

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 23 AUGUST 2023

1.00 PM

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

Committee Officer: Jo Goodrum
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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 - 48)

To confirm and sign the minutes from the previous meetings of 5 July 23 and 26 July 23.
- 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/YR21/1449/F
The Letter B Public House, 53 - 57 Church Street, Whittlesey
Change of use of public house to 3 x dwellings (1 x 2-storey 3-bed house and 2 x 2-bed flats) involving the demolition of rear existing extension (Pages 49 - 60)

To determine the application.

- 6 F/YR22/0510/O
Land West Of, 12 Knights End Road, March
Erect up to 36 x dwellings (outline application with matters committed in respect of access (Pages 61 - 82)
- To determine the application
- 7 F/YR22/1014/F
Land South and West Of Beats Lodge, Hooks Drove, Murrow
Change of use of equestrian land (and stables) to Builders Yard (Sui Generis) with office, including erection of aggregate bays, 2.4m high fence and sliding gates, the formation of a Swale, and extend existing access (part retrospective) (Pages 83 - 108)
- To determine the application.
- 8 F/YR22/1084/F
Land South West Of 92, High Street, Chatteris
The siting of a mobile home for residential use and erection of an ancillary day room (Pages 109 - 126)
- To determine the application.
- 9 F/YR22/1416/O
Land To The East Of 114, Main Road, Parson Drove
Erect up to 4 x dwellings involving the formation of a new access (outline application with matters committed in respect of access (Pages 127 - 138)
- To determine the application.
- 10 F/YR23/0373/PIP
Land South East Of, 76 Station Road, Manea
Residential development of up to 9 dwellings (application for Permission in Principle) (Pages 139 - 152)
- To determine the application.
- 11 F/YR23/0430/F
Land South Of 66, Wimblington Road, March
Erect a dwelling (single storey, 3-bed) and detached store building including the demolition of existing outbuilding and the widening of existing vehicular access, and the formation of a new vehicular access to 66 Wimblington Road (Pages 153 - 164)
- To determine the application.
- 12 F/YR23/0548/O
Land West Of, 176 High Road, Gorefield
Erect up to 5 x dwellings (outline application with all matters reserved) and the formation of 5 x accesses (Pages 165 - 180)

To determine the application.

13 Items which the Chairman has under item 3 deemed urgent

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

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PLANNING COMMITTEE

WEDNESDAY, 5 JULY 2023 - 1.00 PM



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

APOLOGIES: Councillor S Imafidon.

Officers in attendance: Nick Harding (Head of Planning), Richard Conroy (Senior Development Officer), Sophie Hoffman (Legal Officer) and Elaine Cooper (Member Services).

P25/23 **F/YR21/0981/F**
LAND NORTH OF WENNY ESTATE, CHATTERIS
ERECT 93 X DWELLINGS (4 X 2-STOREY 5-BED, 25 X 2-STOREY 4-BED, 40 X 2-STOREY 3-BED, 20 X 2-STOREY 2-BED AND 4 X 1-BED FLATS) WITH ASSOCIATED GARAGES, PARKING AND LANDSCAPING

The Legal Officer made members aware that the Secretary of State has received a request to consider calling-in this planning application and they have asked the Planning Officer to let them know the outcome of the application after today's meeting.

Richard Conroy 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 Councillor Gowler on behalf of Chatteris Town Council. Councillor Gowler expressed the view that this is a highly controversial application which seeks to erect 93 dwellings on an area locally known and also referred to throughout the officer's report as Wenny Meadows and the proposed development is part of the overall East Chatteris Broad Concept Plan (BCP). He stated that the Town Council is relieved that this application has finally reached this stage where it can be considered by the committee as it first considered this application as consultees two years ago in August 2021 and the Town Council has taken criticism from local residents, particularly on social media, and would hope this would not be the case on any future applications.

Councillor Gowler expressed the view that the Town Council has been used as an easy target for supporters of the campaign despite being one of many consultees on the application, which has been exasperated by no action being taken by the landowner to attempt to protect a considerable investment and allowing members of the public to continue to use what is privately owned land for recreational purposes and he feels it would have been very simple to erect signs around the site to either request the public keep out or at least make them aware that it is private land. He made the point that the application has attracted 551 objections and the Parish Poll held last year returned a result of 92% of people in favour of designating the area as protected local green space, hence, being against the proposed development.

Councillor Gowler expressed the opinion that it is without doubt very unpopular with the residents of Chatteris and whilst planning decisions are not made based on popularity the reasons and justification for why there is resistance to the application should be very carefully considered. He

stated that despite the Town Council supporting the application on two/three occasions, the most recent amendment seeks to off-set biodiversity to another site in March, which is 8 miles away from the application site as it has been stated that there is no site closer to Chatteris which can be found and the Town Council deem this is not acceptable and effectively a “slap in the face” to the majority of residents in the town who are against the development anyway and whilst it might be an acceptable legal method of meeting biodiversity requirements it is quite clearly, in his view, a loophole. He referred to Section 10.113 of the officer’s report which clearly states that construction of this application will result in real term loss of on-site biodiversity.

Councillor Gowler stated that it is also of concern that through the vast array of information provided in the report for this meeting there are various references to the BCP for which this development is part of and at 10.7 it clearly states that in the emerging Local Plan the BCP allocation, along with this site, does not feature and is now shown as local green space but does go on to say that the emerging plan is at an early stage and that very little weight can be given to it. He expressed the view that the term emerging Local Plan is mentioned 22 times throughout the report and it is, therefore, extremely contradictory to consider on one hand to give very little weight to it but then to use it to support various other arguments in favour of the application, with it also bringing into question what is happening with the overall BCP as if this development is granted but the rest of the allocation is removed from the emerging Local Plan then it clearly means that many of the supporting arguments for this application will become defunct.

Councillor Gowler stated that Chatteris Town Council are extremely disappointed with the very low Section 106 contributions. He made the point that despite having judged this application as acceptable previously the Town Council can no longer support it in its current form.

Members asked questions of Councillor Gowler as follows:

- Councillor Marks asked for clarification as everyone keeps talking about a meadow but he cannot find any information looking back in history that it is actually meadow until about 10 years ago. Councillor Gowler responded that he is born and bred in Chatteris and his memories of this land as a child was that he had to run through it on cross county and it was not called a meadow at that point, it is a recent phrase amongst residents and it does seem to have been adopted in the fact that throughout the report it is referred to as Wenny Meadows and even Google Maps is now showing it as Wenny Meadows. Councillor Marks asked Councillor Gowler if he would agree that it is an open space and privately owned? Councillor Gowler agreed.

Members received a presentation, in accordance with the public participation procedure, from Councillor Carney, a District Councillor. Councillor Carney stated he is ward councillor for Chatteris North and Manea which immediately adjoins this site and he has been contacted by several of his constituents who are part of the 551 that have objected and this application has created a great deal of debate and passion throughout the town. He feels the biodiversity question seems to be a top issue and when the most recent proposal suggests offsetting the biodiversity to March it seems like a bit of a “fobbing off” exercise when taking into account the age of the piece of land in question and its physical make up, which is totally different to what is being proposed in Gaul Road, March.

Councillor Carney expressed the view that the impact on local services and infrastructure is another issue raised with him and in representations received on the application, with the fact that the Section 106 contributions, which currently stands at £28,000, when education, the NHS, Ambulance Service and Library services have all been consulted and their individual calculations all exceed that £28,000 with the exception of the Library service and he feels this needs to be discussed and deliberated by committee. He stated that residents also have concerns over water logging of this site in that if homes were to be built on the Wenny Meadow would they themselves be affected by excess water and potential flooding issues and would it create additional flooding issues for the existing properties that surround the site and looking at the officer’s report it has to

be noted that the Council for Protection of Rural England cannot seem to find any consultation with Middle Level Commissioners or the local Internal Drainage Board (IDB) and it is also noted that the Lead Local Flood Authority have objected on the basis of insufficient provision made for drainage and flooding issues advising that the local IDB be consulted, whether this has happened since publication of the agenda he cannot say.

Members received a presentation in accordance with the public participation procedure, from Kirsty Patterson, Lawrence Weetman and Katie Leach, objectors to the application and in their presentation they referred to slides displayed on the presentation screen. Ms Patterson referred to photographs by local amateur photographers who enjoy spending time at the meadow and drew attention to the 2 trees that are in the photographs, one of the sites mentioned in the BCP is to be called The Elms and these trees are the Elms, which are lovely leafed Elms initially thought to be Huntingdon Elms but they have been identified as being exceptionally rare, with The Wildlife Trust saying that they could be the best specimens in the country and the road that is going to access parts of the site is going to be passing very close to these and could put these trees at risk, although the trees themselves are not going to be removed.

Mr Weetman expressed the opinion that the Council has a statutory duty to preserve and enhance biodiversity, with this site being of County level importance for certain types of wildlife and District importance for others. He made the point that LP7(i) says BCP sites must protect on-site biodiversity not off-site mitigation and the off-setting site is far away and is only managed for 5 years, not the 30 years recommended and no attempt has been made to relocate on a less harmful site despite many being identified in the emerging Local Plan.

Ms Leach stated that in the document that was submitted by the agent as the Biodiversity and Management Plan and in their biodiversity net gain report they describe the grasslands representing habitat of important value to the Fenland District due to its relative scarcity and she feels this is important to note. Mr Weetman stated that it is these grasslands that is why it is called a meadow.

Mr Weetman stated that biodiversity and net gain is disputed between the Wildlife Officer and The Wildlife Trust, which has not been resolved so The Wildlife Trust think there will be 32% loss of on-site biodiversity units and an overall loss of 12.9% even after off-setting. He feels it is important that this has not been resolved as The Wildlife Trust are potentially considering legal action over this.

Ms Patterson referred to a statement from Martin Baker at The Wildlife Trust and she feels that the Wildlife Officer has assumed that the Planning Officer would give equal weight to The Wildlife Trust and their comments. She stated that they did contact the Wildlife Officer to say that they did not believe The Wildlife Trust's comments had been taken into account and they got a response from the Wildlife Officer saying that he thought that was a fair assessment.

Ms Patterson referred to a photo of the Manor House, with Wenny Meadows being formerly the landscaped manor park, it is nearly 200 years old and is due to be included on the local list and it would be very disappointed if it is lost before it has a chance for that local list to be published and the photo shows the medieval ridge and furrow which exists across the whole site and not just the archaeological protected area. She referred to some excerpts from historical maps from the 1840s to 1940s, with the shaded areas of these maps on the key is shown as enclosed parkland to confirm that Wenny Meadow has also been a manor park.

Mr Weetman referred to delivery of the BCP, which was covered by Councillor Gowler, but councillors need to be assured that the whole site will be delivered under LP7 of the Local Plan and should question whether this is likely as it is due to be removed from the settlement boundary and, in his view, approving just this site could result in an incongruous development on the edge of the town, which is just left isolated and surrounded by fields. Ms Patterson stated to reiterate and

support Councillor Carney's comments, the Section 106 contributions are completely insufficient compared to what the local service providers have requested and a breakdown for this is included in the officer's report so the 106 does not sufficiently compensate for the impact on existing services.

Mr Weetman stated that the Health Impact Assessment, which the report relies upon, has, in his view, lots of inaccuracies in it as it incorrectly states that Chatteris is to get a new health centre as part of the Chatteris South development which means that capacity at the health care centre at the GP surgery would not be an issue but this was removed from that development 18 months before this application was submitted, which was highlighted but the Health Impact Assessment was not updated. He expressed the view that patients already struggle, in comparison to national averages, to get appointments at the George Clare Surgery and the Health Impact Assessment incorrectly states that dentists locally are accepting NHS patients when they are not and it is also important to note that Chatteris is already due to grow by 30% based upon the approved planning applications, which is 1,400 homes or 3,500 people, and the cumulative impact of that 30% growth is not considered in the officer's report nor the health impact.

Ms Leach stated that when the site was allocated in the 2014 Local Plan it did not account for housing to the north side of Chatteris at Womb Farm, which was a windfall site and is having 249 houses developed that in 2014 were not expected to be developed and Chatteris has met the housing numbers already without development of these 93 houses. Ms Patterson stated that they have a 1,200 signature petition and the overlap on this is not complete, so this is in addition to those 551 objections on the portal.

Members asked questions of the objectors as follows:

- Councillor Benney stated that if this application is refused today there has been years to come up with a scheme on what is going to happen to the site and he attended the meeting where Mr Weetman went for the Asset of Community Value and he stated there that he had no plans to do anything with it, he had no funding and asked Mr Weetman what is going to happen to the site? Mr Weetman responded that he found the Asset of Community Value decision regrettable as the whole point was to give a 6-month period for groups to come up with a proposal, not to expect them to have a proposal in place before that Asset of Community Value listing is approved. He advised that a group has been set up called The Friends of Wenny Road Meadow which would like to explore grant funding for purchasing the site as a potential country park, with there being lots of options that would apply but because of the option agreement that the landowners have with Cannon Kirk they have not been able to explore any of those options yet.
- Councillor Benney referred to a Go Funding page set up by Mr Weetman for Chatteris Swimming Pool to save this, which raised £2,000 but the cost of purchasing it was £300,000 plus about the same again to remove the roof, with the funds raised not scratching the surface and it all very well people signing petitions but do people contribute when funding is required and is this yet another pipe dream as there has been years to set this up and he sees no evidence that there is any plan to achieve this. He feels that if there is not a plan for the site what would they do with it as by refusing this application today the benefits could be lost by passing this application? Ms Patterson responded that you are not losing the biodiversity benefits by it still being retained. Mr Weetman added that he had no involvement in that Go Funding page that was set up by the Empress Swimming Pool Trust and he would not have advocated setting up a fund-raising page before there was a concrete plan of action in place. Ms Patterson stated that there is a formal committee set up for which she is the Secretary and it has looked at revenue streams and grant applications and approached groups, with support from The Wildlife Trust, Fields in Trust and the Open Spaces Society, but legally you are unable to start raising funds for something when there is an active application and this is the decision point at which from this point onwards, depending upon the decision, when they can start and decide whether they go forward as a fund raising committee.

- Councillor Mrs French made the point that they are obviously aware this is private land and depending upon what happens today she is sure the owners are not going to just give the land to the committee so they will probably have to do a compulsory purchase on it and where do they think they would get the funds for that plus the fact that this could be years down the line and in that time the owners could fence the whole site off so it would be lost and asked if this had been considered? Ms Patterson responded in the affirmative and the main reason for their objection is the biodiversity loss rather than the public accessibility loss so they would consider that even if the land was fenced off by the owners this would be a win in the terms of biodiversity metrics as even if it is fenced off it is still there and has all its mature trees. She stated that all of the revenue streams she mentioned previously would be where they would be looking for the money to go forward with the purchase and they have reached out to the owners to say that this is something that they would be considering afterwards and they did so at the ACP hearing and had some positive conversations following this.
- Councillor Marks stated that he visited the site yesterday and he walked across a hay field and his biggest concern at the moment is that even if it is fenced off it is a fire risk and it could be ploughed up and could have crops grown on it so then you have lost most of the biodiversity and asked if they had taken into consideration that there is a proposed reservoir which is going to have hundreds of acres literally across the road from this site which the biodiversity will move to? He stated that he has seen it with Manea Car Park, which was a field that had wildlife but it moved. Ms Leach responded that the reservoir is not scheduled to happen for another 20-25 years so that is a long-term plan that is at very early stages of its development. Councillor Marks agreed but made the point that there is still land here that will in a period of time come back in and with the application site fenced off the land would be lost here anyway. Ms Leach expressed the view that it is separate to the development proposals on the meadow land and is not interrelated. Mr Weetman expressed the opinion that people recognise that a fenced off area where biodiversity is protected is a reversal change so potentially down the line it could be looked at to bringing it into community ownership, if it is built on it is lost forever. He feels the biodiversity is very special, with there being 11 priority species and 10 protected species of bats, the foraging sites if you look at the maps and ecology reports are very focussed on this particular parcel of the land, not even the wider BCP site, and, in his view, the idea that wildlife would relocate to another site if this was built upon is not what is going to happen, this wildlife would be lost completely. He made the point that the CEO of the regional Wildlife Trust and the Tree Officer said in the report the trees and wildlife on site would not survive the breakup of the habitats on the site. Ms Patterson added that a point was made about ploughing sugar beet and she does not think that is a possibility because as it is not an archaeological protected site and because it has never previously been ploughed since medieval times you would have to apply for a licence to do that and she thinks it is unlikely that a licence would be granted given the archaeological merit of the land and the same argument would be made over the biodiversity loss. Mr Weetman stated that although the officer's report states that there was no formal objection from Natural England, they did say they share the concern of The Wildlife Trust on this application and that they think the site is very important, highlighting that this type of grassland is really rare in Fenland.
- Councillor Marks made the point that it has not been decided what the land actually has been designed as, with a park and meadow being mentioned. Mr Weetman responded that it was designed as a park to look naturalistic attached to the Manor House and in those 200 years since it has become more and more wild over time and the species richness there is much greater. He stated that the reason why it is referred to as a meadow is due to the mix of grasses, which is a rare example in Fenland.
- Councillor Marks asked why has it now been cut if the land has been left and feels that the trees are in a poor state, again referring to the fire risk. Ms Patterson stated that The Wildlife Trust would like this to continue as regular cutting increases and enhances the biodiversity. She expressed the view that the land has been there 200 years and no fire has happened yet. Ms Leach added that in the Biodiversity Management Plan which was submitted by the

applicants they refer to it as a grassland. Councillor Marks made the point that it is now being referred to as grassland as well as park land and meadow land.

- Councillor Hicks referred to the report stating that there are 8 species of bird on the red list and 3 protected species of reptile and asked what the actual species are at risk? Mr Weetman responded that he cannot remember the birds off the top of his head but the reptiles include slow worms and common lizard. Ms Patterson stated that these all came from the applicant's own ecology survey at the BCP stage, with further bird and reptile surveys afterwards.

Members received a presentation, in accordance with the public participation procedure, from Andrew Hodgson, the agent. Mr Hodgson acknowledged that the application has had a lot of interest and feels it is important that he runs through the key points from the applicant's view. He made the point that this application was allocated in the Local Plan in 2013 and there were no objections from the Inspector at that time so it is endorsed by a Planning Inspector and endorsed by the Full Council and, in his view, it is effectively Fenland District Council's site as the Council allocated it and it is included within the housing figures.

Mr Hodgson stated subsequent to this it has also been through a BCP process for 325 houses which was also endorsed by the committee and his clients have made a decision to purchase the site and invest money on the back of the decisions made by the Council. He expressed the view that from a planning policy point of view it meets all the requirements of the Local Plan, it is in an approved BCP and there is an officer recommendation for approval and he feels it does not get any better than this, suggesting that if they went to appeal they would be 95% successful.

Mr Hodgson expressed the opinion that he has brought a lot of schemes in front of the Council and this is a brilliant scheme in terms of housing, with their only being 93 units so it is relatively small but the amount of package of items that are coming along with it is high. He made the point that there are no statutory consultee objections and support from the Wildlife Officer, they have sought to go over and above what they need to do on biodiversity and there is grassland on the site which cannot be moved elsewhere on the site and it has been decided to move it to some land the applicant owns at Gaul Road in March, with over 50% of that grassland being retained at the site, with them not under any obligation to make up the net gain.

Mr Hodgson stated that there is a policy that allows viability assessments to be undertaken on sites and there have been many schemes approved by this committee where no obligations have been provided and, in his view, just because this site has got some objections to it does not make it any different. He made the point that the site has had a full viability assessment and it is difficult for them as two points of access have to be created so the infrastructure costs are double and there is 8 hectares of land that has to be purchased, with only 3 hectares being developable so 5 hectares is open space and being safeguarded for the people of Chatteris, with the 5 hectares being 250% over provision of open space. He added that whilst the people of Chatteris want open space he cannot understand how they are objecting to something they want as landowners are not going to give the land over for free and it could be fenced off and have no access at all but this scheme secures 5 hectares of managed open space.

Mr Hodgson stated that in terms of biodiversity they have a very thorough environmental management plan, it secures and off-set all of the trees with no major tree being lost on the site, all the species have been taken into account and the only thing that they cannot do is the grassland which he mentioned earlier which they are looking to relocate elsewhere. He made the point that the application is offering 12% affordable housing, with most schemes in Fenland not coming with any affordable housing, and it is in excess of what they need to provide in terms of the viability assessment, with the off-site works being provided at their cost and a financial contribution for which the Council can use for whatever they want.

Mr Hodgson expressed the view that the latest viability assessment that they had undertaken on the site showed that they should not be providing anything on the scheme because of the costs involved in delivering it so with 80+ market units and 11 affordable units they are producing a significant benefit together with 5 hectares of managed open space secured forever for Chatteris, protecting all of the wildlife on the site and whilst they are off-setting they are doing this at their costs and it is just the grassland. He feels the benefits of this scheme significantly outweigh the harm, they have gone over and above what they can do for viability on this site and he is not surprised the recommendation is for approval.

Members asked questions of Mr Hodgson as follows:

- Councillor Mrs French asked if he really believes that the proposed contribution of a mere £28,000 and 12% of affordable housing is of any benefit to the residents of Chatteris, referring to the sums requested by the various bodies, and she feels that over the years the Council has been very lenient in letting these contributions drop. She feels it is crazy that biodiversity is being moved to March when there are other sites in Chatteris it could be moved to. Mr Hodgson responded that the adopted Local Plan has a policy which allows a viability assessment on schemes and it exists as it is very difficult to make schemes viable in Fenland because of the costs of housing and he feels 9 times out of 10 it is used by developers in this District, with there being numerous schemes approved across the District without any contributions. He expressed the view that this scheme is opening up the BCP area, there are significantly higher costs as a third of the scheme is sterilised by the archaeology area, 2 points of access have to be put into the infrastructure so costs are doubled and out of the 8 hectares they are buying there is only 3 hectares that is developable so they have not got the finances to provide all of the contributions that have been asked for. Mr Hodgson stated that what they can do is to try and get some affordable housing on the site and they are committed to providing 12% and the latest viability assessment showed they should not be providing anything but £28,000 will be provided so at least there will be some funds that the Council can use towards whatever it needs to be used for.
- Councillor Mrs Davis acknowledged what Mr Hodgson was saying in that 5 hectares is not being developed but there are comparable sites, such as the Belway development in Wimblington for 88 houses and they seem to have managed to afford 2 archaeological digs, EV charging points on every property, the full 25% affordable housing and £2,000 financial contribution per property and also The Elms is another site that gave the full affordable housing requirement, so she asked why in this area it cannot be achieved? Mr Hodgson responded that the costs on every site are different but they are on an obligation to buy 8 hectares of land, most of those house builders will be building on 75-80% coverage of their site, they are building on 3 hectares but having to buy 8, they are having to put in 2 road networks to open up the wider BCP area and have had significant archaeological works. He feels you cannot compare the costs on this site to other sites. Councillor Mrs Davis stated that if you look at the Belway site it is 88 houses, this one is 93, which is not a lot difference and the money they have had to pay out in putting in EV chargers, on undertaking archaeological digs, with the sites being so comparable and whilst she recognises Mr Hodgson is saying these are different sites in this particular site you are talking about the nearly the same number of houses and it is being said that contributions cannot be given. Mr Hodgson reiterated that the Belway site will be using probably 80-90% coverage of their site with built form which they get monetary returns from and they can only get returns from 3 hectares of their site out of 8 and they still have to buy it at the same rate. In his view, it is not comparable and the viability assessment has already proved that this site is unviable.
- Councillor Benney stated that he was disappointed that Mr Hodgson starts off with threatening costs because when you say this will go to appeal rather than explain the situation first he feels this is in some way a threat as councillors are always very wary of costs and he reminded him that costs are a consideration and not a material planning reason. Mr Hodgson responded that he did not mention costs in his presentation but did mention going to appeal.

