/0060/F (Erect a single-storey 3-bed dwelling with detached garage)	Approve 24/01/2022
F/YR21/0060/F	Erect a single-storey 3-bed dwelling with detached garage	Granted 20/05/2021
F/YR18/0115/O	Erection of 2no dwellings (outline application with matters committed in respect of access and layout)	Refused 27/03/2018
F/YR14/0189/F	Erection of a single-storey 3-bed dwelling with attached garage	Refused 30/05/2014
F/YR14/0040/F	Erection of a single-storey 3-bed dwelling with attached garage	Withdrawn 28/02/2014
F/YR03/0531/F	Erection of 2 x 2-bed detached bungalows with garages on previously approved Public Open Space	Withdrawn 19/02/2004

5 CONSULTATIONS

5.1 Chatteris Town Council

Support.

5.2 Local Residents/Interested Parties

7 letters of objection were received with regard to the above development, 6 of these were from residents of Linden Drive, Chatteris and 1 of these was from a resident within St Stephens Drive, Chatteris.

1 letter of objection was received with regard to the above development from a resident situated within Devon, albeit the letter noted that the objector is a trustee owner of a property within Linden Drive.

The reasons for objection are as follows:

- Area now occupied was originally a green area
- Out of character
- Would form a car park which is not in keeping
- Colour of the blockwork is unsightly
- Application does not state a reason for the wish to extend the parking area
- Concerns regarding a business use/parking of commercial vehicles on site
- Nuisance of headlights and noise to neighbouring properties
- F/YR14/0189/F raised concerns over extensive block paving
- New bungalow dominates the road and detracts from the attractive appearance of the frontages of the original dwellings
- Devalue property
- Linden Drive cannot cope with an increase in traffic
- Residents agreed that half of the front and the left hand side of the bungalow would be garden or grass and did not agree to additional parking
- Already existing parking for 4/5 vehicles
- Not good for the environment and could create excessive run off
- Difficult for any visitors to park on the road
- No justification to vary or remove the condition
- Loss of privacy
- Previous applications rejected due to lack of green space
- The applicants can extend their existing drive by 5sqm without planning
- Car parking would cause neighbouring properties stress due to noise and fumes
- Believe bungalow not built in accordance with original drawing
- Safety issue from lack of parking for other residents

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

- 7.1 **National Planning Policy Framework (NPPF)**
- 7.2 **National Planning Practice Guidance (NPPG)**
- 7.3 **National Design Guide 2021**

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan.

Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP5 – Health and Wellbeing

LP7 – Design

LP22 – Parking Provision

8 KEY ISSUES

- Principle of Development
- Character of the Area/Conservation Area/Residential Amenity
- Other Matters

9 BACKGROUND

9.1 The original application F/YR21/0060/F was heard at planning committee on the 5th May 2021. The officer recommendation was for refusal for the following reasons:

1. Policy LP16 seeks to deliver a high quality environment and for development to make a positive contribution to the street scene The proposal would result in the unacceptable redevelopment of an area of green space. The siting of the dwelling does not assimilate into the area by virtue of its forward position resulting in development that will be prominent in the streetscene. The contrived parking and turning area will impact on the amenity of both No.24 and No.26 Linden Drive due to the close proximity of the turning area. The proposal is therefore contrary to the provisions of Policy LP16 of the Fenland Local Plan 2014.

2. Policies LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and future occupiers. The proposal by way of its orientation and siting in relation to No 25 Linden Drive has the potential to adversely impact of the amenity of the occupiers of this property due to potential loss of light to habitable rooms. This would be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014.

9.2 Permission was granted against recommendation and the Committee in their consideration of the scheme considered that the proposal would make a positive contribution to the street scene and enhance the area. Furthermore, it would not impact on the amenity of the adjoining residents and therefore complied with Policy LP16 of the Fenland Local Plan 2014.

10 ASSESSMENT

Principle of Development

- 10.1 The principle of development has already been established under planning application F/YR21/0060/F. It is solely the implications of the provisions of the amendments proposed which may be revisited as part of the consideration of this proposal.