- Councillor Benney stated that he is disappointed at the 12% affordable housing is being offered, with the Fenland District Council site which is also part of the BCP offering 20% and it is paying £2,000 per unit. He made the point that £2,000 is not paid by the applicant it is paid by the people who are purchasing the properties so it is being said that this cost cannot be afforded, there are higher costs but there is also a gift that keeps giving from this development as once you own the access to the other pieces of land you will charge whoever takes that land forward access over it. Councillor Benney stated that he does not agree that the £2,000 per unit is an unreasonable ask and in the emerging Local Plan, which members can give as much or as little weight to, he thinks £2,000 is very good. He referred to a house built in East Cambs and they have CIL on top of their S106 contributions and the CIL contribution was £36,000 and this still gets built and he recognises that land values are different in different parts of the world but he really feels that £2,000 per unit is not a big ask and 20% affordable housing would be a benefit to the community. Councillor Benney stated that if a deal has been done to buy 8 hectares of land and the price is too high, therefore, not being able to contribute to the local economy then the sums need to be redone. Mr Hodgson responded that he does not believe the Council's site has been subject to a viability assessment and he feels when it does it will be unlikely that the developer will be able to afford those amounts of contributions. He feels the reason why the adopted policy on viability exists is to allow these schemes to come forward and get built and if the Council are going to insist that contributions are made that are not affordable these sites are not going to come forward in this Local Plan or the next one, which is why schemes have come before Council with no contributions and been approved but on this scheme they are proposing 12% affordable housing and a financial contribution, with this being a relatively small scheme at 90 units so, in his view, they are more than over providing.
- Councillor Connor asked that if this application gets approved he would like a cast iron guarantee that there is a pre-commencement condition for a wheel wash facility and a road sweeper on the site at all times. Mr Hodgson responded that yes he is happy with this and it is usually a standard condition.

Members asked questions of officers as follows:

- Councillor Benney stated that it has been mentioned at the meeting today and he has read it on social media that this land could not be ploughed straight away and asked what the legal situation is on this? Nick Harding responded that he would not be able to advise committee on matters that are not related to planning but they would not need a planning consent to plough up the field.
- Councillor Mrs Davis stated that officers are recommending this application for approval and the 2014 Local Plan is being followed but the site does not appear in the emerging Local Plan and asked what is the actual difference in why it is in one Local Plan and not the other? Nick Harding responded that very little weight can be given to the emerging Local Plan as it has gone through its first round of consultation and objections would have been received to the removal of the BCP site as a housing allocation. He advised that part of the reason why the site was deallocated from the Local Plan is that since that Local Plan was adopted there has not been any progress on implementation of that BCP notwithstanding the fact that the BCP has been adopted and in the emerging Local Plan there are several BCP sites that have been removed from the list of allocated sites. Councillor Mrs French expressed the view that she knows exactly the reason why the site has been deallocated as a lot of the BCPs have been sitting there for 20+ years and a lot of planning applications are being submitted because if they do not get them in now these sites will be lost.
- Councillor Mrs French referred to the biodiversity and moving it from Chatteris to March, which she feels is about 10 miles away and she has not heard of this before and is there not a site in Chatteris where it could be moved to. Nick Harding responded that as far as they are aware there was not a site that the applicant could reasonably acquire to do the biodiversity improvements required and they do own the land in March. Councillor Mrs French asked if the applicant has to do this biodiversity? Nick Harding responded that as has been alluded to in the presentations by both the agents and objectors the Council has

policies within the Local Plan that are there to protect and enhance biodiversity, however, when development takes place there is going to be, in most situations, biodiversity loss and sometimes that can be compensated on the site but it all depends upon how biodiversity rich the site is and whether or not the biodiversity gains being provided on site are sufficient to do the off-setting. He stated that in this situation officers feels there is not an overabundance of protected species and that is why the off-site provision of biodiversity is deemed appropriate as it can be reasonably provided for elsewhere. Nick Harding stated that as an authority the Council does not have a target that says it has got to be a specified percentage.

- Councillor Marks asked what guarantee there is if the biodiversity is moved that in 5 years time the applicant will not ask for planning on that piece of land as well and are any safeguards in place or is it just hope that it is not? Nick Harding responded that the off-site location would have safeguards and in relation to management of the off-site area there is a plan for the first 5 years and after this another management plan would be produced which would reflect how successful the first management plan has been and what other actions are required to carry on delivering the gains that are intended as the biodiversity site has to be managed for 30 years. Councillor Marks asked that if after 5 years it is not doing what it is supposed to do at that point can the developer come back and try to build more houses on this land? Nick Harding responded that they could ask as you cannot prevent someone from making a planning application but they would not get.
- Councillor Mrs Davis asked for clarification that the biodiversity levels are changing in 2024 so if this application is approved now it goes through on a lesser level, which is a good reason for the applicant to get approval now. Nick Harding responded that applications should not be determined today on the basis that if it is refused a better deal might be achieved next week. He stated that in terms of the biodiversity net gain there is a loss of 9.14 units and an off-site gain of 11.89 so there is going to be a net gain which is going to be further enhanced by hedgerow, which is detailed within the officer's report.
- Councillor Mrs French referred to Councillor Marks query regarding the land at Gaul Road, which is within her ward, with Cannon Kirk being the only developers that she has never had a complaint about the state of the roads but the land is in Flood Zone 3 and she cannot see it ever getting permission.
- Councillor Mrs French asked if the Nightlayers Internal Drainage Board had been consulted? Nick Harding responded that if there is no reference to a response in the officer's report then no comments have been received. Councillor Mrs French asked if there would have been comments with regard to the BCP as they were consulted in 2016/17? Nick Harding advised that the primary consultee is the Lead Local Flood Authority, which did originally raise objections but those objections have been satisfied.
- Councillor Hicks referred to the cycleway which crosses the road and the crossing over the main road and as far as he was aware there was supposed to be 45 metres of visible access for the cars to see but when he stepped it out where the crossing is supposed to be by the time he got to 10 strides, taking into account a stride is about 1 metre, you could not see the crossing and asked if it is an actual measurement, is it a desktop survey as this is a blind corner and whilst there is some shaving of the road that could take place it is still going to be a blind corner. Councillor Connor referred to the Crossing Improvement Plan shown on the presentation screen. Richard Conroy responded that the crossing improvement plan has been worked up between the applicant and County Council Highways, there were early versions of it and it also has a Stage 1 Safety Audit on it but there are lines on the plan showing that pedestrian crossing can see in each direction for a distance of 43 metres but on site it was possibly not appreciated the cars would be travelling in different directions, in different lanes, on different sides of the road and when this is factored it does help visibility plus the realignment of the road and removal of some of the hedging.
- Richard Conroy stated that the Senior Archaeologist at the County Council also worked very closely with the landscape architect to ensure that as much of the non-designated archaeological significance was safeguarded within the site. He stated that in 2015 there was an earthwork survey undertaken and it identified where the important areas of

archaeology were located and as a result there was an earthwork protection plan created and it identified that the western section was the area where the important archaeology was so as part of the landscaping plan that is the site of archaeology that is being protected. Richard Conroy advised that on the definition of meadow the NPPF does not define meadow or grassland and there is no designation or protection of this grassland in planning terms and the applicant has followed the mitigation hierarchy of the NPPF, trying to avoid any harm on site but they have not been able to achieve the full biodiversity improvement as a result and this is being off-set.

- Councillor Marks expressed the view that a 43 metre splay is debatable and is there any thought to extending the 20mph zone around the school? Nick Harding responded that the reason why the visibility splay distances are what they are is because the worst case scenario is that the road is 30mph and it would not be designed for 20mph as that only applies during school coming and going times.
- Councillor Mrs French stated that she attended a Transport and Highway meeting yesterday and this issue was discussed and any Town or Parish Council who want to go down the route of introducing 20mph areas can apply to the County Council to bring this forward.
- Councillor Marks asked where does the 20mph zone come in at school times? Councillor Benney responded that it starts around the corner near Cricketers Way.

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

- Councillor Marks expressed concern over the biodiversity and moving it 10 miles down the road and whilst he knows it is going to go on a site that is in Flood Zone 3 and the likelihood is that it will never get built on but things do change. He stated that he also has a concern on the road layout with the safety of not only children but adults as well.
- Councillor Hicks agreed with the comments of Councillor Marks.
- Councillor Connor advised that members must bear in mind that the road layout has been through a Stage 1 Safety Audit by the Highway Authority and whether members think they are right or wrong they are the experts and he would not like the committee to use this as a reason for refusal if this is the way this application goes as this will open the application up to challenge if it goes to an appeal.
- Councillor Benney stated that it looks like they are building out from the internal corner, it looks like it is narrow to the main highway which will increase the splay so it could probably be achieved and this could be conditioned. He expressed the view that there is another side to biodiversity as there are two supermarkets in Chatteris, Aldi and Tesco, and Tesco is not making money, you can see this by looking at the car park, with Tesco coming to Chatteris on the strength of housing growth and if more houses are not built in Chatteris Tesco's will be lost and whilst it is realised that these 93 houses will not make that much difference it is the confidence it adds to the market or takes away from the market by refusing an application like this and whilst there is other land in Chatteris that can be developed and housing targets can be met without these 93, this needs to be considered as there are more people using Tesco in an hour than there is using this field in a month and if Tesco is lost councillors will be rightly ridiculed. Councillor Benney made the point that if the application is not approved today there is nothing to stop the landowner pulling up every tree that is not protected, ploughing it up and growing sugar beet in it, which is a possibility and this application does protect the open space to the left and if refused it could all be lost. He feels the benefits need to be weighed up, there is the historical value, with the historical part in the main not being touched, which is a major part of this application and he does not like the trading off of biodiversity between Chatteris and March as he does not agree as a Chatteris Councillor that the ecology can be picked up and moved 9 miles up the road all that is being done is balancing numbers, you cannot destroy an ecosystem and expect it to pick up on another piece of scrubland and what does Chatteris get out of this, nothing. Councillor Benney stated that his biggest concern is if they lose the whole site and the green space that is being offered and if the application is refused there is nothing stopping the landowners stripping the site and fencing it off so residents will lose what they have got anyway. He does feel the landowner has a lot to answer on this, they have been remiss,

they have not spent money on signs saying keep out and allowed people to walk all over this land unhindered and just expect this application to sail through, with councillors being criticised and ridiculed through their lack of effort and their lack of investment in looking after what is seen as an asset. Councillor Benney stated that he wants to see a decision on this application today, recognising that the decision sits on a 'knife edge' and it could go either way and whilst these 93 houses are not particularly needed what damage does this do to the confidence in the housing market and growth in Chatteris and Fenland. He feels the Section 106 contributions are poor and the affordable housing provision is not to a standard that he would like to see but this does not discourage him to support the application as there is a bigger picture than biodiversity and saving a field as houses are needed in the District.

- Councillor Mrs French stated that she agrees with a lot of what Councillor Benney has said, there is the possibility that if this application is not approved it is going to be a piece of land that just stands there. She stated that she is not pleased with the lack of Section 106 contributions but it was explained that the applicant has to buy 8 hectares and they are actually giving 5 hectares back, which is a lot of land. Councillor Mrs French referred to the comments of Councillor Benney regarding Tesco and it was built because they were expecting growth within Chatteris, with Poundstretcher now being lost as it is coming to March, so this development is needed and there are people desperate for homes. Councillor Mrs French stated that she is not happy with the biodiversity move, she has not heard of this before and feels there must be some land that could be utilised in Chatteris but the bigger picture needs to be looked at, this piece of land could be ploughed up and the people that use it get nothing and she feels the decision will be on balance.
- Councillor Mrs Davis expressed the view that all members have teetered one way or the other with this application, it being one of the hardest that they have had to consider. She is not very happy with the Section 106 contributions or that people think they can pick up biodiversity and move it miles away from its natural habitat and that it will be OK. Councillor Mrs Davis stated that looking at the site her views differed from it should not be built on and then if this application is not approved who is going to look after it because the landowner will not and at least with this application it provides a parkland that is safe, that is going to be looked after and is not wild so there is a big gain, with the heart wanting to go one way and the head the other.
- Councillor Marks referred to the comments of Councillor Benney and he does agree with most of it, with another concern being the Section 106 contribution with 93 homes and families being brought into the area and it is already known that doctors, etc, are stretched and whilst he acknowledges that the agent said they do not have to pay anything but equally they are coming to Chatteris and they need to give Chatteris something more than £28,000, which he feels is an insult and pitiful and he feels that these contributions will be put on the price of the house, and does not think it should have been brought into the considerations today. He stated that he does not agree that biodiversity can be moved 10 miles down the road but feels this might be a red herring and there are concerns and he is the same that it is 50/50 and it is a pity that the agent would not come back having spoken to the applicant to see if there was some more Section 106 money, which may make his decision a bit easier.
- Councillor Connor stated that he is disappointed with 12% affordable housing and the proposed Section 106 contribution per house and he would have been happier to make a decision with £1,000 per property plus 15-16% affordable housing as it would make it more palatable to approve the application but the agent has said he cannot do it.
- Councillor Marks made the point that Chatteris is a growing area and there are 2-3 larger businesses which have moved recently to Chatteris who are struggling to get staff as there is not the housing and people will not travel from Peterborough or Cambridge and good housing is needed. He feels this proposal is half a solution but if developers are worried that they will not be able to sell the houses, although he is sure this will not be the case, they will not come but there needs to be the trade off with the extra money.
- Councillor Benney stated that his biggest concern is what is going to be lost as what happens to this site if this application is refused and it is ploughed up then nothing is gained,

the Section 106 contributions, social housing and the land that he wants to see saved would be lost. He feels the worst case scenario is that Chatteris does not get any housing, which damages businesses but also the green space that is already there as it is not a given that people can walk on it as it is private land and this proposal does provide a public open green space. Councillor Benney made the point that this is the dilemma that the committee is faced with today and he would like to think that there would be a plan of what would happen if this application is refused today as Chatteris could end up in a lose, lose situation.

- Nick Harding referred to viability and made the point as was referred to by the Case Officer the viability report has been through a vetting process not only through the Council's own viability officer but also the County Council and in its technical content it is what it is and there have been development proposals that proposed zero affordable housing and zero contributions or very low contributions with the supporting reasons why which has been begrudgingly accepted and planning consent granted so this development proposal is no different and it would not be a strong ground for refusing planning permission on the basis of the lack of Section 106 contributions. He added that in terms of biodiversity net gain there is not a percentage net gain target in planning policies and whilst there is a disagreement between The Wildlife Trust and the Wildlife Officer about the scoring of the site as it exists at the moment, the Council's adviser is satisfied with the calculation and is satisfied that the hierarchy has been followed and of the mitigation management proposal for the off-site scheme at Gaul Road so again when it comes to a reason for refusal it needs to be considered where the evidence might come from to support it. Nick Harding referred to the point made by Councillor Benney on what happens to the site if planning permission is not granted and as identified who knows is the potential answer and a number of scenarios have been highlighted by Councillor Benney but in relation to the issue of biodiversity on the site the way that the biodiversity system works for the purposes of calculations, if a landowner clears, fells and destroys everything on a site then when it comes to the BMG calculations that works retrospectively as to what the site was like several years back so there is no benefit in any destruction taking place on the site because they would still get caught by the calculation methodology. He feels the benefit of granting planning permission is that you have a site that does not have any official public access to it and it would have official access to it.

Councillor Connor asked the agent if he would be prepared to improve on the amount of Section 106 contributions and affordable housing provision as it appears to be a bone of contention with members. He suspended the meeting for 10 minutes for the agent to liaise with officers on this issue to enable members to make a decision today based on the best deal for the people of Chatteris.

Councillor Connor stated that the objectors could provide a further 2-minute statement to the committee in fairness for allowing the negotiation with the agent. Ms Patterson began by addressing a question by Councillor Hicks that she was unable to answer early in relation to red and amber list species of birds on the site, which are Barn Owl, House Sparrow, Song Thrush, Starling, Yellow Hammer, Bull Finch, Dunnock and Linnet, all of which are breeding on the site and he also asked about reptiles of which there are Common Lizards, Slow Worm and Grass Snakes which make it a site of principle importance and there are also 10 species of bats all of which are protected. She mentions these because off-setting is not intended to be used for sites of principle importance and is not intended to be used for protected species, all of those that she has mentioned make this a site of principle importance and are protected species.

Ms Patterson expressed the view that there is not a different of opinion between the Wildlife Officer and The Wildlife Trust, the difference of opinion is between the applicant's own ecologist and The Wildlife Trust, with the Wildlife Officer specifically not recommending either of those to be correct they expected that decision to be made by committee during this meeting and did not come down on either side. She feels that no weight has been given to the communities objections, either through the poll or through the 551 objections on the portal, during the debate and in relation to

Tesco she made the point that there are already 1,400 houses approved and there are several new sites in the emerging Local Plan so the 93 houses are really quite insignificant in relation to the Tesco development and whether or not they are going to stay.

Nick Harding advised that during the suspension of the meeting contact was made with the applicant and the offer stands at 12% affordable housing but the Section 106 contributions are proposed to increase to £1,000 per plot, applicable to the market dwellings only, which equates to 82 dwellings.

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

- Councillor Mrs French stated that she is a member of March Area Transport Study and she can assure members that the Highway Safety Officer take this extremely seriously and if they are saying the highway layout is going to work then it will work. She stated that whilst the decision is on balance and member do not know how they are going to vote, it would be very hard to refuse this application on material considerations. Councillor Mrs French expressed the view that it is a great improvement on the Section 106 contributions and her preference is it should be used for the NHS and it is this committee's right to specify where the monies should be used.
- Councillor Connor agreed and if the application is successful the money should go to the George Clare Surgery in Chatteris for the benefit of the people of Chatteris.
- Councillor Marks referred to the objector's further statement and mention of the poll and asked how many people actually voted in this? It was indicated that it was around 1,000. Councillor Marks asked how many people live in Chatteris? It was indicated that it was around 12,500 people. Councillor Marks made the point that less than 10% voted so it was not a majority and was a small turnout.
- Nick Harding made the point that planning applications should not be determined based on the number of people who voted for or against it, it is about planning points that are raised by the representations and material planning considerations. He referred to what the Section 106 could be spent on, he would countenance against ring fencing it purely for the NHS and he would suggest priority is given to the NHS, however, if a project is not forthcoming in a timely way then that money could be spent on one or more other projects associated with any of the other asks such as education or libraries so the Council is not in a position whereby the money is returned to the applicant because the NHS has not come forward with a project and also any unspent money could go towards provision of affordable housing anywhere in the District as affordable housing schemes do not come up often and this gives flexibility. Nick Harding stated he would countenance against identifying a particular surgery where the money will be spent because of the way GP surgeries are arranged and funded.
- Councillor Benney stated that any Section 106 money should be spent at the George Clare Surgery as Chatteris Town Council 18 months ago had a meeting with the Practice Manager and the senior doctors and they are trying to turn some of the meeting rooms into surgeries as they know Chatteris is growing and this money should go to this surgery as they have to pay for this out of practice money and raise the money to pay for it, with the money going back directly to Chatteris. He expressed the view that as much as officers have advised against ring fencing it, he has had discussions with Dr Angela Stephens-King and they are looking to do these changes to the surgery and this money could be used to make changes to the surgery to get more GPs there so there is a need.
- Councillor Connor agreed with Councillor Benney, it is a Chatteris application and if there is a benefit to be had from it, it is imperative that it is spent in Chatteris and it should be ring fenced.
- Councillor Marks stated that he is a councillor for Chatteris and Manea but he thinks that all of this money should be retained for Chatteris as if it is going to lose from having this development it should gain in other ways. He stated that he would love to see it go towards affordable homes as this is an area where there is need but this money should come back into Chatteris and not be diluted throughout the rest of the District.

- Nick Harding stated that in relation to spending the Section 106 money it would all be within Chatteris save for the affordable housing and in terms of the health contribution rather than name any particular surgery if the 106 says that the money is to be spent on the delivery of health facility improvements within the Chatteris Town Council administrative area if this is acceptable to members.
- Councillor Mrs French reiterated that she welcomes this additional contribution, Chatteris is going to be a growing town, it is a small amount of money and she would like £13,500 to go towards the library as people will be using the library.
- Councillor Benney referred to another project being the King Edward Centre, which wants to extend due to childcare provision and this is another project the Town Council is looking to bring benefit to the town so he would like to see some of the contributions used for this as this is giving back to the community, which is the aim of Section 106 Agreements. He asked if it would be possible to put the contributions into Chatteris Town Council's 106 pot and then the Town Council allocates this money, which would be very carefully spent within Chatteris.
- Nick Harding expressed concern that when Section 106 money is being requested there has to be an evidence base to say that without a contribution being made the proposal would be unacceptable and officers have liaised with the County Council, who provided a response in terms of early years, primary and secondary and he is not sure the early years conversation takes into account the establishment that Councillor Benney is referring to, so his worry is potentially about making provision for that specific facility being in compliance with the regulations. He feels the way round this is to say x% of the total sum of the £82,000 or a figure would be made available for early years provision in the town of Chatteris and that could go to the project that comes forward and it does not have to be demonstrated that it is in compliance with CIL regulations.
- Councillor Mrs French expressed the view that a decision is required first and then a discussion under the conditions and then officers can come back. Nick Harding responded that it has to be a whole decision, either refuse or approve and if approving members need to set out what the allocations are for the Section 106. Councillor Mrs French stated that this is what is being said.
- Councillor Benney stated that he wants to see this money go back to Chatteris and asked if this can be discussed afterwards to accept that this money goes back to Chatteris and where and what percentages are used? Nick Harding responded that technically a proposal could be put forward that says refuse the application giving the reasons why and if that was unsuccessful a new proposal would be required and that new proposal must if it is going to be for approval of the application identify particular measures to be put in place in relation to the content of the Section 106 so this needs to be debated now but the debate on the content of the Section 106 would not prejudice the ability to refuse the application.
- Councillor Mrs French stated that members have already debated the Section 106, it is just clarity around the allocations. Councillor Connor agreed it just needs to be stated how much is going to what services. Nick Harding confirmed this to be correct and his suggestion is that the 106 monies have to be spent within the Town Council's administrative area, the money is split however members want it to be split against various activities, ie health and early years, but not specifying a facility where it is going to be spent as otherwise if these facilities do not come forward with a project there is the flexibility to spend the money elsewhere and finally if any monies are not spent in any of the categories or a particular ring fenced category then that money could be spent on any of the items that have been listed in the 106.
- Councillor Mrs French suggested that the Section 106 monies be split £56,000 to health, £13,000 to libraries and the balance to early years.
- Councillor Benney asked why or does this percentage have to be agreed now? Councillor Mrs French responded that officers have just advised committee this needs to be done now.
- Councillor Mrs Davis asked if the £56,000 for health includes the Ambulance Service as they expressly said they need contributions. Councillor Mrs French responded it did and Councillor Connor stated that this is part of the health parcel.