Character of the Area/Conservation Area/Residential Amenity

- 10.2 Policy LP16 of the Fenland Local Plan 2014 seeks to deliver and protect high quality environments which should make a positive contribution to the local distinctiveness and character of the area. Development should not adversely impact, either in design or scale, on the street scene, settlement pattern or landscape character of the surrounding area. Policies LP16 and LP18 also seek to protect and enhance heritage assets. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant. Policies LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and future occupiers.
- 10.3 The provision of an extensive area of block paving to the front of the dwelling will introduce a visual change within the street scene from the approved scheme. Notwithstanding this, there is the inclusion of a number of dwellings which are almost entirely block paved/gravelled to the front of the dwelling such as Nos. 1, 3, 4, 6, 8, 10, 14, 16, 20, 22 and 32. Whilst the increase in block paving may be visually different, it is unlikely to introduce significant impacts upon the character of the surrounding area given the existing character along Linden Drive.
- 10.4 Part of the rear boundary of the site abuts Chatteris Conservation Area. The FDC Conservation Officer raised no objection to the original application on site and the introduction of the bungalow was not considered to impact upon then character of appearance of the Conservation Area. As such, it is not considered that the extended area of hardstanding to the front of the site would introduce any adverse character impacts upon the Conservation Area as it will not be visible from the Conservation Area.
- 10.5 The provision of a larger area of block paving could also result in vehicles being parked in close proximity to the existing close-boarded fence, which ultimately would result in vehicles parking in closer proximity to neighbouring property. Given that the parking will be used for residential purposes, it is unlikely that utilising this area for residential parking space would significantly impact upon neighbouring properties by way of noise or light disturbance. In addition to this, the existing close-boarded fence will partially obscure the view of parked vehicles from the existing windows to neighbouring property.
- 10.6 Notwithstanding this, Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – hard surfaces incidental to the enjoyment of a dwellinghouse states that development consisting of the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such is permitted development.

- 10.7 These permitted development rights were not removed as part of the original approval and if the treatment of the frontage of the dwelling were to be carried out in accordance with the original plans, considerable hard standing could subsequently be laid to the frontage as permitted development. This 'fall back' position is considered to carry significant weight in determining the application.

Other Matters

- 10.8 A number of letters of objection were received with regard to the above development. Whilst some of these objections relating to visual and residential amenity have been addressed in the assessment above, the remainder will be addressed below.
- 10.9 Concerns were raised with regard to the application form not stating a reason for the wish to extend the parking area. This application is for a Variation of Condition to a previously approved application for a residential dwelling. As such, the parking/turning area will be used in connection with the dwelling. In addition to this, concerns were also raised regarding the potential business use on site. This application is not for a business use and therefore this cannot be considered as part of the assessment of this application.
- 10.10 The devaluation of property is not a material planning consideration and therefore cannot be considered as part of the assessment of an application and cannot constitute a reason for refusal.
- 10.11 Concerns were also raised regarding environmental impacts and the creation of excessive run off. The parking and turning area will be constructed with Marshalls Charcoal Permeable paving, with gravel set around the dwelling and edges to aid run-off. As aforementioned, the development could be carried out within permitted development rights given that the surface will be made up of porous materials. As such, the development could not be refused on this basis.
- 10.12 The application does not include any amendments to existing dropped kerbs or the provision of new dropped kerbs. As such, there should be no safety issues or impacts upon visitors parking on the road.