- Councillor Mrs Davis asked in the conditions is it possible to ask Highways to look at the crossing again as there was major concern when members visited the site whether the speed is 20mph or 30mph that if a child is crossing the road there could be a serious accident. Nick Harding stated that as has been outlined by the Case Officer and himself, visibility splays shown on the drawing are created through changing the road geometry, removal of vegetation and the 43 metres visibility splay is standard given the road speed so it is a standard national methodology used and it has passed a Road Safety Audit so he is satisfied. Councillor Connor added that he believes it has to go through a Stage 2 Audit as well and it has to be by somebody else not the County Council.
- Councillor Marks asked if it could be conditioned about the safeguarding of Gaul Road, whilst he recognises it does exist in the conditions for 30 years he is concerned that they could come back in 5 or 10 years? Nick Harding responded that as he mentioned early in the meeting you are unable to add a condition to prevent somebody from submitting a planning application.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be GRANTED as per the officer's recommendation and that delegated authority be given to officers to amend the conditions in conjunction with the Chairman and Councillor Benney to include a Section 106 Agreement for 12% affordable housing and £1,000 per market dwelling (£82,000), with £56,000 going towards health, £13,000 towards libraries and £13,000 towards early years provision to be spent within Chatteris Town Council's administrative area and that the Construction Management Plan includes road sweeper provision and a wheel wash facility.

(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)

(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that as a District Councillor for Chatteris North and Manea he does attend Chatteris Town Council meetings but takes no part and this application has not been mentioned at any meeting he has attended)

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

3.39 pm

Chairman

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PLANNING COMMITTEE



WEDNESDAY, 26 JULY 2023 - 1.00 PM

PRESENT: Councillor C Marks (Vice-Chair, in the Chair), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor P Hicks, Councillor S Imafidon and Councillor B Rackley (Substitute).

APOLOGIES: Councillor D Connor (Chairman),.

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

P26/23 PREVIOUS MINUTES

The minutes of the meetings of 31 May and 28 June 2023 were agreed and signed as an accurate record.

P27/23 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)

Nick Harding 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 Martin Robeson and Karen Crowder-James, objectors. Mr Robeson advised members that he was representing Tesco and whilst Aldi may assert that he is there to reasonably prevent competition this is not correct as he feels their scheme has severe risks to pedestrian safety and will create unacceptable traffic congestion, both having important public interest consequences. He expressed the view that a big problem is the real likelihood that the County Council MATS scheme will not come forward so in the interim there is a do nothing response, just build the store and hope that the traffic congestion and chaos is not too bad and leave the ¼ million pounds for a lesser alternative in the bank.

Mr Robeson expressed the view that this should be especially worrying to members as there is already congestion tailing back from the A141 onto Hostmoor Avenue all the way to the Tesco roundabout and Aldi's exit solution for customer traffic magnifies the problem as they do not have enough land or initiative to design a scheme where traffic can turn right out of Aldi for the many people wanting to go west as Hostmoor Avenue is not wide enough. He stated that as shoppers will not be able to turn right out of Aldi they will have to go left and all the way around the Tesco roundabout and then go back past Aldi westwards.

Mr Robeson expressed the opinion that this is a serious problem with 35% of Aldi shoppers, their figures, will be linking their trip with Tesco and Tesco is on the opposite side of the roundabout, with many shoppers walking across the road but crossing roads at roundabouts is unsatisfactory and unsafe and introducing signal-controlled facilities is not possible as traffic would just tail back

all around the roundabout. He feels that pedestrians will take their luck in identifying gaps in the traffic and with every Aldi customer car having to turn left, with the driver looking right to identify a gap in that traffic, pedestrians crossing the road immediately to the left are “sitting ducks” so, in his view, the only sensible option is to refuse the application, it is premature until it is known that the MATS solution is available and even with MATS the pedestrian crossing facilities for shoppers would fail the NPPF requirement that there must not be an unacceptable impact on highway safety.

Ms Crowder-James stated that she represents Cambridge Property Group and her client has severe concerns about the acceptability of the application, specifically in terms of its compliance with national and local retail and transport policies together with safety and traffic capacity issues relating to the proposal. She expressed the view that the level of combined convenience retail impact is predicted to be 19.5%, which is recognised by the Council’s retail consultants to be of concern, this is the only scenario given the recent withdrawal of the alternative scheme for a Westry retail park and the implications of which should be given further consideration, with the significant adverse impact being the reason this application fails the retail impact test required by the NPPF.

Ms Crowder-James expressed the opinion that the first consultation response by the County Council required the Aldi signal scheme to be a permanent solution and it would need to operate within or better than 4 cars capacity failing that an alternative solution should be proposed and nothing changed apart from a financial contribution from Aldi to County for a MATS scheme, which is assumed to be the alternative solution as the Aldi proposals are over capacity and unsafe. She stated that County originally proposed that if the MATS signals were delivered prior to Aldi opening £250,000 would be paid, they have given themselves two years from the opening of Aldi to complete these works, however, her client owns all of the land required for any Hostmoor junction improvement and they will categorically not sell any land to the County meaning they will have to use a CPO.

Ms Crowder-James stated her client has already been legally advised a CPO would fail for several reasons, one being that the County Council cannot use a CPO to make a private development which is unacceptable in highway terms acceptable, therefore, there is no certainty that County can deliver the MATS scheme and Aldi could open with no highway mitigation works taking place, particularly as there is no condition or trigger to require Aldi signals to be constructed. She expressed the opinion that with no highway mitigations, this will lead to severe congestion along Hostmoor Avenue and, given the above, the application should be refused as the planning balance weighs heavily against the grant of planning permission and at the very least this application should be deferred until further advice has been obtained following the withdrawal of her client’s alternative application, the delivery of which has been relied upon so heavily in the officer’s report and the County in respect of safety aspects on the old Wisbech Road A141 junction, within the Aldi signal scheme and pedestrian crossing point at the Tesco roundabout.

Members asked question of the objectors as follows:

- Councillor Gerstner asked for clarification about the 19.5% retail impact figure? Ms Crowder-James responded that this figure is in the Aldi application, it was arrived at after they put in an objection and asked them to reconsider the implications of the implemented 2015 Westry retail park scheme and the convenience and comparison combined impact and that 19.5% figure is the combined impact on March Town Centre. Mr Robeson referred members to paragraph 19.60 of the officer’s report.

Members received a presentation, in accordance with the public participation procedure, from Rob Scadding, on behalf of the applicant. Mr Scadding stated that he is from Planning Potential who are acting as Aldi’s planning consultant on this site since first meeting officers for pre-application discussions in early 2020 and the application was first submitted in May 2021 but since then they have engaged in dialogue with both officers and statutory consultees and are delighted that

officers clear recommendation is that planning permission should be approved. He expressed the view that the application is supported by a range of technical documents and assessments covering all the material matters, including principle of development, retail impact, sequential, highways, design and technical compliance and they have been fully aware of the objections expressed by those who have spoken against the application this afternoon, however, all evidence submitted with the application has been independently assessed with no objections raised by any statutory consultee.

Mr Scadding expressed the opinion that if approved the new Aldi will bring much needed choice for local residents now more than ever with the rising cost of living it is important that people have access to genuine choice, with many local people already travelling to visit Aldi, with Chatteris being the nearest store and somewhere closer to home would be more accessible and mean shorter car journeys. He stated that it is not just them saying this over 1,500 people responded to their pre-application consultation with 95% expressing support and there have since been more than 80 individuals expressing support for the application itself, with a new Aldi being of significant benefit to the local community.

Mr Scadding expressed the view that this is an accessible commercial site within an area identified as growth within the Local Plan and Aldi's proposals comply with this objective creating 15 new local jobs, which is a further direct boost to the investment in the local area. He recognises the site is not within an existing retail centre, which is why the application is supported by a retail impact assessment, this includes assessment on whether Aldi comes forward in isolation or with a new western retail park and as required by the NPPF the assessment demonstrates the potential overall combined impact on March Town Centre would be 7.3%, which is well within acceptable levels and there is no evidence that this will result in a significant adverse impact on the town centre or affects its vitality and viability, with the findings having been independently reviewed by the Council's retail consultant who fully agrees with their conclusions.

Mr Scadding stated the access has been taken into consideration very seriously and it is not in Aldi's interest to open a store that creates problems and Aldi's project team have worked proactively with the County Highways since the pre-application stage to deliver a solution to the proposed Aldi, whilst also taking into account the wider highway network and from the outset they have been mindful of the MATS proposal, which if progressed should deliver wider structure changes and network improvements. He stated they have worked closely with Highways and considered scenarios of the store coming forward with or without MATS, again these findings are agreed and both scenarios covered within the draft 106 agreement, which is ready to be signed in the event of a positive resolution this afternoon.

Mr Scadding expressed the view that with the current cost of living crisis the need for a new Aldi has never been greater, the agreed solution means the significant economic investment and jobs in March is not unnecessarily delayed. He feels that all issues, particularly retail and highway matters, have been carefully assessed and independently verified leading to the recommendation that permission should be approved, this investment will deliver many benefits to the area and the application is strongly supported by local people so requested that members support the recommendation.

Nick Harding referred to the speaker's presentation and in the scenario in which there is a problem and this causes a delay relating to the third party land required to be able to be implemented the MATS scheme the Council would not be asking Aldi to pay the contribution to spend on MATS because of those delays and implementation of the MATS scheme and the money would only ever be asked for Aldi implementing their own highway improvement if the MATS scheme was up and ready and was going to be implemented in a 2 year timescale so there is this safeguard in place that the Aldi store, one way or another, will be served by a junction improvement on the A141.

Members asked questions of officers as follows:

- Councillor Benney requested clarification that Aldi will either do the improvements highlighted in the proposal or if the MATS scheme comes forward in a reasonable timescale Aldi will pay £250,000 towards the MATS scheme but there has to be a guarantee that the scheme would be in place before they had to contribute to it? Nick Harding confirmed this to be the case, without certainty of the MATS scheme deliverability the Council would not request the 106 money and Aldi would be implementing their own junction improvement. Councillor Benney asked if the MATS scheme does not come forward, as he would expect Aldi would want to get on with the development, their highway scheme is acceptable? Nick Harding responded that as indicated by the applicant there has been extensive discussions with Highways and they are satisfied that the design of the Aldi's own junction improvements on the A141 plus what is shown on the store plan in relation to access in and out of the car park works appropriately.
- Councillor Benney asked the Highway Officer present that they have looked at the scheme and have no objections to the scheme that Aldi have put forward but it has been mentioned from one of the objectors about turning left only and is this an acceptable scheme for traffic to only turn left and go around Tesco roundabout? Hannah Seymour-Shove responded that this is acceptable to Highways, with the Tesco roundabout having been modelled to assess impact and it is deemed satisfactory.
- Nick Harding asked Highways to comment on some of the statements made by the objectors in relation to the capacity of Aldi's own junction improvement on the A141 and whether or not they are satisfied that Aldi's own junction has sufficient capacity to deal with the expected traffic. Hannah Seymour-Shove responded that the A141 Aldi signal junction has undergone several modelling tests and these have shown that the junction itself will operate with better capacity with the signals in place than the existing layout and when it is taken into account the capacity on the A141 south bound arm, excluding the McDonalds application which is not a committed development site at this stage, it operates within capacity.

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

- Councillor Benney expressed the view that this is a balanced and good report and committee were told that there are 3 issues that members need to be satisfied with. He referred to loss of employment land and made the point that at every committee people will be pleased and others not, but looking at some of the photographs, knowing the site well, the site is not high value industrial land, it looks fairly derelict and the loss of land is equally making jobs and good use of the land. Councillor Benney expressed the view that on highways he has listened to both sides of the debate and he is just a councillor, guided by officers and the assurances he has received from Highways goes a long way towards satisfying any concerns and feels that committee should not be going against Highways as they are the experts and if they find it acceptable then he feels it is an acceptable scheme. He expressed the opinion that on the impact on March Town Centre, which is going through changes as are all town centres and retail is constantly evolving, there may be an impact on March Town Centre but it is unknown and the scheme that is before committee has positives within it in terms of employment and competition, with Tesco stating that they are not against Aldi coming per se to March and he welcomes competition as it benefits all the residents of March and beyond. Councillor Benney expressed the view that officers have done their utmost to bring this forward in a well-balanced and well written report that he feels has come to the right conclusion.
- Councillor Gerstner agreed with the comments of Councillor Benney and referred to Highway comments in 5.6 and 5.7 of the officer's report who have indicated that they have no objection and there is the caveat that the junction improvements should be in place prior to the store opening. He made the point that the County Council's Highways Transport Assessment team also have no objection so members should be guided by the experts. Councillor Gerstner added that March Town Council is very much in favour of the proposal and they are the local council and they know their electorate well.

- Councillor Benney agreed that local councillors are elected locally to make local decisions based on local knowledge and to listen to the electorate and carry their wishes forward, with the committee listening to the views of Town and Parish Councils, not always agreeing, but March Town Council supporting this application is putting over the views of the residents of March and as councillors that is the job to take note of what residents say.
- Councillor Hicks agreed with Councillor Benney that this is a well written report and regarding the road turning onto the A141 left, in his opinion, living near this site you do have to turn left but it is not much of an issue and he does not feel there will be a lot of impact as it has worked successfully for a number of years.
- Councillor Rackley stated that it is the electorate that vote councillors in and if Highways have not got a problem with coming off the A141 he thinks it is good for the consumer to have more choice in the current climate when times are hard.
- Councillor Benney stated that he can remember when the junction that joins the A141 was right turn as well and the methodology for turning left and going around Peas Hill roundabout does work and as Highways have raised no objections to the scheme a turning left scheme already works at Tesco roundabout, there are always improvements that can be made but members have to work within the constraints that there are but if highways are indicating it is acceptable he has to take this at face value.
- Nick Harding stated that the number of people supporting an application is not a relevant planning consideration it is about the nature of the comments and how they work in relation to the relevant planning policies and other material planning considerations. He added that competition is also not a material planning consideration, it is a side issue and whilst members might support the context of competition this should not play a part in the planning decision on the application. Nick Harding stated that the key issues are transportation, retail and quality of the employment land.
- Councillor Benney referred again to the impact on March Town Centre and made the point that town centres are evolving and changing across the country and referred to Chatteris having one of the most derelict looking High Streets with empty shop units but this has been revived, with someone taking on empty units and allowing businesses to thrive. He feels March Town Centre is the same as a lot of the businesses in existence today have evolved on the benefit of having an empty unit to move into so as much as it has an impact that impact could be positive to other businesses that come along and want to take those opportunities on and whilst it may change the face of March Town Centre it could equally bring along something new. Councillor Benney expressed the opinion that councillors should not be standing in the way of progress and the real answer as to whether March Town Centre will change comes down to the residents of March, they use the shops and if they carry on using the shops in the town centre it will reduce the impact but if they wish to go and shop at Aldi it may impact but the residents of March will be voting with their feet and their money and this sets the direction of travel on any retail or changes to town centres.

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

(Councillor Marks registered that he knows one of the current landowners of the site and took no part in the voting and discussion thereon. Councillor Imafidon chaired this item)

(Councillor Mrs French registered that she is Chairman of March Area Transport Strategy and took no part in the voting and discussion thereon)

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

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Derek Widdowson, an objector. Mr Widdowson stated that he represents all those neighbours affected which have objected unlike positive comments made by persons who are not affected by the development. He expressed the view that the application is identical to that submitted in 2016 and again in 2017, these applications being refused and dismissed on appeal by the Secretary of State.

Mr Widdowson expressed the opinion that the proposed build of 4 houses is on back land and a land locked site behind existing buildings and has no street frontage, with the access being very limited and not in the best interests of Guyhirn. He made the point that Gull Road at times can be busy with heavy haulage and farm traffic and this would not be assisted by new residents and service vehicles having to turn into the narrow access road making a left turn from Gull Road causing some vehicles to use the off side of Gull Road against oncoming traffic, with the 40mph speed limit not being adhered to.

Mr Widdowson expressed the view that the access road itself is only single access in width, unlit and narrow to a gate width from the corner of his property and his neighbours, there would be no room for a passing place to be made and vehicles would have to back up. He stated that his two main bedrooms adjoin this access road which he feels would be affected by noise and light pollution from persons entering or leaving and currently they have a view of an expansive field that is shielded by a row of conifers on the western boundary, with such large and imposing houses being intrusive and blocking out his natural light.

Mr Widdowson stated that the land in question sits higher than his ground floor and with current regulations would force the builder to raise the ground floor height against the possibility of flooding this would cause his bungalow to be overlooked by all four houses, with his hedge being 7 foot high but this development would dwarf this and be intrusive to his privacy within his house and garden. He feels the possibility of up to 14 additional vehicles from dusk to dawn will mean their headlights would shine directly into his living room and rear bedroom and a further problem may be the water table as the land in question is higher and may affect their drainage and biodigester.

Mr Widdowson stated that at present the water pressure is very poor, which causes most of the residents in Gull Road to complain and, in his view, additional houses in this part of Gull Road would be a further drain on the water pressure. He stated that he has no problem with the expansion of housing, currently supporting other applications that are going to front onto Gull Road and as he understands it previous applications to build elsewhere on Gull Road have been rejected and he hoped the status quo could be maintained.

Mr Widdowson made the point that no new amenities have appeared in Guyhirn since the current building projects have been agreed and at what point does new housing to Guyhirn become unsustainable. He raised concern that this is only the start of possible further developments by The Chase and other matters would be the collection of refuse and would the collectors use an unadopted road or would the bins be on constant display on Gull Road, 4 houses, 12 bins plus 3 from The Chase.

Members received a presentation, in accordance with the public participation procedure, from Russell Swann, the agent. Mr Swann made the point that the application has support from most of the statutory consultees including Highways, Environmental Health and the Internal Drainage

Board and the officer in the report recognises that there are no issues with the design of the dwellings, no issues with any impact on the neighbours' amenities through noise, light, privacy or the driveway. He stated that the whole of the site is within Flood Zone 1, exactly where new residential development should take place.

Mr Swann referred to the reason why the application is being recommended for refusal, whilst he respects the officer's opinion he does disagree with it as since the previous refusal on the site at least 8 separate planning applications for 21 new dwellings have been approved for development behind the linear form in Guyhirn and, in his view, this fundamentally changes how this application should now be viewed and this does not include the historic sites such as Woodland Gardens, Nene Close, Spencer Drove, etc. He expressed the opinion that the form and character of the village of Guyhirn is linear development with pockets of residential development behind and he referred to a map on the presentation screen which demonstrated this point.

Mr Swann stated that LP3 says that new development will be acceptable in Guyhirn if it is limited to small residential infill and showed on a further slide that this is the case for this site, showing other sites where development has taken place behind the residential linear development referring in particular to Lake View, with the nature of this site being similar in character to this proposal, it is located behind the built form and accessed off a small drive between two existing dwellings, with this dwelling being approved under delegated powers in 2019. He expressed the view that as mentioned many times at the committee parcels of land like this are massively valuable to housing supply in the district, plots like this will be developed by self-builders or smaller developers that are usually priced out of the large developments due to the costs of the infrastructure and land price, with small builders and self-builders employing local tradesmen, buying from local merchants which in turn contributes to other businesses in the District.

Mr Swann expressed the opinion that the site is typical of the form and character of Guyhirn, it does comply with LP3, LP12 and LP16 and it is already a residential site, it is within Flood Zone 1, has no objections from Highways, Environmental Health or the Drainage Board and the Planning Officer is happy with the design and the amenities of the proposed site and the existing dwellings. He requested approval of the proposal with any conditions deemed appropriate.

Members asked questions of officers as follows:

- Councillor Mrs French referred to the numerous refusals on the site and the dismissal at appeal and asked apart from other houses being built in the vicinity what has changed from these previous refused applications? David Rowen responded that there has been no changes to the site or the circumstances in the immediate vicinity of the site since the last appeal decision.

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

**P29/23 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**

Danielle Brooke 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 Helen Morris, on behalf of the applicant. Ms Morris informed members that she is a Chartered Town Planner with RCA Regeneration and thanked the Case Officer for her well-considered and detailed recommendation as well as her assistance in getting the applications to this stage. She stated that 6 North Brink is a Grade II* Listed Building situated within the Wisbech Conservation Area, it is one of a row of Georgian regency period properties which stand on the north side of the river and considered to be one of the finest pieces of Georgian street architecture in the country, with the building comprising a former 4-storey town house with Georgian origins that has later additions to its upper stories and a modern rear extension .

Ms Morris stated that the existing uses within the property comprise a chiropractic surgery and beauty treatment rooms with 2 existing flats on the upper floor and the proposal before committee is to convert the building into 7 flats and replace the existing single-storey rear extension in order to regularise the previous unauthorised works and ensure the viable continued use of this historic building for many years to come. She advised that other than the replacement single-storey rear extension the only external change proposed to the building is the reinstatement of the former sash window at the eastern end of the basement and during the application process revisions have been made to address consultee comments and ensure the proposal meets the requirements of all local and national planning policies. She added that prior to revisions being made a programme of historic building recording and analysis was undertaken to Historic England Level 2 specification to gain a full understanding of the historic fabric and layout of the existing building, with the resultant report being used to form a redesign of the scheme and support the preparation of a Heritage Impact Assessment both of which were submitted in support of the applications.

Ms Morris advised that one of the key changes that has been included as part of the revised proposals is to remove the modern staircase previously installed into the south-east corner of the building, which has enabled reinstatement of the ground and first-floor rooms and will greatly enhance the significance of the Listed Building. She stated that other key amendments made to the scheme include retention of the original basement door and sash windows to its west, boxing in of the staircases to the basement to ensure their preservation, reinstatement of the central staircase so it flows its full length from ground to third floor, retention of the wood panelled room at the south-west of the ground floor and the addition of a wall and doorway to the lobby area on the first floor.

Ms Morris stated that in terms of the number of units proposed it is important to note that the net increase in residential flats, and it is definitely flats and not a HMO, will only be 5 additional units given that there are 2 existing units on the second and third floors. She expressed the view that the proposal works for the historic layout of the building and it is considered that conversion of this important heritage asset to 6 1-bedroom flats and 1 2-bedroomed flats provides the most efficient use of the site and meets the need for smaller units of accommodation that will enable future generations to enjoy living in this property and this is considered of relevance to the proposal given the importance of securing the most viable use of the site that will sustain and enhance the significance of this Grade II* Listed Building and also ensure its conservation going forward in accordance with Paragraph 197 of the NPPF.

Ms Morris expressed the opinion that the proposed flats will provide a high-quality living environment for future occupiers by providing accommodation that meets the nationally described space standards, dedicated cycle storage will be provided for each unit within the rear garden and all habitable rooms will have sufficient natural light provided by existing windows and the addition of the previously approved window at third floor level. She reiterated that the second and third floor of the building already accommodate 2 flats without any significant noise or disturbance issues from the commercial units below, however, conversion of the lower floors to residential use will result in benefit for existing and future occupiers preventing any conflict with the more frequent

comings and goings related to the existing business uses.

Ms Morris expressed the view that the revisions to the proposed development have sought to address all consultee comments and the initial concerns raised by the Council's Conservation Officer have been fully overcome resulting in no objection to the proposal. She feels the scheme respects the original building and will ensure the original fabric of the building and its layout are preserved, reversing several more recent additions which have had a negative impact on its significance and will greatly enhance this important Listed Building and secure its continued active use going forward and overall the proposal complies with all policies of the Fenland Local Plan along with the provisions of the NPPF. She asked members to take account of the positive recommendation of the officer and approve the applications.

Members asked questions of Ms Morris as follows:

- Councillor Mrs French asked what happens in the event of a fire, is there fire escapes? Ms Morris responded that the relevant team within the Council, the Private Sector Housing Team, have looked at the plans and there were revisions which included the amendments requested by that team.
- Councillor Rackley stated that this one of the finest Georgian streets in the country and referred to 5.3, the National Trust comments regarding waste collection, which he read out, and if you look at the plans there is not room for big wheelie bin outside the property and if there was it would be to the detriment of the road it sits on so he has concerns over rubbish. Ms Morris responded that those comments from the National Trust were submitted early on in the application process and things have progressed in terms of the revisions and revised plans that have been submitted including a refuse waste management strategy and there have been additional comments from the Environmental Services Team, they are not fully satisfied with the suggestion to put additional waste storage in the rear garden area in addition to the space within the building just off the lobby area but the Case Officer has fully addressed this in the report with it being a betterment over the present situation with the building being currently in use. She stated that they have provided for on the site plan what they consider to be adequate refuse storage and are happy with the imposition of a condition to provide further information and a full strategy going forward because if a stage cannot be reached where it works entirely with the Council's own collection of waste management then the applicant is more than happy to instruct a private waste management company.
- Councillor Rackley stated that he still has concerns about the rubbish although he recognises that there is going to be storage at the rear but questioned how this is going to be collected? He further raised concern about parking for 7 flats, the site is right near the doctor's surgery and parking is chaotic here most days and how many cars is 7 flats going to create. Ms Morris responded that the refuse is not all going to be stored at the rear, there is on the floor plans that have been submitted a refuse storage area just on the right hand side of the lobby and it has been confirmed within that it can meet the Council's waste management team's requirements in terms of a keypad entry and there would also be ventilation and extraction to control odour with self-closing doors to make sure that there is no odour escaping within the rest of the building and there is a condition recommended by the officers to deal with this fully. She stated that the issue of parking has been fully considered by the local Highway Authority and there is a policy within the Local Plan and there have been numerous flats approved within Wisbech without car parking, with the existing uses within the building having to be taken in account and it was agreed by the local Highway Authority that they could not substantiate an objection to no parking.
- Councillor Gerstner referred again to waste disposal and made the point that it is a very narrow path, near a doctor's surgery, there are people with sight impediments and those that use mobility scooters and wheelie bins and any rubbish left in pathway over a long period of time, ie 2 days before collection or after, can prove very serious for those people so asked if it is being stated that if a private collector collects the rubbish there will be no rubbish left on the street? Ms Morris confirmed this to be the case, there is no intention to

leave wheelie bins on the street that is why the storage at the moment is shown to be indoors and within the rear garden area as having heard further from the Environmental Services Team and discussions with the Case Officer it was felt it was better to propose a condition for further details to be agreed should permission be granted but bins will definitely not be put out on the pavement area.

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

- Councillor Mrs French stated that she is not bothered about the parking as it is within the Town Centre and the policy is that you do not have to have parking spaces and also rubbish is being collected now due to the existing use. She feels more importantly looking at the building and reading the report some alterations have already been undertaken without planning consent and she feels for this proposal to be approved it will actually bring the building back to reflect the original building so she will support it.

F/YR22/0873/F

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

F/YR22/0874/LB

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

P30/23

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

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey stated that the application is made on behalf of Jason Jolley, there was a previous application for 3 dwellings but this has been changed following comments of the Parish Council down to 2 detached barn style dwellings together with a new access. He made the point that the application is now supported by the Parish Council and this was taken on board after their comments on the previous refusal, with Highways and Environmental Health having no objections, 7 letters of support from Doddington residents, 1 from a Chatteris family who farm opposite and the site is also in Flood Zone 1.

Mr Humphrey expressed the opinion that the application sits between 4 existing dwellings so it is not in isolation and quoted the comments in the officer's report at 2.2, with to the rear of the site and further out of the village there have been approvals for 20 caravan pitches, 4 glamping pods, toilet block, a further application for 18 caravan pitches plus 30 caravan pitches, toilet block, 2 log cabins, car park, treatment plant, 8 log cabins plus a 4-bed house, which hardly demonstrates, in his view, open countryside, with all of them being further away from the village. He stated that the Planning Officer also acknowledges in 9.2 that there is a better build to plot ratio as larger garden spaces are provided and 10.12 states the proposal would harm the open character of the area and conflict with policies, which he finds interesting when there are all the other applications that have been supported and approved by committee. He requested on balance that this application sits nicely between the existing 4 dwellings and in front of the developments mentioned and requested members' support.

Members asked questions of Mr Humphrey as follows:

- Councillor Mrs French referred to the caravans and log cabins that Mr Humphrey mentioned and asked if this was in the open countryside as well? Mr Humphrey confirmed this to be the case.

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

- Councillor Benney stated that this is further out of Doddington than another application that was refused but that was also refused by a different committee to the one present today. He made the point that this application is supported by Doddington Parish Council, who does voice its concerns when they do not want something to go ahead so as much as it is building in the open countryside Doddington Parish Council seems to want this development, they are a serious consultee within the planning process and members should listen to what they say and they must see some merit in this application speculating that as it has buildings either side they might class it as infill and, in his view, this road will one day be filled in with houses.
- Councillor Gerstner agreed that Doddington Parish Council supports this application and from what the agent said he thinks the Planning Committee needs to be consistent in its deliberations if all these other applications which were quoted appear to have been approved.
- Councillor Marks stated that this seems a bit back to front from the village, with it now working back into the village and there are houses to the left of this, it is also next door to quite a new looking modern house with a building beside it and he believes this development will fit in well and he will be supporting the application, especially hearing what Doddington has said.
- Nick Harding drew committee's attention to the previous recent committee decision which was to refuse planning consent and as the Case Officer indicated there is nothing about this application which changes the principles that the committee considered at that point in time so, therefore, the decision today should be the same as it was previously as nothing has changed. He further drew members' attention to the Code of Conduct on Planning which refers to the issue of perversity and maladministration if a local authority planning committee is approving an application which was previously refused where there has been no change in circumstances so members need to be very careful when dealing with this application. Nick Harding stated that the starting point is the adopted Local Plan, which indicates in its settlement hierarchy and development strategy the approach for dealing with development, this is clearly a location that does not sit in the settlement which is listed in the Local Plan, therefore, by default it is classed as being an elsewhere location and as an elsewhere location there is only a limited number of circumstances within which a general residential development will be approved and this application is not one of those. He referred to reference being made to other developments, for example leisure developments, and made the point that tourist developments generally take place in the open countryside and that is part of the adopted planning policy and outside of settlement boundaries so that cannot be a reason for allowing general residential development to take place outside of the settlement. Nick Harding stated in relation to the Parish Council comments the Council has no idea what considerations that Parish Council gave to the adopted Local Plan or national planning policies which relate to general residential development in countryside locations so in its notification that they support the application it is not known in what context this was made and whether they actually understood the planning policy position that they had to have due regard to in arriving at their recommendation and they have also not identified the reasons why an exception should be made to Local Plan policy.
- Councillor Marks requested clarification on nothing has changed with the members of the committee having changed and now there is a different factor where Doddington Parish Council have also changed their view. The Legal Officer stated that members have always been advised that the mere fact of support from a Parish Council is not in itself a reason to grant planning permission, members have to have planning reasons for making a planning

decision and that is not a planning reason. He added that the fact that members of this committee may be different to previous committees does not absolve the need for consistency in decision making.

- Councillor Gerstner expressed the view that members have to be guided by officer's comments on what the rules and regulations are as well although the committee has changed and views may have changed.
- Councillor Hicks asked for clarification that if members are being told that they have to vote a certain way is that not pre-determination on behalf of the planning officers. The Legal Officer advised that it is not as members of the committee have to take account of planning policies both local and national and if all those planning policies point in the same direction on one application and it gets refused and the next time a similar application is considered those policies have not changed then that would point in the direction of the same decision. He added that he is not saying that this is pre-determination, pre-determination is when you have made your mind up about an application before you have heard any debate on it or officer's advice on it. Councillor Hicks stated that he probably used the wrong word and meant being guided in a certain direction, led into a decision that members would probably not normally vote for. The Legal Officer stated that the committee is bound to follow planning policies unless there are good reasons to depart from them is what the law says.
- Councillor Mrs French stated that listening to the comments of Nick she was dumbfounded as he gave the impression that the Town and Parish Councillors either do not know what they are doing or are not following policy and she feels his statement was quite dangerous and upsetting for Town and Parish Councillors as they are there elected by residents to look and listen at what is going on and they have the right to change their mind. She stated that she does not remember committee approving log cabins and glamping so assumes it was under delegated powers but this committee is a new committee and interpretation of policies sometimes differs from what members think to what officer's think. Nick Harding responded that he was not dismissing the Parish Council representation on the application but what he was saying is that there is a support or object representation from an organisation but there is no understanding on how that was arrived at so potentially that representation was arrived at perfectly appropriately or alternatively it might have been arrived at by a complete misunderstanding of policy and the Council does not know. He made the point that as stated by the Legal Officer just because there is a representation to say support or object to an application there is no text either way that identifies how this was arrived at so it is difficult for officers in making a decision to know what amount of weight to put to this representation so therefore it is a case of what do policies say about this development proposal and are there any material planning considerations that dictate that it is appropriate so a different conclusion can be arrived at. Nick Harding stated that the Code of Conduct is quite clear that just because it is a different set of members sitting on the committee that does not automatically mean a different decision can be arrived at, the decision made previously by the organisation needs to be accepted and the focus has to be on whether or not the circumstances are different now to what they were when the original decision was made and as identified by the Case Officer in the report there has been no change in circumstances on this application so this should be steering members towards refusing it.
- Councillor Hicks expressed confusion as if officers are saying members cannot vote a certain way why is the application being debated. Nick Harding responded that the reason why the application is before members today is due to the Scheme of Delegation and committee may be able to identify a change in circumstances that officers have not been able to and officers will provide guidance and feedback on whether or not anything identified is a material planning consideration. He referred again to the Code of Conduct in that if there was a proposal to go against officer's recommendation committee needs to identify the reasons why consent should be granted and identify what has changed since the previous application so last time committee agreed it was an elsewhere location and by default it did not meet policy so what is it that now changes this if anything.
- Councillor Benney stated that there is a different committee and it is the committee that

makes the decision here, members get a recommendation from officers and it is not that members are going against officers it is just that things are being interpreted differently and it is down to the members of the committee to make that decision, which is how the system works. He made the point that members are told every time that every application is judged on its own merits and the previous application was for 3 and this is for 2 so, in his view, there are fundamental changes to the application and he cannot remember on the previous application if the Parish Council supported it or not but Doddington is very vocal on what they as a council wants and it usually says if it does not want something.

- Councillor Gerstner referred to consistency and the Planning Officer has been consistent throughout the last 2-3 applications and, therefore, he is finding it very difficult to change his view on what the officer is recommending even though he is very supportive of Doddington Parish Council and it now being a 2 house development, which he feels would fit in, but he is being guided by officers and their recommendation.
- David Rowen stated that it is important in the terms of consistency to look back to the previous refusal of planning permission, which was not on the basis of it being a 3 house scheme and was on the basis of the principle of development being unacceptable in this location and the view of officers is that there are no material change in circumstances. He added that Mr Humphrey has referred to the Field Ends Water Caravan Site and the development that has been allowed there but that is an accepted exception in the local and national policies to allow tourism development in rural locations and that development existed at the time of the previous refusal.

Proposed by Councillor Gerstner, seconded by Councillor Rackley that the application be refused as per officer's recommendation, which did not receive support from the majority of members.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the location is part of Doddington, does not lie in the open countryside and would not be detrimental to or harm the character of the area.

**P31/23 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)**

Danielle Brooke presented the report to members and drew their attention to the update that had been circulated. She made members aware that a further objection has been received from a local resident, with reasons for objection being over-development, out of keeping with the area along with concerns over traffic and highway safety particularly in respect of intensification of the use of the single access onto Leverington Road and whilst the resident considers that the proposed frontage development appears appropriate in the street scene, the possibility of including a further number of properties to the rear would be excessive. A query was also raised in respect of landscaping and the possible replacement of a TPO tree that was recently removed.

Members received a presentation, in accordance with the public participation procedure, from Andrew Woodhead, an objector. Mr Woodhead stated that he lives at 153B Leverington Road, next door to the proposed development and, in his view, this is over-development of the site, with up to 8 houses with one or more vehicles per household would be akin to living next door to a car park in comparison to the quiet environment that he currently enjoys. He feels almost constant vehicle movements, potentially daily deliveries to the properties and more noise pollution from regular slamming of vehicle doors is above levels of acceptable noise for the quiet enjoyment of

his home.

Mr Woodhead expressed the view that the amount of noise, dirt and dust throughout the demolition and construction process of up to 8 houses is detrimental to his general health and well-being, with the long working hours of the overall process resulting in almost permanent noise and disruption to his daily life for the duration of the works. He expressed the opinion that the loss of privacy due to the removal of the existing boundary tree line and foliage between the two properties provides him with a great degree of privacy and also a sound barrier and if the existing tree line and foliage is removed questioned what will it be replaced with if anything.

Mr Woodhead stated that the two-storey properties at the front of the development closest to Leverington Road would also be able to have a direct line of sight to his property should the tree line be removed and not replaced. He feels that site traffic would increase congestion on an already extremely busy Leverington Road, which in turn he believes would create a potential road safety issue for both motorists and pedestrians.

Mr Woodhead expressed the view that the proposed development places an increased demand however small on already overstretched local infrastructure and services. He stated that he would not object to the proposed 4 semi-detached properties at the top end of the development closest to Leverington Road itself but reiterated that a garden grab, which he views this as, of up to 8 properties would potentially be anti-social and totally unacceptable to him.

Members received a presentation, in accordance with the public participation procedure, from Russell Swann, the agent. Mr Swann stated that the application has the support of most of the statutory consultees including Highways and the Tree Officer and it is disappointing that he has not secured the support of the Town Council but as their response indicates the proposal is for 9 dwellings he is not sure if they have actually seen the current proposal. He advised that revisions have been made to the scheme during the application, removing 5 houses to the rear of the site and replacing them with 4 bungalows replicating the adjacent bungalow at 153B, with this bungalow being located in a tandem location.

Mr Swann expressed the view that the form and character is consistent with this part of the area, the existing and the proposed bungalows at the rear reduces the impact and overlooking from both perspectives providing much needed bungalows in the town. He stated that the dwellings at the front are semi-detached houses, which is consistent with the built form on Leverington Road.

Mr Swann made the point that Wisbech is a market town under Policy LP3 where the majority of the District's new housing should take place and this development will provide both semi-detached houses and bungalows offering a mix of new dwellings and if you cannot put a development like this in a market town where can you. He stated that it is an outline application with all matters reserved, the indicative layout shows a single point of access which will reduce the number of accesses onto Leverington Road as the site currently has two and Highways are in support of the application, with the layout showing that full turning is achieved for all properties so all vehicles will be entering and exiting the site in forward gear and each dwelling has two parking spaces.

Mr Swann stated that the site at present has two dwellings on it and garden to the rear so this is a development which is on previously developed residential land and the proposals will look to use all of the existing mains services, with surface water being contained on site and soakaways designed to BRE365 standard and all approved by Building Regulations. He reiterated parcels of land like this are massively valuable to the housing stock in Fenland, plots like these will be developed by self-builders, developers, local people that are being priced out of larger sections of the market, with small builders and self-builders employing local tradesmen, buying from local merchants which support other businesses locally.

Mr Swann stated that the site is within the market town of Wisbech, it is an area that has tandem development surrounding the site, it is a brownfield residential site already, it is not over-development of the site as all dwellings will have parking and rear amenity space that is consistent with the Local Plan, it reduces the number of accesses to Leverington Road which will in turn improve highway safety and asked committee to approve the application with any conditions deemed appropriate.

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

- Councillor Mrs French stated that she does believe the Town Council have got this right and the proposal is over-development of the site.
- Councillor Imafidon echoed the comments of Councillor Mrs French, he believes that 8 properties is too many and constitutes over-development.

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

(Councillor Rackley registered that he was a member of Wisbech Town Council's Planning Committee when this application was considered and took no part in the discussion and voting thereon)

(Councillor Benney declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)

P32/23

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

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

Members received a written presentation, read out by Member Services, from Christina Ross, an objector. Ms Ross stated that Broad Drove East is a narrow country road with no pavements, street lighting or main drains, with the properties being mainly farm, equestrian and small holdings. She feels the size, type and layout of this development is completely out of character with the area, with the highway being very narrow and cars can only pass with care and lorries not at all.

Ms Ross expressed the opinion that the client is not buying the access road, which appears to belong to the landowner so the development shown will not own the access to the highway and questioned whether this road will be of suitable standard for safe access by the public and large lorries and what would happen if consent is withdrawn. She expressed the view that the plans are short on details and measurements, with there being none shown for the car park or turning area and there are not enough parking places shown for 3 shops, their staff and the flat above, with no areas shown for mobility scooters, shopping trolleys, etc and there are no areas shown for the safe storage of food, oils and other flammables.

Ms Ross stated that there are dykes to two sides of the site and these must be considered a real health hazard to nearby properties from vermin attracted by the smells from the takeaway and inevitable litter that arises. She expressed the view that the site will have to be lit from dusk to dawn to accommodate the ATM and this, along with car starting up, doors slamming and lorries

reversing, will create a great deal of noise and pollution from early morning until late at night disturbing people and wildlife in a quiet and peaceful area.

Ms Ross expressed the opinion that the site will be sure to attract anti-social behaviour, with the community centre having to spend thousands of pounds to gate, fence and install CCTV to prevent anti-social behaviour that blighted and spread through the village and this is a real concern for all residents, with the takeaway attracting late night traffic. She feels there is very little landscaping and the trees planted to screen Sapphire Close will be hidden and fenced off, with it being unclear who will be responsible for maintaining the dyke.

Ms Ross expressed the view that the whole development has been poorly thought out, is in the wrong place and it is doubtful that such a small village could support one shop never mind three. She made the point that she is not against development but feels strongly that this is in the wrong place.

Members received a presentation, in accordance with the public participation procedure, from Simon Lemmon, the agent. Mr Lemmon referred to the reasons for refusal and whilst the opinion of the Planning Officer is acknowledged they would comment as follows, their proposal, in his opinion, is not classed as limited in nature or scale although a development of two-storey dwellings adjacent to this was and looking at the overall plan of the area the adjacent development is far larger than this proposal both in footprint and overall height, a point demonstrated on the proposed street scene location drawing. He stated that there is a golf club to consider located within the village with numerous lodges but this is clearly not infill and cannot be classed as being limited in nature and scale, however, approval has been granted.

Mr Lemmon referred to the second reason for refusal in that development of a substantial building as proposed would result in an alien form of development in a countryside location, which would be fundamentally at odds with the visual characteristics and role of the countryside but stated that they are actually proposing a brick clad structure with a pitch roof over clad in matching tiles to match surrounding structures and when you compare this to the community centre on the opposite side of the road which is a large light blue metal clad building and does not match any surrounding structures so he fails to see how this reason applies. He expressed the view that their proposal is located adjacent to an existing development, appears smaller in scale when viewed from the road, with the community centre standing alone on the other side of the road and yet this is not at odds with the visual character of the countryside even though events are held in this building and it will clearly bring people and cars to the village along this so called narrow lane.

Mr Lemmon expressed the opinion that the proposal for 3 shops is to serve the village and its people and will improve the village as mentioned in the numerous letters of support which this application has received. He feels the proposal, although it is outside the built environment, is proportionate to the local need and has received over 50 letters of support highlighting the benefits it will bring to the village, together with the fact that he has been informed the village is to lose its regular bus service, which then raises the question how will residents who are reliant on public transport get access to local shops.

Mr Lemmon expressed the view that this proposal will create employment, will reduce the need to travel to other villages to access shops and will, therefore, reduce traffic and unnecessary damage to the environment as well as providing a Post Office and an ATM in a village setting. He made the point that the proposal has received the support of the Parish Council, over 50 letters of support from local residents, it has also had a recent poll carried out with over 90% of responders supporting the scheme, statutory consultees have no objections and overall this proposal will provide the village with a local convenience shop, a Post Office, a takeaway and an ATM as well as employment for local people and a valuable local amenity. He asked committee to consider the benefits to the village and approve the application.

Members asked questions of Mr Lemmon as follows:

- Councillor Gerstner asked if the applicants have or have applied for the licences for a Post Office? Mr Lemmon responded that as far as he is aware the applicant is going through the process but there is not one in place currently.
- Councillor Imafidon referred to the concerns raised by Cambridgeshire Constabulary and asked what plans are in place for the security of the ATM in this rural setting? Mr Lemmon responded that originally the ATM was on the front of the building and it is now proposed to be on the side with bollards, which has seemed to satisfy concerns. Councillor Imafidon asked if the ATM was going to be a free one or a chargeable one? Mr Lemmon stated that he was unable to comment on this as it depends what company is chosen.
- Councillor Gerstner asked if the building opposite is the community centre? Mr Lemmon advised that it is a house opposite and the community centre is further down the road. Councillor Gerstner asked for clarification that there is no pathway between the settlement and the proposed site? Mr Lemmon advised that there is a new pathway that has been installed to the residential development and there is a proposal to join up to this pathway.

Members asked questions of the officers as follows:

- Councillor Hicks referred to the written presentation which said the road was very narrow and asked how wide is the road? David Rowen responded that he did not have an exact measurement but the photos on the screen illustrate that two cars can pass one another. Councillor Hicks stated that it reminds him of another application at Hospital Road in Doddington where development was approved here on a narrow road and he was wondering how it compared with this road.