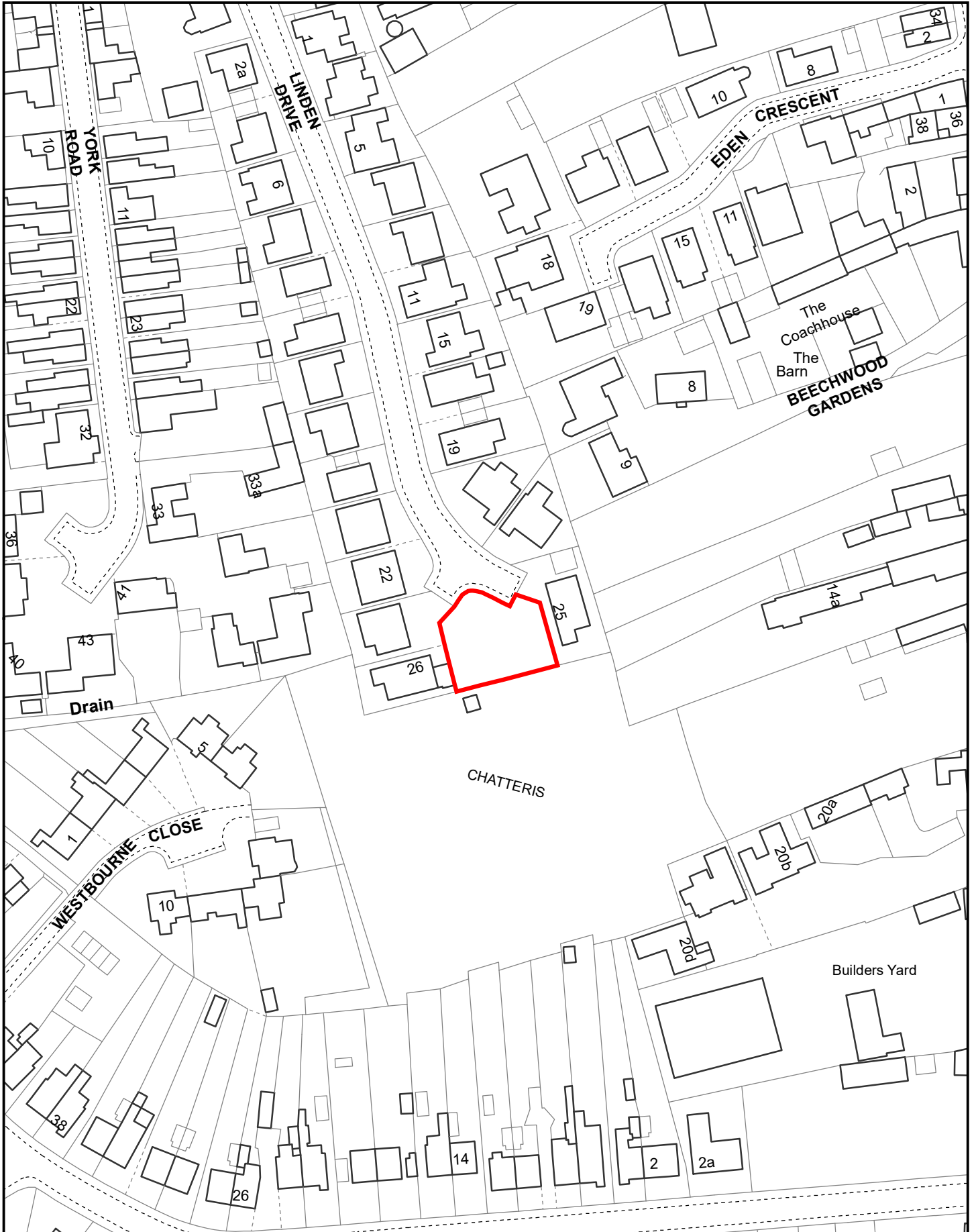
11 CONCLUSIONS

- 11.1 The amendments proposed are not considered to introduce any significant impacts upon the character of the surrounding area, nor are they considered to significantly impact upon surrounding residential amenity. Schedule 2, Part 1, Class F permitted development rights were not removed as part of the original approval and if the treatment of the frontage of the dwelling were to be carried out in accordance with the original plans, considerable hard standing could subsequently be laid to the frontage as permitted development. This 'fall back' position is considered to carry significant weight in determining the application. As such, the scheme is considered to be compliant with Policies LP1, LP2, LP14, LP15 and LP16 of the Fenland Local Plan 2014.