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

- Councillor Marks stated that he has visited the site, you can get two vehicles side by side, with there being a very faint white line in the middle of the road, but as you go past the site heading out of the village it does get a lot narrower and the road is awful but to the site and in the area of the site the road is fine, with there being 30mph signs just about half way along the site as well.
- Councillor Benney stated that he wishes anybody that is going to undertake this proposal the best of luck but committee is not looking at commercial viability and if somebody is prepared to put their money into this proposal they are going to make it work. He made the point that it is land usage that is a planning consideration and, in his view, if this argument is turned around so if there were 3 shops in the village and they were all going to shut there would be an outcry but with this proposal there is somebody who is prepared to put some money into the village and members are told time and again when shops close that the life blood of the village is going to be lost and the village is going to die but here is an opportunity to put Tydd on the map and why should Tydd St Giles be exempt from having a takeaway, with it either working or not. Councillor Benney feels this proposal is an opportunity for Tydd and as much as there are people who do not want it, people will either use it or not, it will either be viable or not and it will provide a community benefit. He made the point that whilst it will have footpath, anyone who lives in Tydd has a car anyway and he does not see connectivity being an issue as there will be a car park associated with it. Councillor Benney referred to the associated residential development and expressed the view that these shops will not stand on their own, they need residential above as it brings rent in and makes the shop more viable, which adds to the longevity of the benefit of having shops here. He feels the proposal brings 3 shops to a small community and as much as some people will say they do not want it once it is there it will be used by people and this does add community benefit, making it a more attractive place to live as it has more services and allowing the village to thrive and grow.
- Councillor Mrs French stated that looking at the third reason for refusal in that it does not meet LP6 but employment, tourism, community facilities, retail, etc that is exactly why the committee is here and if someone has the finances to do this good luck to them and if it is approved she would definitely want a footpath covering the site.

- Councillor Gerstner agreed and that any village in Fenland would jump at the opportunity of having a village shop, the area has lost so many village shops in the northern part of the District and Coates village shop is hanging on by a thread, so if somebody is prepared to take on the financial risk that is down to them. He feels it is quite close to the community centre, it is next door to Sapphire Close so it is not removed from the village and the applicant has said he will build a pathway which he feels is extremely important for people to get to and from that site safely, he thinks the takeaway and car parking all fits in and it is a very good opportunity for the village.
- Councillor Hicks expressed the view that this could be a positive for the environment as how far is the nearest Post Office from this location and people probably have to travel miles using petrol and expelling carbon dioxide and this will provide more convenience for the people living locally so he will be supporting this application.
- Councillor Imafidon stated that he will be supporting the proposal as well as like Councillor Hicks said it is going to reduce people's carbon footprints and it is likely to increase their property values as well with local shops and the only thing he would be concerned about was the absence of a footpath to the site.

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

Members do not support refusal of planning permission as they do not feel the site is outside the built settlement of Tydd St Giles, with an edge of village location being ideal for a takeaway and it will not have a detrimental affect on other businesses around the area so a retail impact assessment is not required, with the community benefits outweighing any negative impact.

(Councillor Benney declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)

P33/23

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)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that there are no technical objections to this application and they consider that this site is compliant with Policy LP3 where development within the urban area or a small extension would be acceptable in Coates. He referred to 11.1 of the officer's report which confirms that the principle of development at this site is acceptable but parts of the site the officer considers to extend into the open countryside and looking at the location plan on the presentation screen the backline of development has been followed up to Feldale Lane, with Feldale Lane being a stop point, and, in his view, this rounds off the development as there could be no further development to the north-east.

Mr Hall stated that the site plan he has submitted is indicative but, in his opinion, nearly half of the site is covered by soft landscaping, the dwelling shown are indicative but they are 4-bedroomed properties with garages that comply with the Local Plan and the site is 0.63 hectares for 9 dwellings, which he does not consider to be over-development. He made the point that the whole site is located in Flood Zone 1 and they have not only submitted a drainage strategy but also carried out on-site percolation testing that was agreed with the Lead Local Flood Authority and carried out further trial holes on site that confirms that sand and gravels are present to over 2 metres which is also confirmed on the geological survey sheet, all being agreed and approved by

the Lead Local Flood Authority. He stated that the applicants are aware that if approval is given on this outline application that there will be a condition in relation to detailed drainage design, with the applicants confirming this site has been in the Dale family ownership for over 60 years and no flooding has occurred, with one of the applicants being on the Drainage Board.

Mr Hall referred to a photo shown on the presentation screen which is taken from the back garden of Plot 1 and the rear of Plot 1 would merely overlook Blackthorn Court road and the second photo was taken when standing in the north-east part of the site where there are number of rear gardens and the other large executive houses on Feldale Lane are 40 metres away. He referred to the mention of the access, 8 of the properties would access The Fold which has been approved by Highways and the reason why one of the properties is accessed off Feldale Lane is because one of the applicants is a farmer, his land and shed is all to the north-west of the site abutting this site so this would allow easy access to shed and land.

Mr Hall reiterated that the site is in Flood Zone 1, is not over-development, there are no objections from the Lead Local Flood Authority or Highways and he considers it rounds off development in this area.

Members asked questions of Mr Hall as follows:

- Councillor Benney asked if the amenity space can be achieved on all of the properties? Mr Hall responded that in Whittlesey Town Council's first comments they said it needs to be a third garden area which is in Fenland's Local Plan, with 9 properties on this site this can be achieved.

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

- Councillor Benney referred to the comments of the Town Council saying it is over-development but as far as he is concerned if the minimum standard can be achieved of amenity space that is not over-development and he is aware of other places that have had a lot less garden space in the District. He feels it squares off the north-west side of Coates so he is not sure how it can be in the open countryside as indicated in the report and there are 3 letters of objection which is small number and no planning reasons within these objections that cannot be answered and he feels it is a good development.
- David Rowen stated that as indicated in the report the broad principle of development is not in question, it is whether the amount of dwellings and the development of the entirety of the site being applied for is acceptable or not. He referred to whether it is squaring off the settlement with the policies of the Local Plan being quite clear that where a site relates more to the open countryside that is not viewed favourably and the photos show the site fronting onto Feldale Lane relates more to the open countryside than the built form of the settlement so if there was an application site that related purely to the existing built footprint where the existing yard and agricultural buildings are then there would not be a concern. David Rowen stated in relation to amenity space, the dwellings shown on the plan do have adequate amenity space, however, what also needs to be considered and is one of the reasons for refusal is the visual impact of the site with Plot 1 seemingly projecting out into the street scene on The Fold and Plot 7's relationship with Peakes Drive. He advised that it has not been demonstrated in officer's view that this number of dwellings can be accommodated satisfactorily on the site and in compliance with the relevant policies of the Local Plan.

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

Members do not support refusal of planning permission as they feel that as long as each property has the required amenity space it is not deemed to be over-development, it would not result in encroachment into the open countryside as it will nicely square the village off and it is a brownfield site where there is a presumption in favour of development.

(Councillor Gerstner registered that he was a member of Whittlesey Town Council's Planning Committee when this application was considered and, therefore, 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 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)

P34/23 **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

This item had been withdrawn.

P35/23 **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)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent. Mr Bevens hoped members would have seen the PDF presentation that he had e-mailed to them and was being shown on the presentation screen. He stated that the application was submitted in January having spent over 4 months evaluating the site and working with consultants to overcome the numerous constraints with the trees, existing house and the access.

Mr Bevens advised that they have tried throughout the process to actively engage with officers, the first of which left a few months ago without any feedback. He stated that the PowerPoint presentation focuses on the access, which is one of the grounds for refusal, he has tried to engage with the Highway Engineer and Planning Officer on this, with their currently being 9 dwellings served by this driveway from Creek Road, which is not deemed a classified road, and the proposal would see a further 2 dwellings served given that Nene House would be demolished, which is an 18% increase in dwellings and not 33% as suggested on Page 10 of the officer's report.

Mr Bevens made the point that there is an existing passing place down the driveway and they are proposing a turning head at the end of driveway to not only improve the situation for the proposed 3 dwellings but to make it easier for all existing dwellings with refuse collection, deliveries, emergency vehicles and visitors. He referred to planning approval granted by the Council in November 1999 which granted permission for a new dwelling to the south of 161 Creek Road and condition 7 stated that the access road must be maintained at 4.5 metres wide, this is not the case and subsequent approvals down this driveway have not made any mention of access width.

Mr Bevens expressed the view that there are numerous examples of developments in March where there are more than 5 dwellings served from a reduced access width and this scheme would see a very limited intensification of the access whilst offering mitigation with the turning head. He expressed the opinion that he has worked hard with the tree consultant to ensure all dwellings respect the root protection areas of the protected trees and have good levels of private amenity and he has tried on numerous occasions to engage with the officer but to no avail and he has only seen the issues raised when the officer's report was published.

Mr Bevens expressed the view that Plot 1 does have suitable private amenity space and its garden is larger than the two adjacent dwellings recently built, having a rear garden area of 312 square metres, Plot 2 does have a good level of outlook with the nearest bedroom, bedroom 3, being a minimum of 4 metres away from the current tree canopy and the other two bedrooms facing the rear having an average 8 metres and as part of tree works the Lime tree canopies on that boundary will be raised by 4 metres from the existing ground level as 50% of the garden is outside the tree canopy it has a rear garden area of 406 square metres and Plot 3 has the fourth bedroom approximately 4 metres away from the TPO tree, the other bedroom has a clear view past the tree and has a rear garden area of 370 square metres, with a typical 4-bedroomed house having 120 square metres. He referred members to other schemes where trees are close to proposed housing, with there being one in Chatteris at Juniper Drive/Elder Place built by Cannon Kirk where two large 4/5-bedroomed houses are less than 2 metres from a TPO Oak tree and were approved by the Council.

Mr Bevens stated that materials for the driveway and surfacing would form part of a reserved matters application and can mitigate any noise concerns from cars, which is typical of numerous approved schemes in Fenland. He referred to Item 7 earlier today where members gave great weight to the Town/Parish Council support, which this scheme has and stated that the scheme has been carefully considered against the constraints and is an outline application with only the access and layout committed, the application, in his view, supports Policies LP1, LP15 and LP16 of the Local Plan and accords with the latest NPPF with the presumption in favour of sustainable development on brownfield land and he asked members to go against officer's recommendation and approve the scheme.

Members asked questions of Mr Bevens as follows:

- Councillor Mrs French queried the address being 105 Nene Parade as she feels it is the rear of 161 Creek Road and asked, as she know that the roads and banks collapsed at 99 and 109 Nene Parade, why it is 105? Mr Bevens responded that when the scheme was validated that was the address given to it.

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

- Councillor Mrs French stated that she does know this site and it has had very large houses built surrounding it but until the presentation was sent she had forgotten about all these applications that had been approved, with many of them approved under delegated powers. She expressed the view that the distance from Creek Road to where the proposed site is not as long as some of the other sites already seen and with a passing place she feels once the old house is demolished there will be enough room.

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

Members did not support officer's recommendation of refusal of planning permission as they feel highway safety would not be prejudiced as the access is sustainable and consists of a passing place, and adequate private amenity space can be provided taking into account both forward and rearward outlook.

(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)

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

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

Members received a presentation, in accordance with the Public Participation Procedure, from Councillors Hoy and Tierney, District Councillors. Councillor Hoy asked members to refuse this application as it is, in her view, contrary to LP16 which states that extensions will only be allowed where it does not adversely impact neighbouring residents and she believes this proposal does. She referred to 10.16 of the officer's report where it states the rear elevation of 24 and front elevation of Langley Lodge overlap and queried how this cannot be an impact.

Councillor Hoy stated that the plan now includes external steps which are close to the boundary and she feels this will create additional noise by people going up and down them and it is not known what time as it is a care home it could be late into the night so how could this not be an impact, with the steps being an addition to the previous proposal. She referred to 10.26 of the officer's report where it is admitted that the extension will overshadow No.24's garden and queried how is this not an impact and she believes this clearly shows there is an impact and the proposal should be refused under LP16.

Councillor Hoy added that 22 parking spaces are required as per the Local Plan but as the development only provides 11 due to being near the Town Centre this reduction is acceptable, however, in Appendix A of the Local Plan says a reduction can be agreed by negotiation, who had this negotiation presuming it to be Planning Officers and the developer but she does not believe as a local member that this negotiation is acceptable. She acknowledges that Somers Road Car Park is nearby but this is already full.

Councillor Tierney expressed the view that there are significant differences to this proposal to the one in 2018, he did oppose the previous application and was disgusted when committee approved it as attention is always given to proposals where lots of people are involved or protest and one person's right to enjoy their property is just as important as a lot of people's right to enjoy their property. He advised when he came last time, he came with the lady and her husband, since then with the shadow of this hanging over them he has passed away and she has become unwell and is not able to be here today and it is her home and she loves it, phoning him frightened about this effect on her property.

Councillor Tierney expressed the opinion that it clearly overshadows her property and officers admit that in the report but are saying it does not matter as it only overshadows a bit of the garden, but she has the right to enjoy all her garden and he feels that none of this is fair and it is not right because this could have been built in such a way that there was no overshadowing, no overlapping and enough parking spaces but they have not done this because they feel this committee will be a soft touch and it will just be pushed through as there is business value to it but there is also individual value against it. He urged committee to refuse the application.

Members asked questions of Councillors Hoy and Tierney as follows:

- Councillor Mrs French referred to 5.1 where Wisbech Town Council supports the application and made the point that they are both Town Councillors as well so why is it being supported by the Town Council? Councillor Hoy responded that she thinks it might be due to the reports that the Town Council gets, which are from the website opposed to the committee's report published a week before the meeting and if they had had the same report as

committee they may have made a different decision. She stated that when the residents contacted her and on first look at the plans she herself did not see what the issue was but on reading the report that has been put together by professional Planning Officers and seeing how close it was, she saw the point about the overlapping and external steps and thought actually the residents do have a point. Councillor Tierney added that he missed this application going to the Town Council's Planning as he would have gone to speak on it there and he knows the lady who is closest to the proposal and the other residents were not aware or would have gone too. He believes that if the Town Council had understood the full depth of the proposal and heard the opinions of local people they would have been against.

- Councillor Marks referred to the concerns about parking, with 11 spaces being provided and is it known how many staff work here? Councillor Hoy responded that she does not but officers have clearly made the point that it should have 22 parking spaces as per the Local Plan for the type of dwelling it is and have mitigated this by saying it is close to the Town Centre, but people often park in the road in Queens Road and whilst it is a wide road 11 additional cars on that road will not be easily taken and Somers Road Car Park is often at capacity.
- Councillor Gerstner stated that his concern is the car parking as it has the potential for a lot of people going in and out and looking at the plans he feels it is over development for what its needs are.

Members received a presentation, in accordance with the Public Participation Procedure, from Bridget Harris, an objector. Ms Harris stated that she lives on Queens Road and lives to the left hand side of and shares a long boundary with Langley Lodge. She did send in a letter objecting to the proposal, this is a residential area, with a number of older properties, and she has a long plot ending with her vegetable garden, with there being a boundary wall between herself and Langley Lodge, and she can see greenery, grass and trees, with the extension that is there being very enclosing and she would not wish the equivalent of this on the occupant of the property on the other side of Langley Lodge, who is an elderly lady and came to see her so upset about the proposal and dreading it.

Ms Harris expressed the view that there does not appear to be in any of the paperwork a piling risk assessment, she has enquired with the case officer but she did not get a reply, she has also been onto Building Control and has also heard nothing so it has been difficult to find out information and it could be said that there is not going to be any piling but they do not know either way. She referred to a new build detached house being approved in 2014 at the bottom of Langley Lodge's garden just over the boundary wall and that was piled and those piles went down 20/30 feet, it was horrendous day after day with the noise and vibrations and asked for it not to be inflicted on residents again.

Ms Harris referred to the swimming pool being removed and to her knowledge that outdoor swimming pool has been filled in with soil and queried if this was going to be particularly stable ground here she does not think so. She stated that the area is close to the river and is on a bed of silt, with Queens Road houses already having a number of defects and showing signs of stress, one of which is on the existing extension of Langley Lodge.

Members asked questions of officers as follows:

- Councillor Mrs French asked for information on the overshadowing and whether it is thought to be acceptable? David Rowen responded that the officer judgement is that there may be a degree of overshadowing but it would not be significantly detrimental to the amenity of the adjacent property. Councillor Mrs French stated that she would disagree and under Human Rights this resident's enjoyment of her home is being taken away, which is a fundamental right.
- Councillor Mrs French asked how many residents will be accommodated in the care home? David Rowen responded that it is important to remember that this is an established care home, which already has an under provision of car parking but the extension proposed

indicates that there will be a further 8 single bedrooms.

- Councillor Hicks asked how the calculations are worked out to say that 22 car parking spaces are required? David Rowen responded that the calculation is set out in the Appendix to the Local Plan which gives the number of car parking spaces for certain uses relative to the number of bedrooms and it is important to remember as set out in the report that there is an existing under delivery of car parking relative to the operation of the care home and it is not considered that the additional car parking spaces that would come about because of this application would be so problematic given the Town Centre location and proximity to Somers Road Car Park so no reason for refusal can be justified on that basis, which was also the conclusion in 2018 when nearly the same application was granted. Councillor Hicks asked if the benchmark is taken for a dwelling or is there a specific provision to be made for residential care homes? David Rowen advised that the calculation is based on a care home.

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

- Councillor Gerstner stated that his main concern is the over development of the site regarding parking, there is a shortfall of parking of at least 11 spaces unless the lawn was removed and care homes have a lot of comings and goings, having to accommodate ambulances and doctors where good access is required at all times. His concern is in relation to the 39 metre extension, the overshadowing and lack of car parking.
- Councillor Marks stated that he has concerns, not just about parking although it is being increased to 11 there will be 8 additional bedrooms and there will be staff and people visiting wanting to park and may be parking on the road, but as it is a care home there are going to be ambulances, doctors and very large delivery vehicles so they are either going to have to stop on the road or alternatively they are going to come off the road causing congestion. He stated that he will not be supporting this proposal.
- Nick Harding reminded members about the planning history with there being a previously approved not wholly dissimilar scheme and there were no concerns expressed then in relation to inadequate provision of car parking and equally no expressions of concern in respect of overshadowing of the neighbour's garden to the north. He stated that if committee were to refuse this application he would have significant concern about the award of costs against the Council irrespective of whether the case was won or not.
- Councillor Gerstner stated that he has seen that a scheme had been given approval before and questioned why it has not been built within the three-year period? David Rowen responded that he is not aware of why it has not been built out but it may have been due to their commercial interest and the Covid pandemic playing a part but whether it was built out or not is not the issue it is that there has been a planning permission granted relatively recently. Councillor Gerstner stated that he acknowledges this is a new application but this is a new Planning Committee and may be the previous Planning Committee did not flag up the issues being flagged up today. David Rowen made the point that there is an expectation that a Planning Committee as a decision-making entity notwithstanding its make-up will display a degree of consistency in decision-making and as Mr Harding indicated unless members can articulate a significant change in circumstances in any reasons for refusal since 2018 there is a distinct possibility if the case goes to appeal that the Council would be liable for an award of costs against it for unreasonable behaviour. Nick Harding added that there are no objections from the Highway Authority and if committee is going to say there is a risk to highway safety as a consequence of having inadequate on-site parking then Highways support would be needed in an appeal situation.
- Councillor Mrs French stated that she does not like this application at all but does not think there are any material considerations to refuse it on. She made the point that Highways have not objected and she feels sorry for the lady next door as her human rights are being taken away if this is approved.
- Councillor Gerstner stated that looking at the access as it is now it looks a very good access and asked if a condition could be placed on the proposal that more car parking is provided by perhaps removing a little bit of the lawn at the front, which will mitigate some of the parking concerns. David Rowen referred to 10.32 of the officer's report which sets out the

position on car parking so it is going from a situation where there is already significant under provision of spaces to a level which addresses the additional requirement arising from this extension so the recommendation is to grant so there is no issue raised in respect of the car parking. He made the point that there is an application in front of members which indicates additional car parking that still keeps the access arrangement and he does not think from a visual point of view that the entire frontage should be taken up with hard standing.

- Councillor Marks referred to the extra ramps that have been added and asked if the height is known for these as these are going to be overlooking properties so there must be a privacy issue, one of them is for a matron's door so that is going to be used 24 hours a day and they are quite high up so they are going to be overlooking into someone's garden. David Rowen referred to the slide on the presentation screen which shows on the left image where the steps are and they are up to the floor level of the building so it is not anticipated that there should be any further overlooking as a result, with the platform of the steps being the same level as the windows. He stated that on the previously approved plans there was a footpath down the side of the building which could have engendered a certain degree of activity anyway so it is not considered that the likely activity to serve one door is going to be such that it would justify a reason for refusal.

Proposed by Councillor Gerstner, seconded by Councillor Imafidon to grant the application as per the officer's recommendation, which was not supported on a majority vote.

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

Members do not support officer's recommendation of grant of planning permission as they feel that the proposal would result in a shortfall in car parking provision for Langley Lodge and will result in on-street car parking to the detriment of road safety, contrary to the aims and objectives of Local Plan Policy LP15 (Part C) and by virtue of the siting of the set of access steps to the north elevation of the development, an unacceptable level of noise and disturbance would be created as well as overlooking and loss of privacy for the residents of the neighbouring property, number 24 Queens Road, to the detriment of the amenity of the occupiers of this property and contrary to Policy LP16(e) of the Local Plan.

(Councillor Rackley registered that he was a member of Wisbech Town Council's Planning Committee when this application was considered and, therefore, took no part in the discussion and voting thereon)

P37/23

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

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Stewart Newman, an objector. Mr Newman advised that he lives at 25 Linden Drive adjacent to this proposal and he spent his working life in the architectural and design profession, with one-third of that time spent on housing so he has a vast experience and knowledge in this field. He expressed the view that he spent a long time sitting down with the original developer of 27 agreeing the bungalow's position and the open green spaces to the front and side, which gave him and his wife what they had before and having agreed these conditions he backed the development because the majority of the people living in Linden Drive wanted the bungalow rather than a road going through to serve the land at 16 London Road.

Mr Newman expressed the view that he is more than surprised that the planner has ignored all of his and other residents comments as for him and his wife it will be devastating and devalue his property, it is on record that the same planning department have refused other developments as they did not have enough green space and now the same department is deleting green areas from a development which already exists. He stated from his experience the planners have not worked to the Government's guidelines for planning relating to neighbours, Fenland Planning and Chatteris Planning Committee have a responsibility for due care to neighbours adjoining any new developments and in this case he feels they have failed.

Mr Newman stated it is clear to him and others that the planners have totally disregarded the impact it will have in Linden Drive and the neighbours surrounding No.27. He stated that when he moved to Linden Drive he had an open green area in front of him which was originally classified as a common space, if the proposal is allowed for car parking it will destroy his enjoyment and retirement of his bungalow and its location.

Mr Newman assumes that members have all looked in detail at the information sent to the planners so they will see how cars will come and park right up to his front door and bay window thus losing his privacy and it could be that when he opens his front door the back of a large 4x4 is just in front of him and he does not think anyone would want that. He stated that a big question that most people in Linden Drive are asking is why does this property want more parking as it has more parking than most people in Chatteris, do they want it for business reasons or do they just not want cars standing in the front of their bungalow and want to bring them round the side in front of his property.

Mr Newman expressed the opinion that he has great concerns about Chatteris Town Planning Committee, he cannot find any minutes or discussion notes about this application yet their support was sent to the planners before any residents of Linden Drive received their notification letter so queried how they managed to get their support without first obtaining the neighbours reactions. He expressed the view that he is sure the committee would not want to face what he and his wife could face and stated that he is not an unreasonable person and in an effort to find a solution he would not object to the front section being extended up to the side of their bungalow which will give them additional parking and retain the open green area.