12 RECOMMENDATION

Grant, subject to the following conditions:

1	<p>Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:</p> <p>i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);</p> <p>ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and E);</p> <p>iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);</p> <p>iv) alterations to the roof of the dwelling house (as detailed in Schedule 2, Part 1, Class C);</p> <p>Reasons –</p> <p>1. To ensure that the Local Planning Authority retains control over the future extension, alteration and enclosure of the development, in the interests of protecting visual amenity and the character of this part of the area in which it is set.</p> <p>2. To prevent overlooking of and/or loss of outlook from the neighbouring properties, in the interest of the protection of residential amenity.</p>
2	<p>Approved Plans H7337/02D Existing and Proposed Site Plan, Garage Elevations and Floor Plans, Fence Details</p>



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F/YR23/0451/VOC

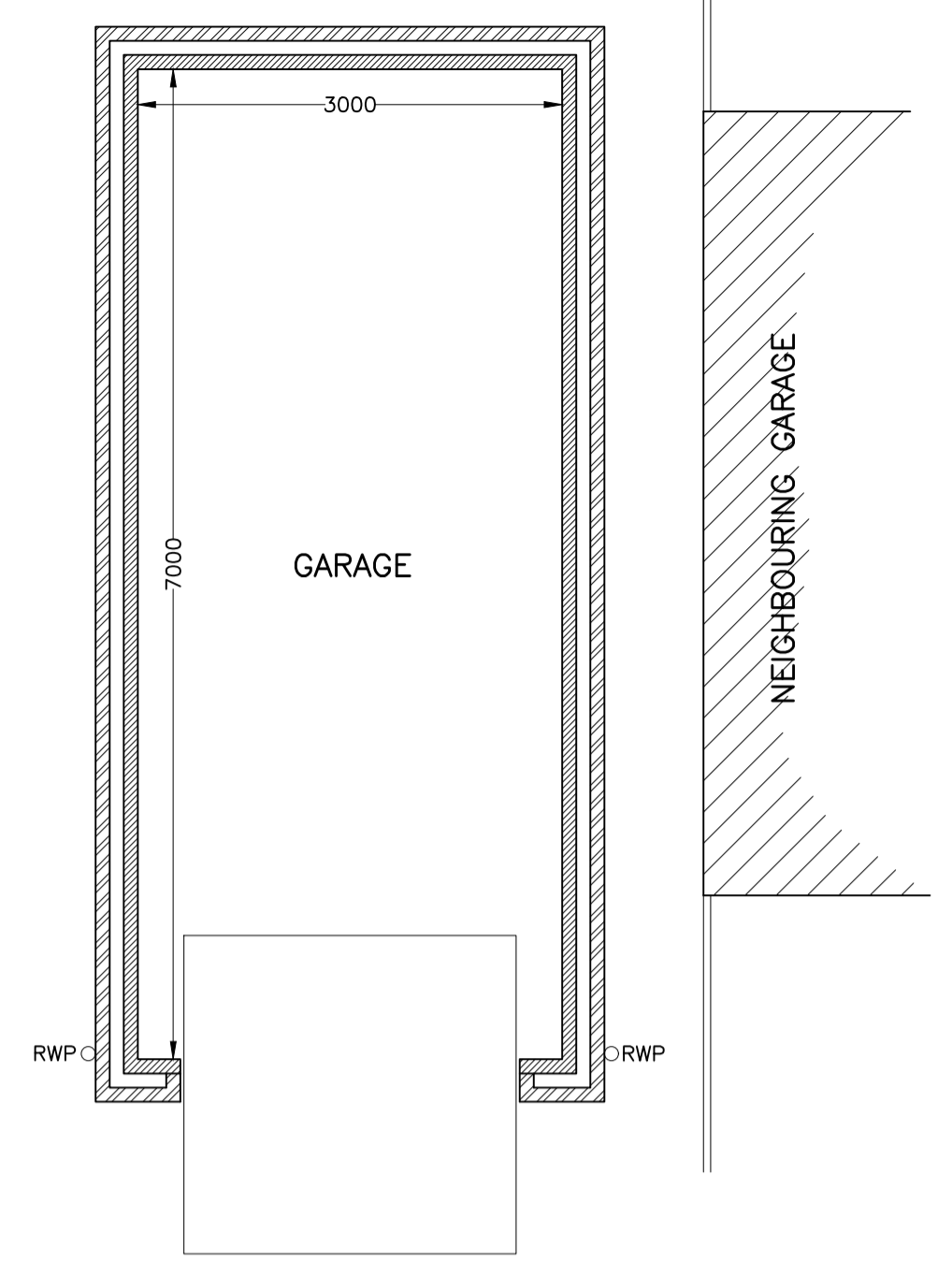
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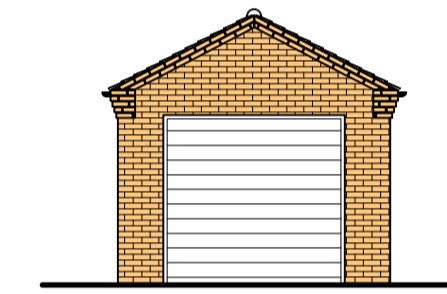
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 Please read, if in doubt ask. Change nothing without consulting the Engineers.
 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.
 Where materials, 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



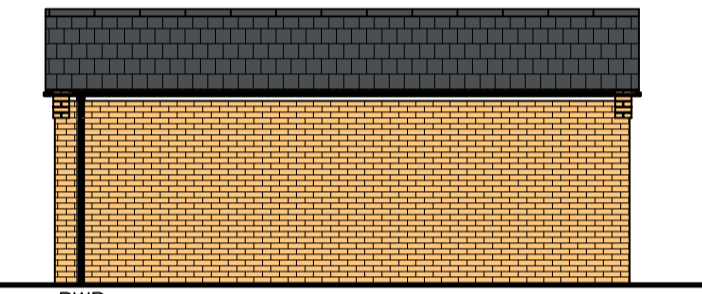
PROPOSED SITE PLAN (1:200)



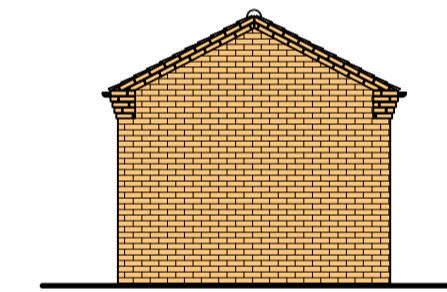
PROPOSED GROUND FLOOR PLAN (GARAGE) (1:50)



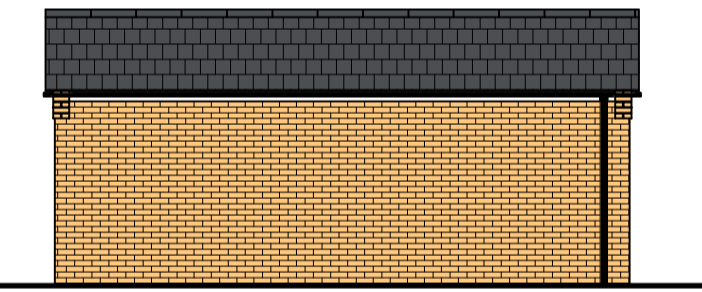
PROPOSED FRONT ELEVATION (1:100)



PROPOSED RHS ELEVATION (1:100)