Members asked questions of Mr Newman as follows:

- Councillor Benney stated that he was on the Planning Committee when the original application was considered and this was one of the most supported applications that he had ever seen from a residential area, with the majority of Linden Drive in support of this application and asked if he was living there at the time and part of this support as he remembers that both the residents either side being in support? Mr Newman responded that when the original application was submitted for No.27 he worked very hard with the developer agreeing the position of the bungalow, making sure there were green spaces to the side and front, which was critical and if this had not been undertaken he would not have supported the application and in the letter he sent in at that time it said he had good consultation with the developer but if he had said it was going to be car parking there he would have objected. He expressed the view that it was critical to have these green spaces as the cars could drive straight up against the fence and he would be confronted with vehicles outside his front door, with this property already having a massive amount of parking space and he cannot believe they want more parking.

Members received a presentation, in accordance with the Public Participation Procedure, from Matthew Hall, the agent. Mr Hall stated that as the previous speaker said members will remember this bungalow when it was approved in 2021 by the Planning Committee, with the original applicant being an elderly lady at the top of the road and she sold the site to a developer, with the applicant purchasing the bungalow after completion. He advised that the applicant has confirmed to him that he is not running a business from this property, with this proposal it still leaves a third garden area

to this dwelling and the officer has not raised any concern in that regard.

Mr Hall stated that he has visited here twice since this has been built and there is quite a steep slope on the block paving from the main road and this proposal, at the applicant's cost, is to take up that paving which is not believed to be permeable and set permeable block paving, there already being about a third currently approved for block paving. He advised that the applicants want a low maintenance area and they are not keen gardeners but this proposal is similar to other properties down Linden Drive as alluded to by the officer, with Nos 4 and 20 having their entire frontage blocked paved.

Members asked questions of Mr Hall as follows:

- Councillor Benney asked if this additional block paving going to be used for car parking or is it just to reduce the gardening? Mr Hall responded that the applicant has confirmed to him in an e-mail that he wants a low maintenance garden, he has not said there will be additional parking there and the fence that faces the objector's property is 3 foot high currently and he is happy to extend that up to 6 foot. He stated that when you turn into Linden Drive the property is at a point at the end of a cul-de-sac and currently accessing the drive can be difficult.

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

(Councillor Benney 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 and also declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)

(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)

5.40 pm

Chairman

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F/YR21/1449/F

Applicant: Mr Bruce Roan

**Agent : Mr Matthew Taylor
Taylor Planning And Building**

**The Letter B Public House, 53 - 57 Church Street, Whittlesey, Peterborough
Cambridgeshire PE7 1DE**

Change of use of public house to 3 x dwellings (1 x 2-storey 3-bed house and 2 x 2-bed flats) involving the demolition of rear existing extension

Officer recommendation: Refuse

Reason for Committee: Town Council Recommendation contrary to Officer Recommendation

1 EXECUTIVE SUMMARY

1.1 This application seeks the change of use of the existing public house to 3 dwellings, including the demolition of the existing rear extension.

1.2 The scheme would result in the loss of a community facility. It is noted that the original owner of the public house faced some difficulties in selling the premises, ultimately the public house has been sold and is currently operating, which suggests that the use of the building is financially viable. Permitting such development would be contrary to Policy LP6.

1.3 As such, the scheme is recommended for refusal.

2 SITE DESCRIPTION

2.1 The host building is situated on Church Street, within the market town of Whittlesey. The building sits at the junction of Church Street and London Street and is opposite St Andrews Church, a Grade II* Listed Building. The site is located within the Conservation Area, near the town centre with parking and shopping facilities within easy walking distance. The property currently has two off-road parking spaces.

3 PROPOSAL

3.1 This application proposes the change of use of the premises to 3 x dwellings (1 x 2-storey 3-bed house and 2 x 2-bed flats) involving the demolition of the rear existing extension. Other than the demolition of the extension and removal of the rear staircase, there would be no other alterations to the footprint of the building.

3.2 The application does include amendments to the fenestration on site. This includes the addition of 1 window and the replacement of a fire door with a window

at first-floor level facing east and the addition of 2 windows and a bi-folding door at ground-floor level, also facing east.

- 3.3 Full plans and associated documents for this application can be found at: [F/YR21/1449/F | Change of use of premises to 3 x dwellings \(1 x 2-storey 3-bed house and 2 x 2-bed flats\) involving the demolition of rear existing extension | The Letter B Public House 53 - 57 Church Street Whittlesey Peterborough Cambridgeshire PE7 1DE \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR21/1449/F)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/99/0242/F	Formation of 4 guest bedrooms on first-floor	Granted 09/09/1999
F/91/0537/F	Erection of a first-floor extension to form additional living accommodation	Granted 04/12/1991
F/0516/78/F	Alterations to front and side elevations Dwelling to rear of Letter B P.H. Church Street Whittlesey	Permitted 18/08/1978

5 CONSULTATIONS

5.1 Whittlesey Town Council (14.1.22)

The Town council recommends refusal on the grounds inadequate parking and does not conform to FDC regulations for bedrooms in the house.

5.2 FDC Environmental Health

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

5.3 CCC Minerals and Waste

We did not need to be consulted on this application. Although the application site is within a MSA for sand & gravel it is within the settlement and MWLP Policy 5 exclusion (a) applies.

5.4 CCC Highways

The site does not have sufficient space to provide each residential unit with its own car parking space. There are some limited on street parking spaces close by and public car parking options are within a few minutes walk from the site. In the vicinity of the site there are on street parking controls to manage any instances of inappropriate parking activity.

The existing use of the site as a public house and as a B&B would have generated demand for car parking so I am not expecting there to be any significant additional demand for car parking from the change of use and potentially at times there may be a reduction in demand.

I have no objections to the change of use.

5.5 CCC Ecology

The proposed scheme will result in limited loss of habitats and therefore has little potential to impact on species and habitats of biodiversity interest. We suggest the following recommendations set out on page 4 of the Ecology Survey are secured through suitably worded conditions:

-To enhance biodiversity a Beaumaris bat box, or equivalent should be installed on the south facing elevation of the dwelling at a height of at least three meters.

- To enhance biodiversity a nest box for House Sparrow, House Martin and Swift should be installed between north and east elevations.

5.6 Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

5.7 Local Residents/Interested Parties

One letter of objection was received from a resident of Churchfield Way, Whittlesey. The reasons for objection are as follows:

- Object to change of premises from pub to residential
- Has been a pub for many years and should remain so
- Changing the use of pubs in Whittlesey will result in no pubs being left and the character will no longer be the same

5.8 The application was originally submitted in November 2021. During this time, the premises has been sold and is operating by a new owner. As such, an amended application form and Design and Access statement were provided detailing these changes and re-consultations undertaken. The following comments were provided with regard to the amended Design and Access statement:

5.9 Whittlesey Town Council (24.7.23)

The Town council have no objection and therefore recommend approval.

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)

Para 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

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

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

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 119 - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2021

Context

Identity

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP6 – Employment, Tourism, Community Facilities and Retail

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan.

Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision
LP16 – Town Centres
LP22 – Parking Provision
LP23 – Historic Environment
LP24 – Natural Environment
LP32 – Flood and Water Management

7.6 Whittlesey Neighbourhood Plan 2021-2040

Policy 2 – Local Housing Need
Policy 7 – Design Quality
Policy 8 – Historic Environment

8 KEY ISSUES

- Principle of Development
- Visual and Heritage Considerations
- Residential Amenity
- Parking and Highways
- Flood Risk
- Ecology
- Other Matters

9 ASSESSMENT

Principle of Development

- 9.1 Whittlesey is identified as a market town within Policy LP3 of the Fenland Local Plan 2014, and as such, is identified as the main focus for the delivery of housing and services.
- 9.2 Policy LP16 supports the principle of development, subject to the significance of, and the likely impact upon, the amenity of neighbouring properties and users in its design and appearance.
- 9.3 Policy LP6 requires criteria to be met where development would lead to the loss of a community facility e.g. public house and states that such loss will only be permitted if:
1. It can be demonstrated that the retention of the facility is no longer financially viable and an appropriate marketing exercise has been carried out, and it can be demonstrated that there is a lack of community need for the facility, or
 2. An alternative facility is provided

The original submitted Design and Access statement notes that the public house was put up for sale in 2018, with advertisement in local and national sales magazines with little interest. The price of the property was reduced twice in that period and the applicant felt that there was no other option than to seek an alternative use of the building. The statement also notes that if consent is gained, it will provide security to prospective buyers of the public house.

- 9.4 The amended Design and Access statement submitted June 2023 states that the applicant has since sold the premises in mid-2022. The public house is still operational under the Letter B Public house, albeit external signage refers to “BBQ and Brews”.

- 9.5 Whilst it is noted that the original owner of the premises had difficulty in selling the premises, ultimately the property has sold and is currently running as a public house. As such, it is considered that the retention of the facility is financially viable given that the public house is in operation. No demonstration has been provided to suggest that there is a lack of community need for the facility. The scheme is therefore considered to be contrary to Policy LP6.

Visual and Heritage Considerations

- 9.6 The application site is situated within Whittlesey Conservation Area and is within the vicinity of a Grade II Listed Building. The external alterations proposed to the building are minimal. These include the removal of the signage, demolition of the small cellar storage building and the removal of the external staircase. In terms of fenestration, 2 new windows and bi-folding doors are proposed to the rear elevation at ground floor level and the existing fire escape door will be replaced with a window and an additional window will be inserted at first-floor level upon the rear elevation.
- 9.7 The alterations proposed are situated to the rear of the existing building and therefore will not be highly visible from the street scene. As such, it is unlikely that they will introduce any significant impacts upon the character of the surrounding Conservation Area or the Listed Building.

Residential Amenity

- 9.8 Policy LP2 and Policy LP16 seeks to protect and provide appropriate levels of residential amenity for both existing and proposed residential occupiers; this includes those located within the host property and those within the immediate vicinity.
- 9.9 The additional fenestration proposed at ground floor level will overlook the rear of the building and therefore are unlikely to impact upon neighbouring properties. The additional windows at first floor level will face onto neighbouring property to the east of the site. Notwithstanding this, there is existing fenestration at first-floor level and therefore it is unlikely that the additional windows will introduce any additional adverse overlooking impacts than the existing arrangements on site.
- 9.10 Apart from the demolition of the cellar store to the rear of the building, the footprint of the building is to remain the same as existing, therefore there will be no adverse overbearing or overshadowing issues introduced to the surrounding neighbouring properties.
- 9.11 Whilst the scheme will introduce 3 new dwellings on site, it is unlikely that activity associated with these dwellings will introduce adverse impacts upon surrounding residential amenity in comparison to the existing activity associated with the operation of a public house on site.
- 9.12 All habitable rooms with the property itself (as defined by the GDPO as any room used or intended to be used for sleeping or living which are not solely used for cooking purposes, but not including bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms) will have natural light.
- 9.13 The “Technical housing standards – nationally described space standard” set out requirements for Gross Internal (floor) Area of new dwellings at a defined level of

occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms.

- 9.14 The technical requirements state the following:
- A dwelling with two or more bedspaces has at least one double (or twin) bedroom
 - In order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide.
 - In order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m².
 - One double (or twin) bedroom is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.
- 9.15 Plot 1 is the ground floor 2-bedroom flat. Plot 1 has a floor area of approximately 104m². Plot 1 provides 2 bedrooms which are classed as double (or twin) given that they exceed a floor area of 11.5m² and are of a width greater than 2.75m. The Technical standards state that a 1 storey dwelling, with 2 double (or twin) bedrooms should have a minimum gross internal floor area of 70m². Plot 1 is considered to meet the national space standards.
- 9.16 Plot 2 is the first-floor 2-bedroom flat. Plot 1 has a floor area of approximately 83m², including the stairwell. Plot 2 provide 2 bedrooms, however these bedrooms fail to meet the national space standards as both bedrooms would be classed as single bedrooms. Notwithstanding this however, given that the remainder of the accommodation in this unit is acceptable in terms of national space standards, the shortfall in terms of the bedroom accommodation is unlikely to be so significantly adverse with regard to residential amenity to justify the refusal of the application.
- 9.17 Plot 3 is the 2-storey, 3-bed dwelling. Plot 3 has a floor area of approximately 111m². Plot 3 details 3 bedrooms, however the smallest bedroom does not comply with the national space standards. The dwelling does however provide 1 double (or twin) and 1 single storey bedroom. The Technical standards state that a 2-storey dwelling, with 1 double (or twin) and 1 single bedroom should have a minimum gross internal floor area of 70m². Plot 3 is considered to meet the national space standards in this regard.
- 9.18 Provision is made for bin storage within the rear gardens of the properties.

Parking and Highways

- 9.19 The scheme includes the retention of parking spaces to the south of the existing building which will be designated to Plot 3.
- 9.20 Appendix A of the Fenland Local Plan notes that 1.5 spaces should be provide for each flat and 2 spaces should be provided for the 3 bedroom dwelling. The scheme offers no parking provision for the proposed flats. However, Appendix A also notes 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.
- 9.21 The premises are well located to existing public parking and there is also on-street parking nearby. There is also a trade-off to be had between the parking generated by the existing use i.e. staff and visitor parking and the likely impact is therefore negligible and may in fact result in a net reduction in parking demand. There are therefore no grounds to resist the scheme on the basis of Policy LP15 and Appendix A of the Fenland Local Plan 2014.

Flood Risk

- 9.22 The application site is located within Flood Zone 1 the lowest risk of flooding. No additional built footprint is proposed and as such no additional surface water impacts are anticipated.

Ecology

- 9.23 The application will result in a limited loss of habitats and therefore has little potential to impact on species and habitats of biodiversity interest. Upon consultation with CCC Ecology, recommended conditions were provided to ensure that bat and bird boxes are provided.

Other Matters

- 9.24 A letter of objection was received with regard to the potential loss of the pub. Policy LP6 seeks to retain community facilities, such as public houses, and proposals will only be supported subject to a demonstration that the retention of the facility is no longer financially viable and that there is a lack of community need for the facility. This is discussed in greater detail within the Principle of Development section above.

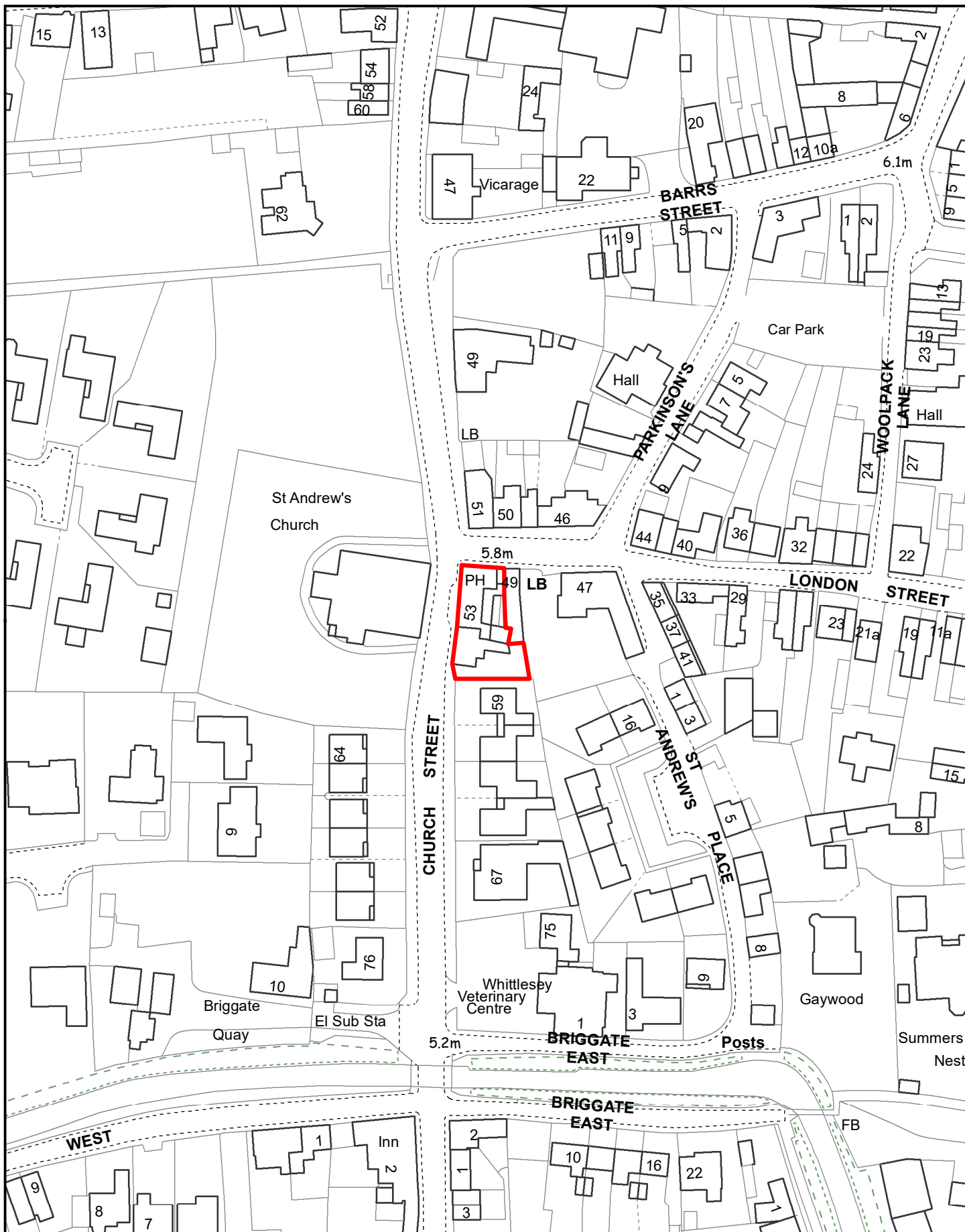
10 CONCLUSIONS

- 10.1 The change of use of the existing public house to 3 x dwellings would result in the loss of a community facility. Whilst it is noted that the original owner of the public house faced some difficulties in selling the premises, ultimately the public house has been sold and is operating successfully, which suggests that the use of the building is financially viable. Permitting such development would be contrary to Policy LP6.
- 10.2 In addition to the above, 1 of the 3 dwellings proposed fails to meet the requirements set out within the National Space Standards with regard to bedroom sizes, which is therefore likely to result in poor levels of residential amenity for future occupiers. As such, the scheme is considered to be contrary to Policy LP2 and LP16.

11 RECOMMENDATION

Refuse; for the following reasons:

1	<p>Policy LP6 of the Fenland Local Plan (2014) seeks to retain community facilities, such as public houses. Proposals will only be permitted where it can be demonstrated that the retention of the facility is no longer financially viable, or it can be demonstrated that there is a lack of community need for the facility.</p> <p>The public house has recently been sold and is currently operational and there is no evidence to suggest that the use of the premises as a public house is not financially viable, nor is there any evidence to suggest that there is a lack of community need for the facility. As such, the proposal to change the use of the existing public house is considered to be contrary to Policy LP6 of the Fenland Local Plan.</p>
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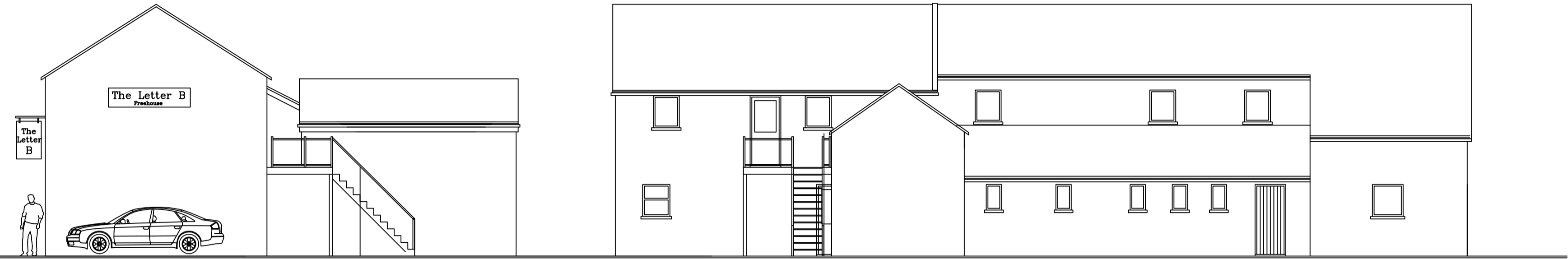
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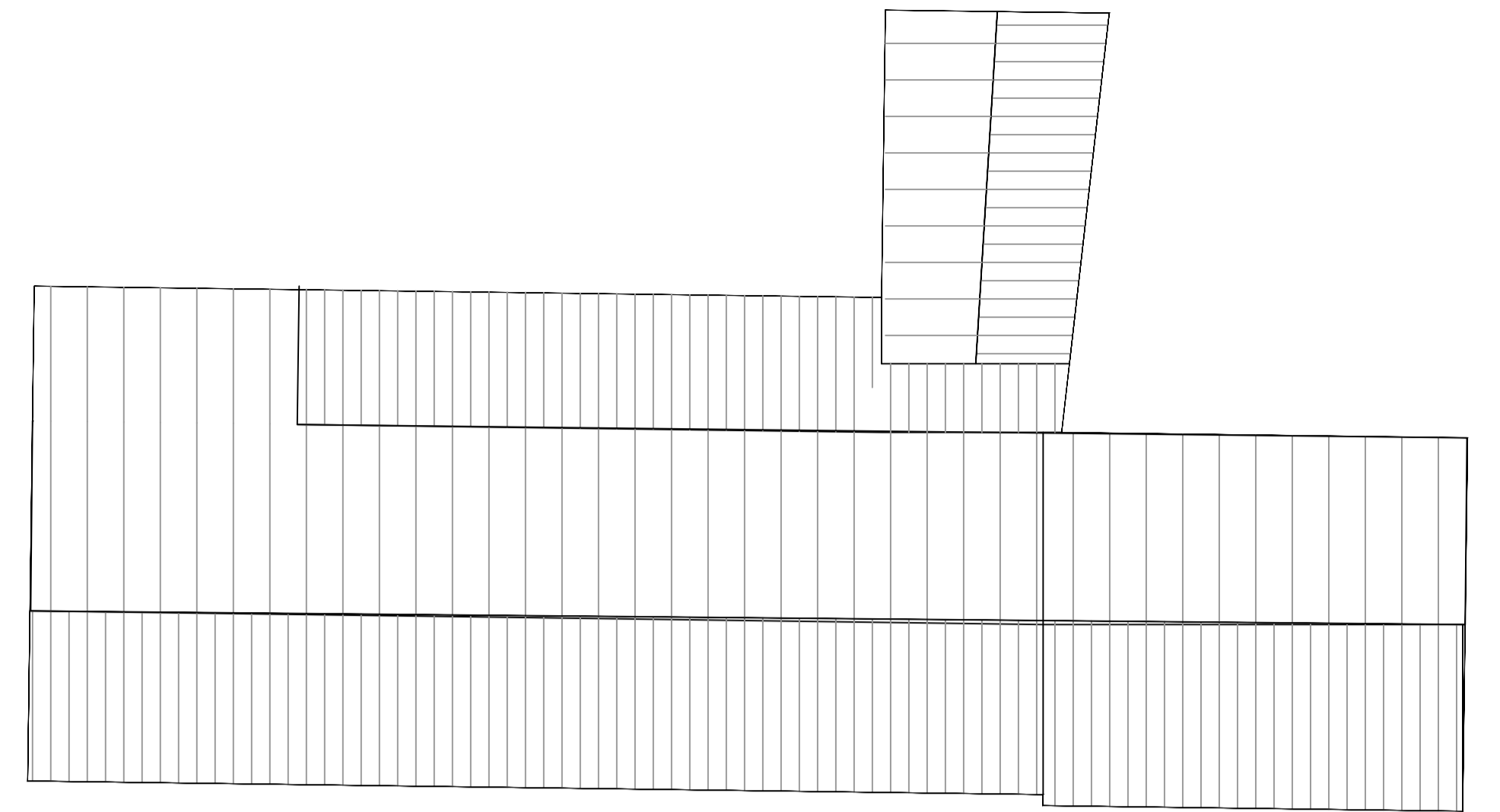
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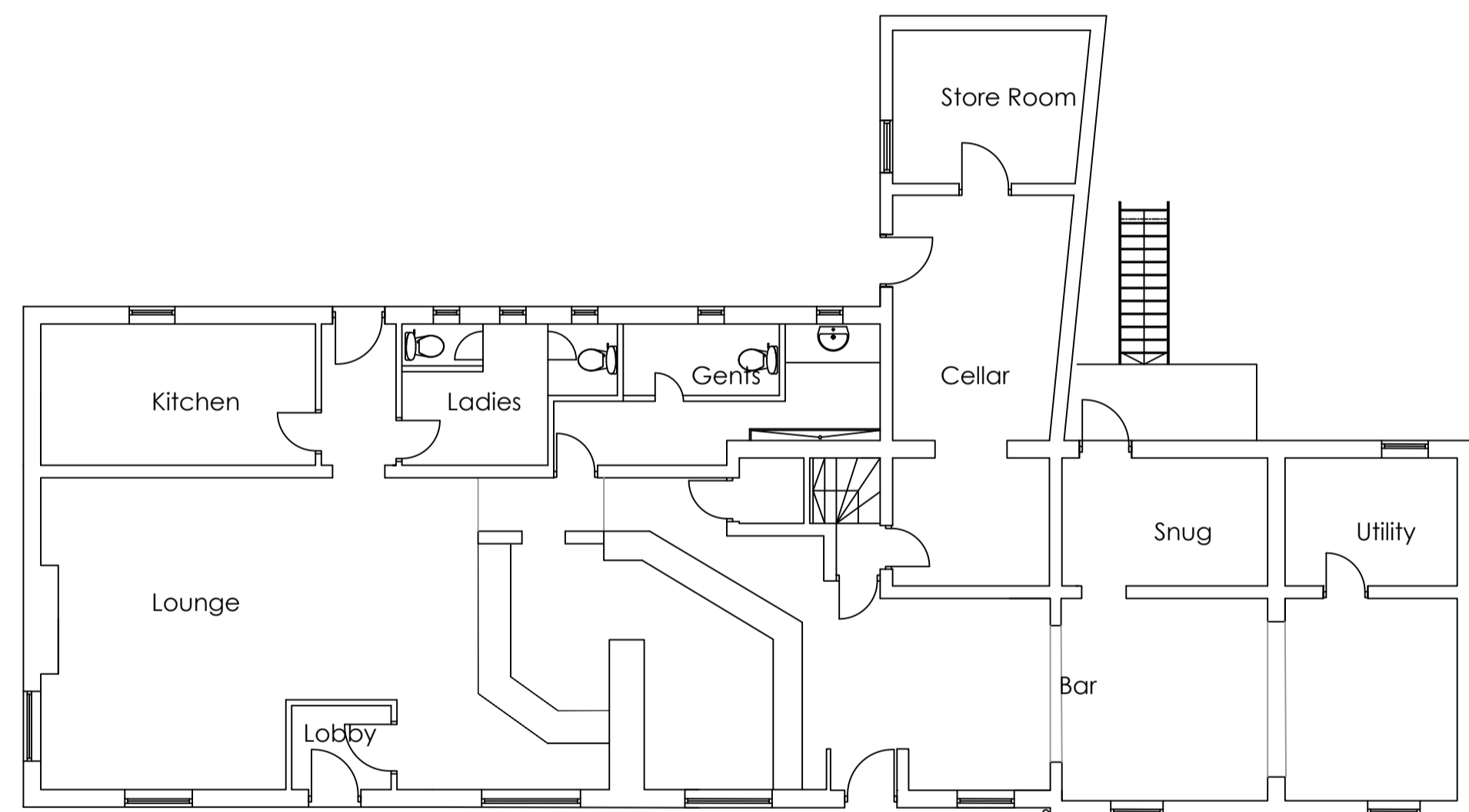