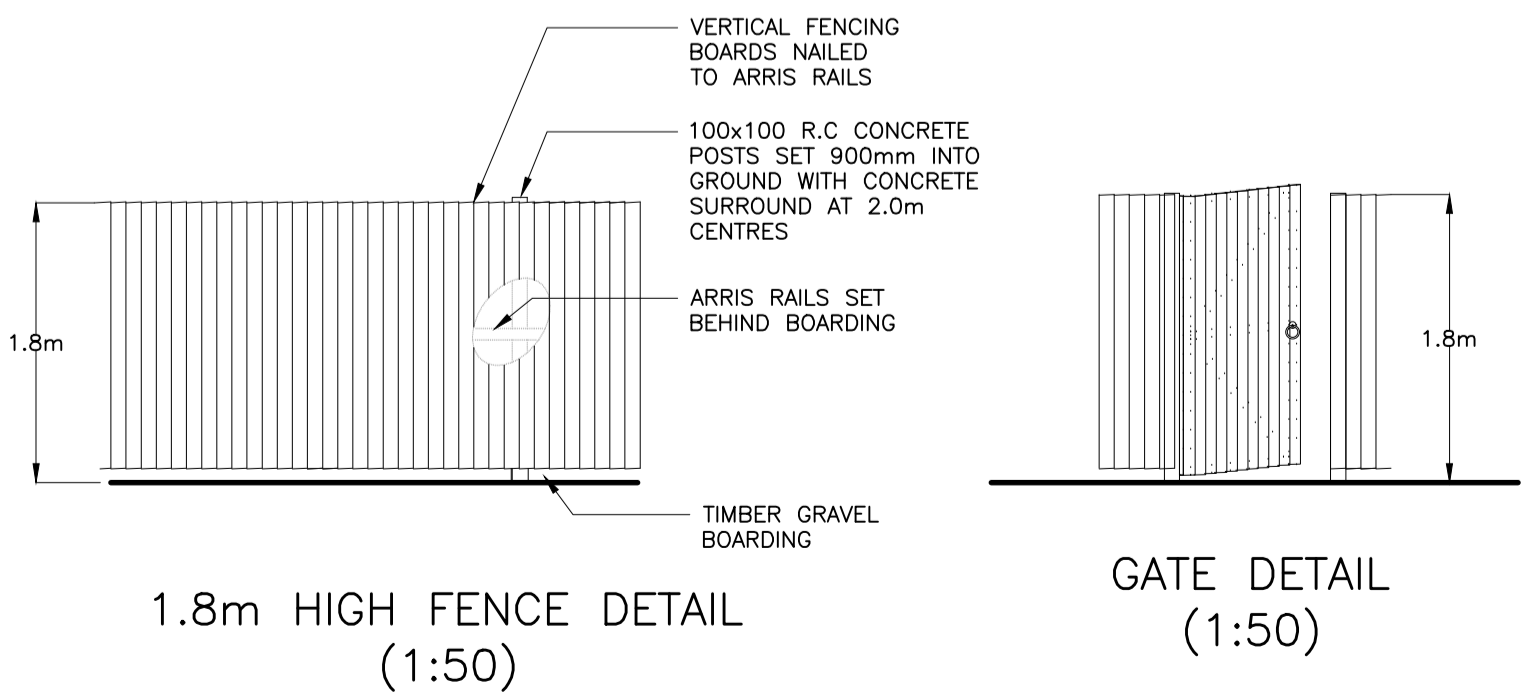
PROPOSED REAR ELEVATION (1:100)



PROPOSED LHS ELEVATION (1:100)

LEGEND

- CONCRETE SLABS (NON SLIP)
- PERMEABLE BLOCK PAVING (NON SLIP)
- WASTE BINS
- GRASS
- VEGETATION
- GRAVEL



1.8m HIGH FENCE DETAIL (1:50)

GATE DETAIL (1:50)



EXISTING SITE PLAN (1:200)

D	DRAWING UPDATED	JUN 23
C	CLIENTS COMMENTS	JAN 21
B	CLIENTS COMMENTS	JAN 21
A	CLIENTS COMMENTS	DEC 20
	REVISIONS	DATE

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LAB Fenland District Council Building Design Awards winner Building Excellence in Fenland

CLIENT: Mr P Cornwell

PROJECT: Proposed Bungalow Adj 25 & 26 Linden Drive Chatteris Cambs, PE16 6DZ

TITLE: Existing and Proposed Site Plans

DRAWN: R.Papworth	DATE OF ISSUE:
CHECKED:	
DATE: Dec 2020	DRAWING NUMBER: H7337/02b
SCALE: 1:200	

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