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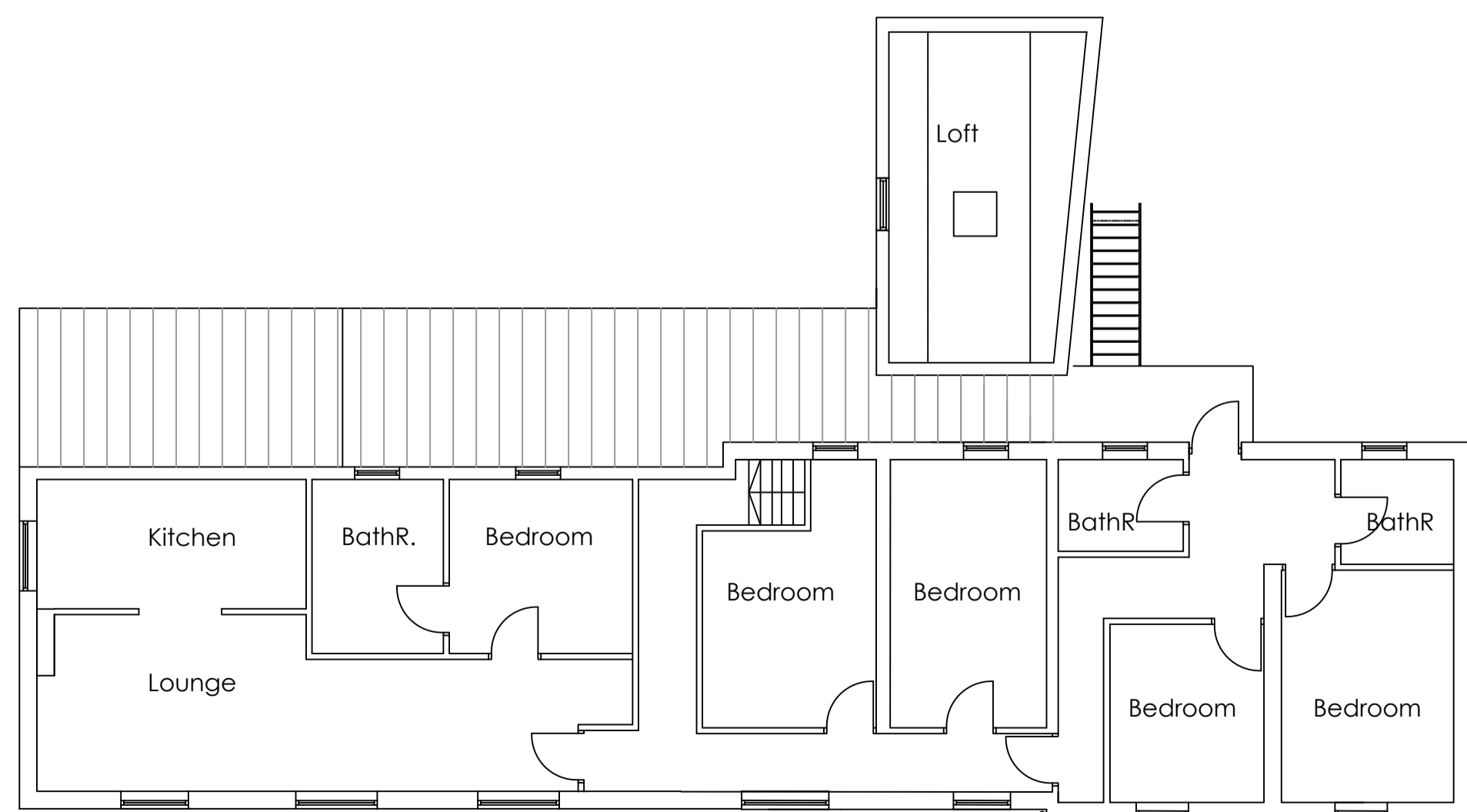
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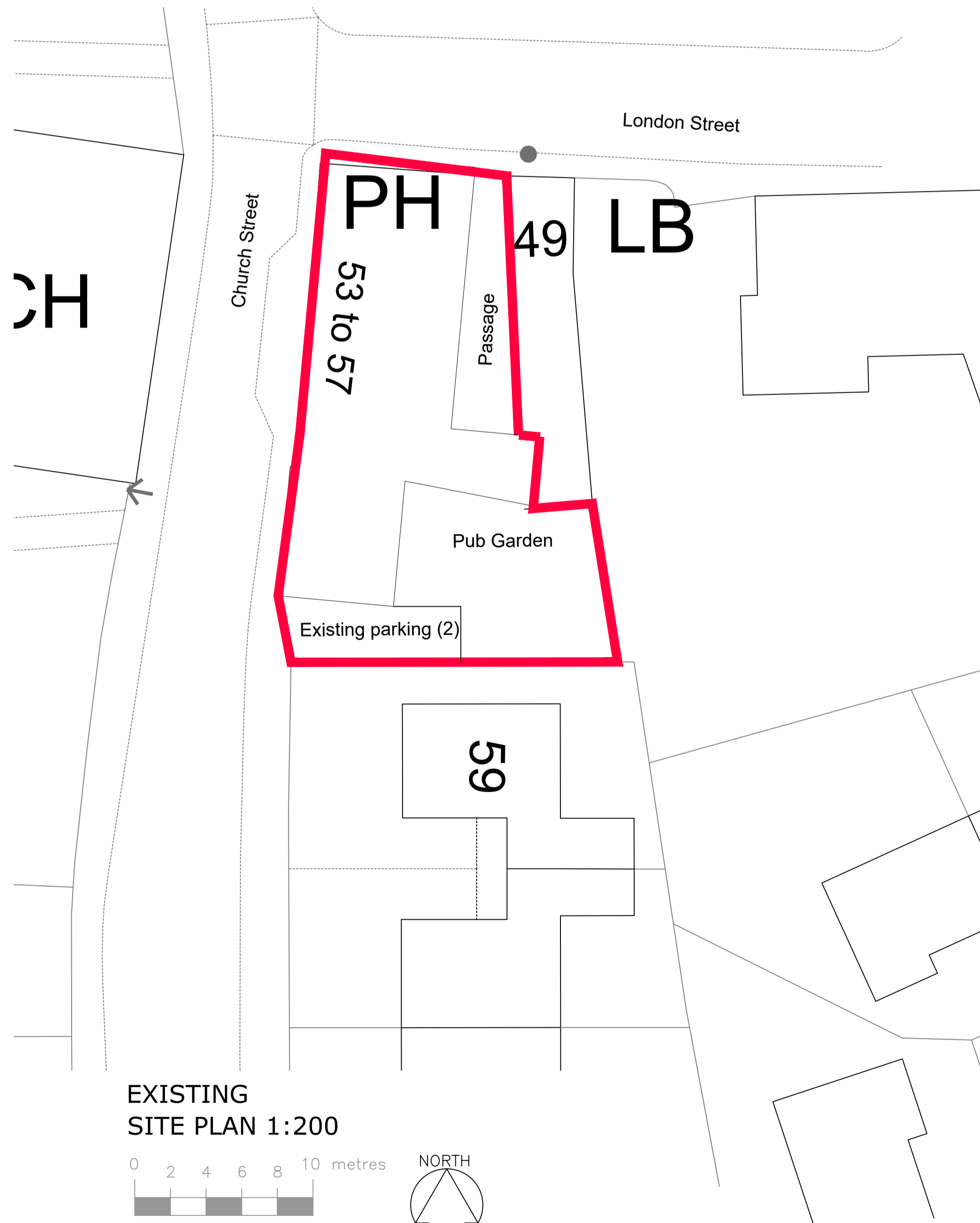
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0 1 2 3 4 5 meters



Ground Floor Existing 1:100
0 1 2 3 4 5 meters

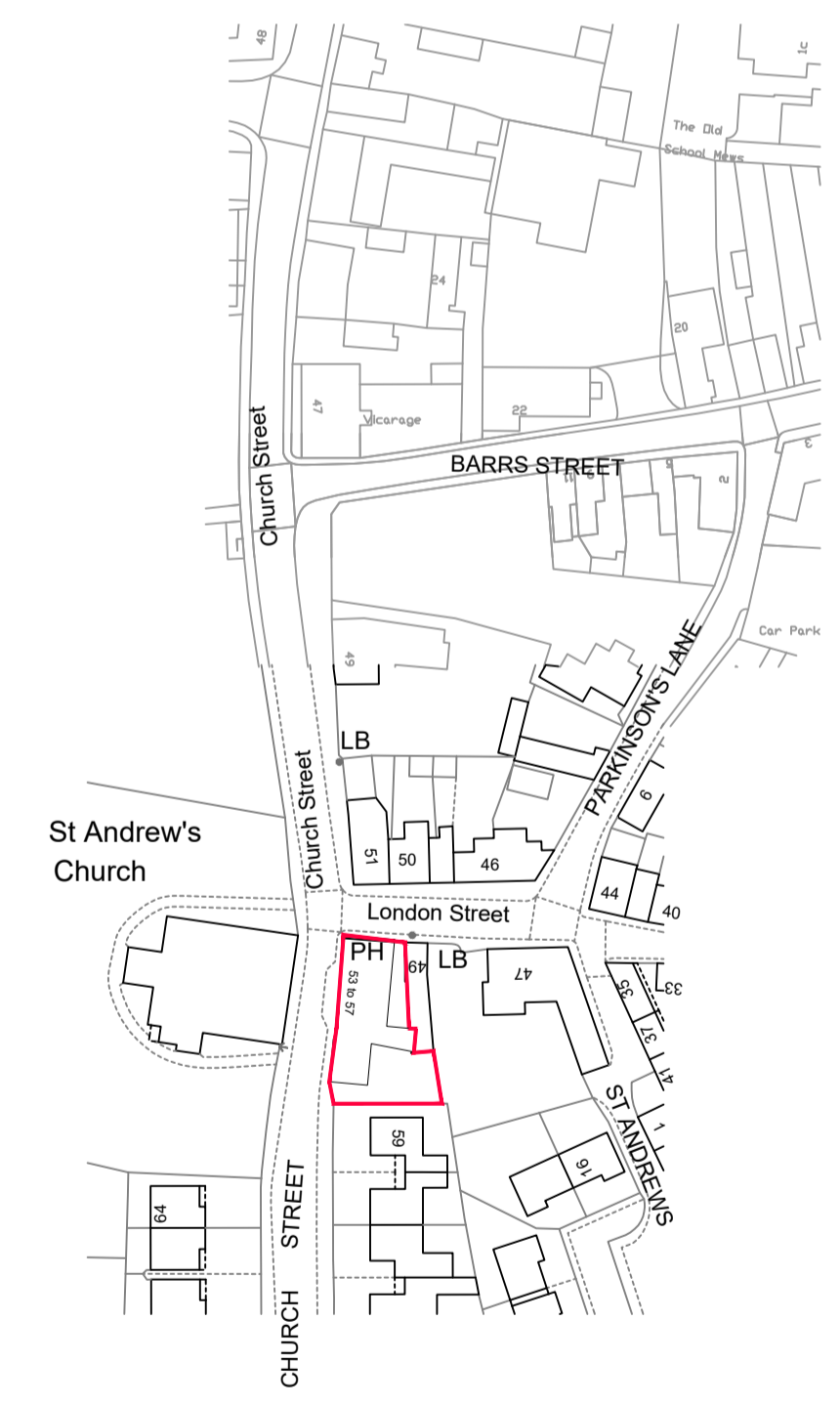


First Floor Existing 1:100



EXISTING SITE PLAN 1:200

0 2 4 6 8 10 metres NORTH



LOCATION PLAN 1:1250

0 10 20 30 40 50 metres NORTH

Revision:	
Project:	Letter B Whittlesey
Description:	Existing Plans
Date:	04-11-2021
Scale & Sheet Size:	VAR @ A1

Drawing Ref:
PL01

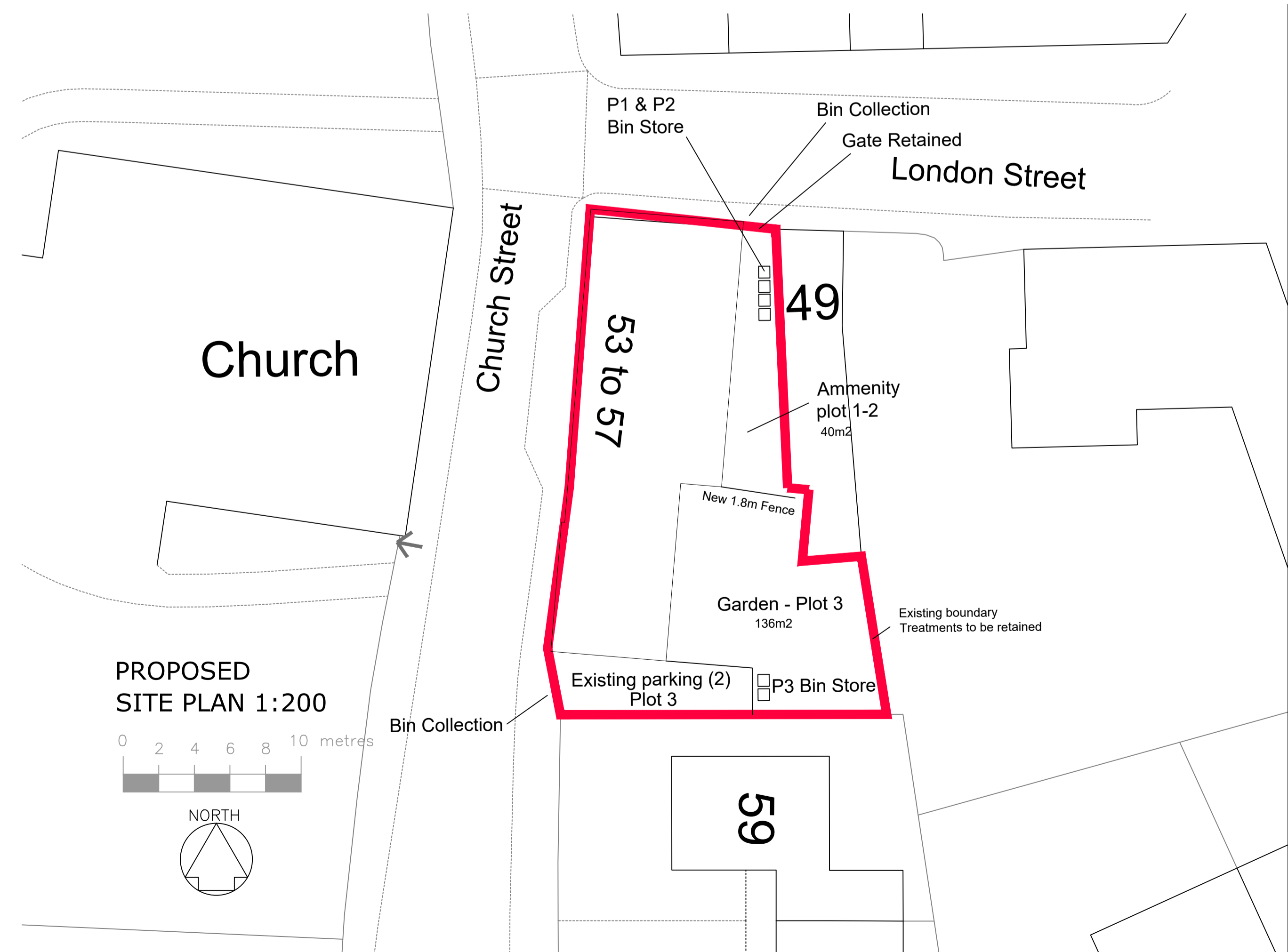
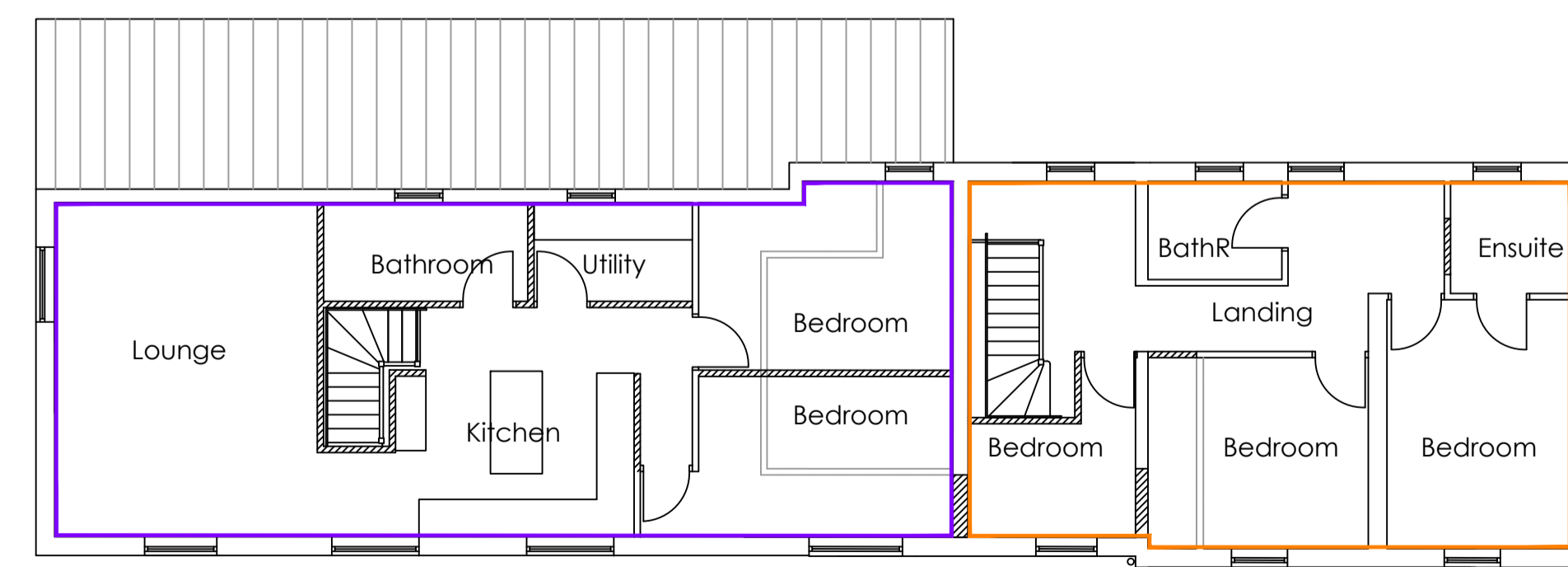
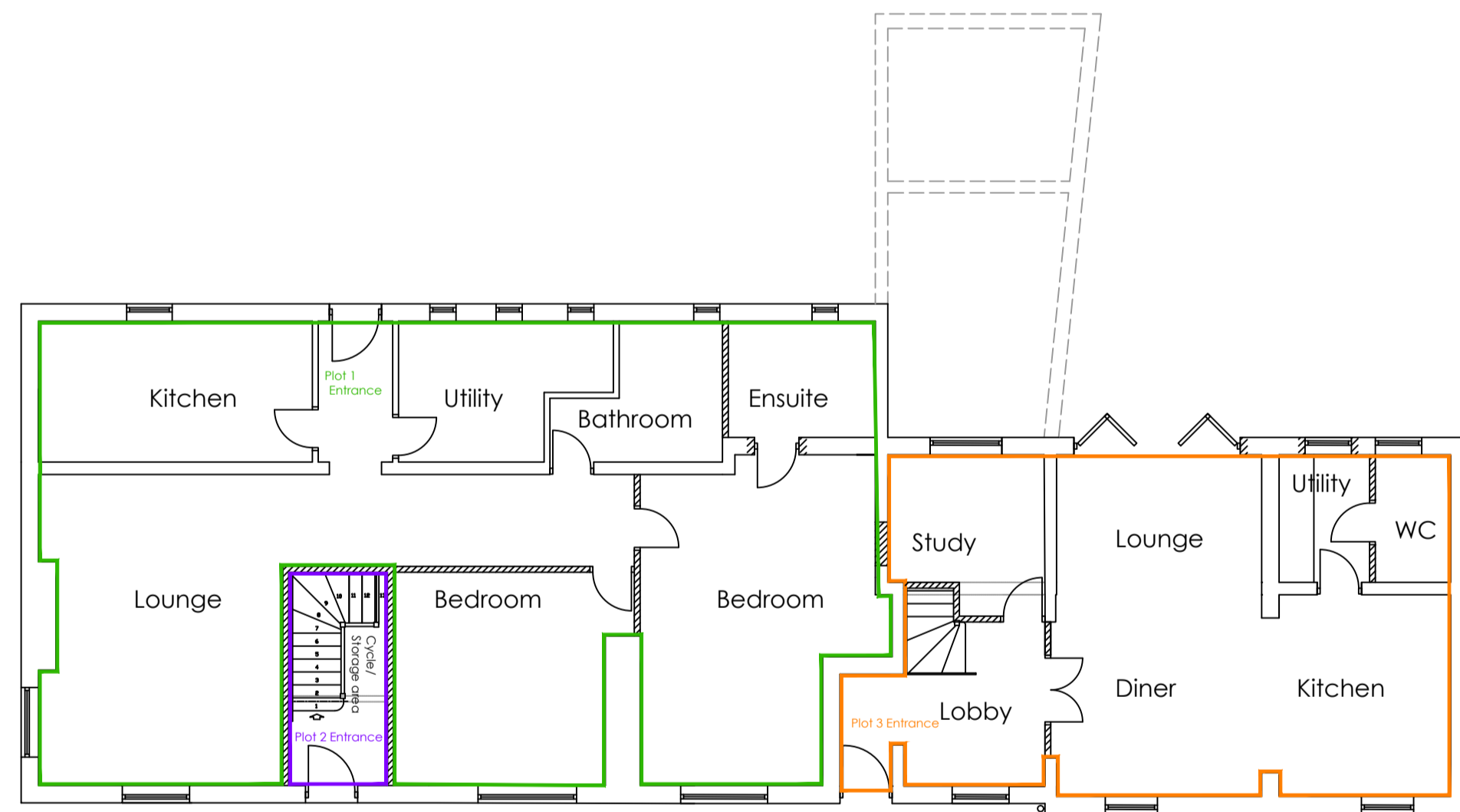
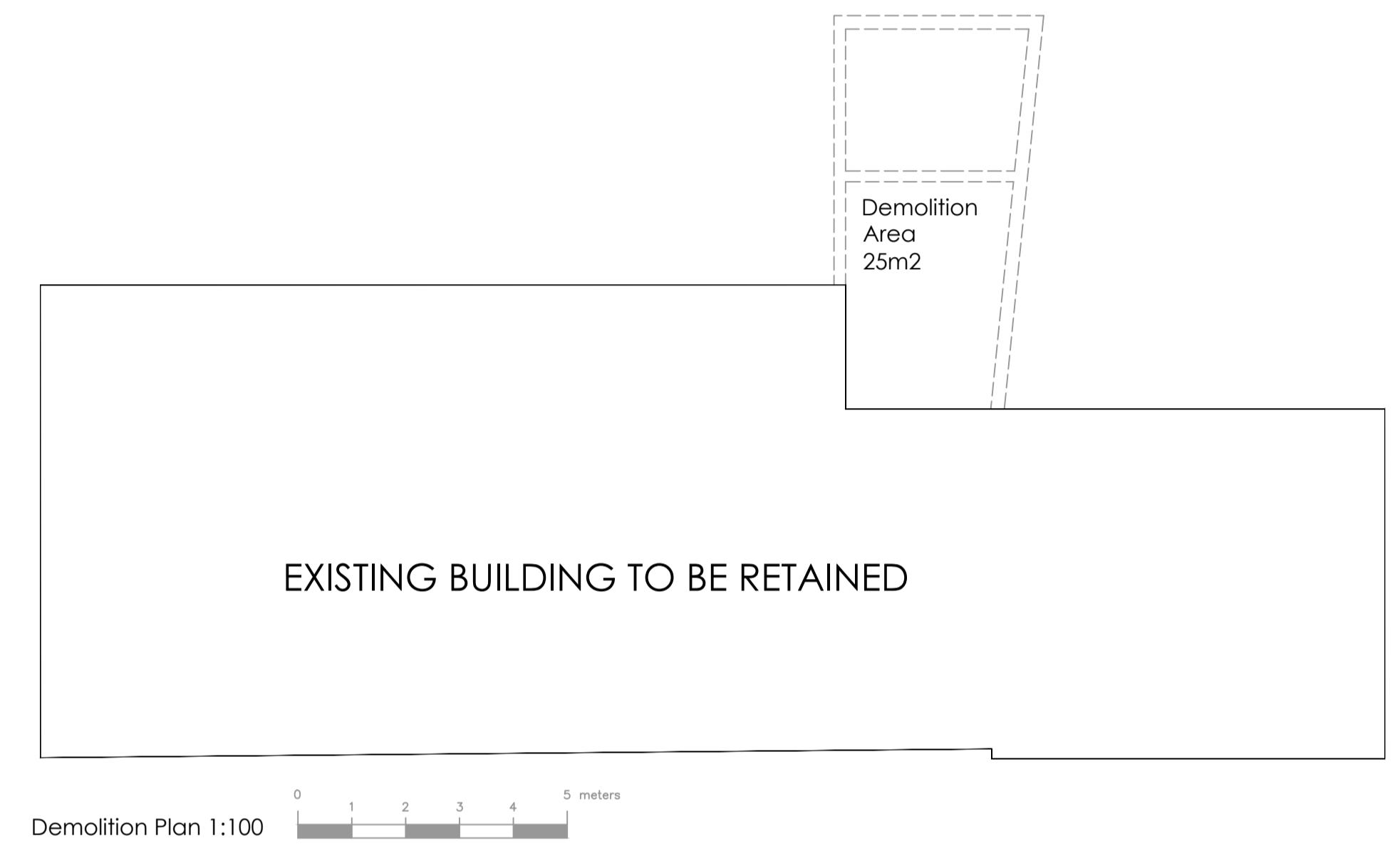
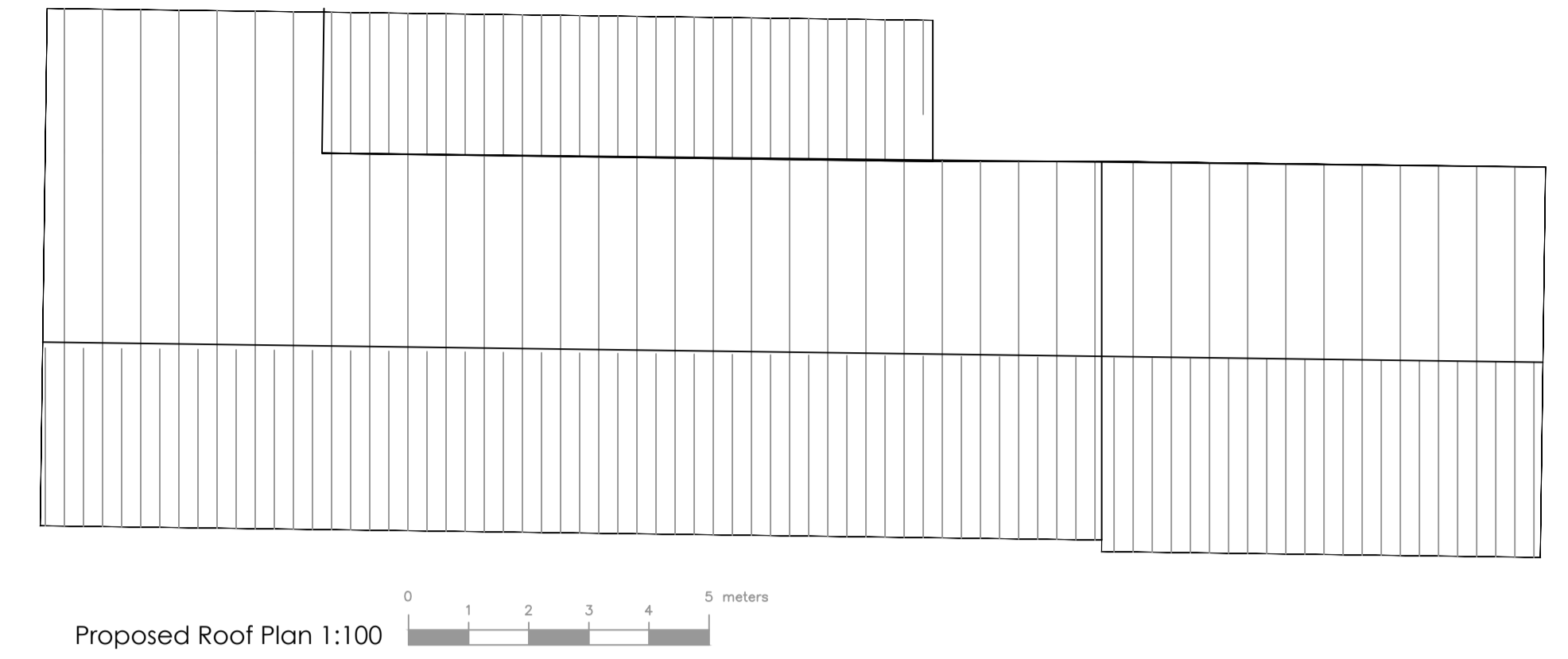
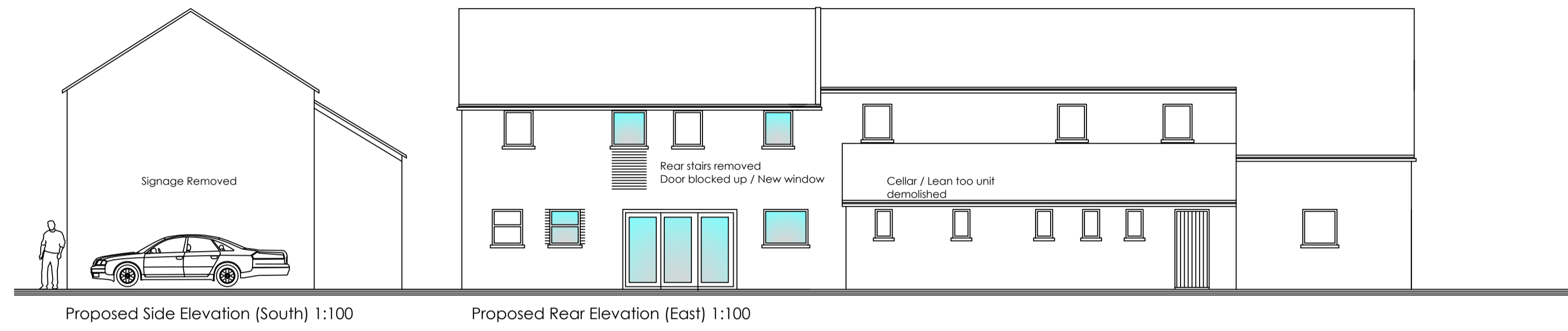


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Revision:	
Project:	Letter B Whittlesey
Description:	Proposed Plans
Date:	04-11-2021
Scale & Sheet Size:	VAR @ A1
Drawing Ref:	PL02
	
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F/YR22/0510/O

Applicant: Cannon Kirk (UK) Ltd

**Agent : Mr Andrew Hodgson
Pegasus Group**

Land West Of, 12 Knights End Road, March, Cambridgeshire

Erect up to 36 x dwellings (outline application with matters committed in respect of access)

Officer recommendation: Grant

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

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for the residential development of the site for 36 dwellings with all matters reserved save access.
- 1.2 The principle of residential development on this site is considered to be acceptable given the location of the site within the approved BCP, and the precedent set by the grant of permission for residential development on adjacent land to the east.
- 1.3 The indicative design and layout of the development is considered acceptable having regard to the general character of the area.
- 1.4 The proposal is not considered to have a significant detrimental impact on the surrounding properties and raises no technical issues.
- 1.5 The application is recommended for approval subject to conditions and completion of a S106 agreement.

2 SITE DESCRIPTION

- 2.1 This application relates to a rectangular shaped agricultural field covering some 2.0ha sited to the north of Knight End Road immediately behind a row of large, detached dwellings. The eastern boundary adjoins the rear gardens of dwellings at the end of Steeple View, and the western boundary of a scheme consented under Ref F/YR20/0473/F for 9 dwellings referred to hereafter as Phase 1.
- 2.2 An illustrative plan submitted with the application indicates that access will be taken from the southern side of the Phase 1 scheme. A SuDs attenuation basin and open space is sited along the eastern boundary with the main estate road running northwards alongside the western boundary of the SuDs/open space feature with three feeder shared drives running westwards. A second SuDs basin is located in the southwestern corner of the site.

3 PROPOSAL

Full plans and associated documents for this application can be found at: [F/YR22/0510/O | Erect up to 36 x dwellings \(outline application with matters committed in respect of access\) | Land West Of 12 Knights End Road March Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR10/0951/O	Erection of 35 dwellings	Withdrawn 25.02.2011
F/YR14/0491/F	Erection of 28no 2-storey dwellings with garages/parking comprising of 3 x 2-bed, 2 x 3-bed, 19 x 4-bed and 4 x 5-bed and landscaped open space	Withdrawn 09.09.2014
ADJACENT LAND TO THE EAST		
F/YR20/0473/F	Erect 9no dwellings (3no single-storey (1x 2-bed & 2x 3-bed) and 6no 2-storey (3 x 5-bed, 1 x 4-bed & 2 x 2-bed)) involving demolition of existing buildings	Granted 17.12.2020
ADJACENT LAND TO THE WEST		
F/YR21/1497/O	Erect up to 1,200 x dwellings with associated infrastructure, public open space, allotments/community garden, local centre and primary school, involving the demolition of existing buildings (outline application with matters committed in respect of access)	Pending Consideration
WEST MARCH ALLOCATION		
F/YR20/0223/BCP	West March Strategic Allocation	Approved 14.07.2021

5 CONSULTATIONS

5.1 Anglian Water (25.05.2022)

Has confirmed that there is sufficient foul water drainage capacity within the March Water Recycling Centre to accommodate the flows generated by the development.

The request by Anglian Water that the developer should be made aware of its assets within or near the site will be met by an informative drawing the applicants attention to its letter dated 25.05.2022.

5.2 Archaeology (04.10.2022)

A trench based archaeological evaluation undertaken in 2014 found little archaeological evidence of low significance. No further archaeological work is required in this application area and there are no objections to the application on archaeological grounds.

5.3 Cambridgeshire Constabulary (25.05.2022)

Design comments have been made regarding positioning and self-closing garden gates, cycle storage and external lighting. These matters will be conditioned.

5.4 Cambridgeshire (Education, Library & Strategic Waste) (20.06.2022)

As this is an outline application where the final housing mix is not fixed, tables used to calculate the actual contribution to be included in the S106 agreement have been provided.

With the known development mix the development is estimated to accommodate the following number of children, 11 (£20,713) early years children, 15 (£20,713) primary school children and 9 (£24,013) secondary school age children. The figure in brackets after the number of children represents the mitigation per place required.

On the known current mix therefore a total contribution of £754,655 (£227,834 + £310,695 + £216,117) will be required. As the mix will in most likelihood may be different at reserved matters, the tables included in the S106 will allow flexibility to provide an accurate contribution.

5.5 Cambridgeshire Fire & Rescue Services (16.05.2022)

Recommends that provision should be made for fire hydrants, this requirement will be conditioned.

5.6 Highways (22.02.2023)

No objections.

Considers that the access approved under Phase 1 (F/YR20/0473/F) is acceptable to also serve the additional 36 dwellings, providing the same cross-section is retained and the transverse footway between development phases is omitted to facilitate a continuous carriageway.

Requests that the Framework Plan is overlaid on the Access and Movement Parameter Plan from application F/YR21/1497/O to ensure that the proposed pedestrian and cycle links align between sites.

Access arrangements do not align with those outlined in the West March Broad Concept plan, which includes a vehicular access between this development site and the parcels to the west. That being said, the current proposals are acceptable in highway terms, as such a link is not required subject to LPA agreement.

Recommends conditions and informatives.

5.7 Housing Strategy (24.05.2022)

A contribution of 9 affordable houses would be sought with an expected tenure split of 6 x 2 bed affordable rented homes, and 3 x 2 bed shared ownership homes.

5.8 LLFA (05.07.2023)

No objections subject to conditions and informatives,

5.9 March Town Council (07.06.2022)

Recommends refusal on grounds of overdevelopment and proximity to existing junction and post box.

5.10 Minerals and Waste Planning Authority (MWPA) (07.06.2022)

The site lies within a Minerals and Waste Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

As the site lies within the West March Strategic Allocation the MWPA is content that the exemption allowed by paragraph (b) of Policy 5 applies and it is not necessary to demonstrate: that the mineral can be extracted prior to development; the mineral is of no current or future value; the development will not prejudice future extraction; or there is an overriding need for the development.

However, the MWPA suggests an informative encouraging the best use be made of any sand and gravel that may be incidentally extracted as part of the development.

5.11 NHS (19.05.2022)

The NHS has identified that the development will give rise to a need for additional primary healthcare provision and requests a contribution of £21,600.

5.12 Tree Officer (14.11.2022)

No objections.

The topographical survey supplied to the arboricultural consultant did not include plotted trees which may result in possible conflicts between trees and dwellings/infrastructure.

However, no trees are to be removed to facilitate the development and the report highlights those trees requiring protection with the current proposed site layout.

It is considered that the scheme can be implemented but a method statement detailing protection measures will be required.

5.13 Wildlife Officer (27.02.2023)

Considers the scheme to be acceptable subject to the following conditions and informatives:

- CEMP.
- Soft Landscaping.
- External lighting strategy.
- Biodiversity enhancements.
- Bird/bat boxes.

Informatives

- Semi natural habitats shall be of local provenance of native species.
- No removal of hedgerows, trees, or shrub during the nesting period in the absence of an ecologist's check.

5.14 Local Residents/Interested Parties

No representations have been received as a result of the neighbour consultation/publicity process.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

Homes and Buildings

Resources

Lifespan

Fenland Local Plan 2014 (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

LP4 – Housing

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

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

March Neighbourhood Plan 2017 (MNP)

H1: Large Development sites
H2: Windfall Development
H3: Local Housing need

Supplementary Planning Documents/ Guidance:

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

Developer Contributions SPD 2015

Fenland Infrastructure Delivery Plan 2016

Cambridgeshire Flood and Water SPD 2016

The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

8 KEY ISSUES

- Principle of Development
- Drainage
- Ecology/Biodiversity
- Highways
- Trees
- S106 Contributions
- Other Considerations

9 BACKGROUND

9.1 Two previous applications for residential development on this site (F/YR10/0951/O & F/YR14/0491/F) were withdrawn, the reasons for withdrawal remain unclear from the files. Subsequently, full planning permission was granted for 9 dwellings on land to the immediate east of the application site under ref F/YR20/0475/F in 2020, a development referred to as Phase 1 in this report. The Broad Concept Plan (BCP) for the West March Strategic Allocation was approved under Ref:

F/YR20/0223/BCP in 2021. An application for 1200 houses on land forming the greater part of the BCP and to the west of this application site remains pending (F/YR21/1497/O).

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 identifies March as being a focus for growth given its sustainable links to services and facilities. Policy LP7 sets out the LPA's aims in achieving most of the growth in the main market towns through strategic allocations and broad locations for growth. Policy LP9 identifies West March (where the application site lies) as being a strategic allocation accommodating around 2000 dwellings. Policy H1 of the March Neighbourhood Plan (MNP) supports the delivery of the strategic allocation requiring development within the allocations to accord with LP7 and LP9 of the FLP.
- 10.2 Broad Concept Plans (BCP) have been introduced through Policy LP7 of the Fenland Local Plan 2014 to ensure that large allocated urban extensions are planned and implemented in a coordinated way.
- 10.3 The BCP for the March Strategic Allocation was produced by Persimmon Homes and sets out proposals for residential development on about 100 hectares of land providing for potentially 2000 dwellings on the site with associated infrastructure, open space, and drainage.
- 10.4 The BCP was approved by the Planning Committee at its meeting on 14 July 2021 and is consistent with the requirements of policies LP7 and LP9 (West March) of the Fenland Local Plan 2014 and Policy H1 of the March Neighbourhood Plan. This application site lies within the BCP on land shown for residential development with footpath connectivity to wider BCP land to the west, there is therefore no conflict with the objectives of the BCP or the pending application for 1200 houses.
- 10.5 Given the location of the application site within the approved BCP and the thrust of local policy to achieve most of the growth in the main market towns as described above, the principle of development of the site is considered to be acceptable.

Drainage

- 10.6 The site is located within Flood Zone 1 and the development is therefore considered suitable for the location. The application is accompanied by a Surface Water Drainage Report which proposes to discharge surface water to the existing surface water ditch in the south-eastern part of the site where it is intended to culvert the road linking Phases 1 and 2, attenuation is proposed in the form of below ground attenuation/storage in the subbase of porous drives, roads and in detention basins.
- 10.7 A pumping station for surface water was originally shown after the detention basin to raise the level of water from the bottom of the basin to a level to discharge into the Internal Drainage Board (IDB) ditch. The pumping station no longer forms part of the updated surface water drainage strategy.

- 10.8 The application is also supported by a Foul Water Drainage Strategy Report which confirms that the March Sewage Water Treatment Works has capacity to treat the flows from this site. The report states that a gravity solution was possible and there is no need for a pumping station for this development the foul water from which will connect to a chamber on Phase 1 which will then discharge the combined foul water from both Phase 1 and Phase 2 into a new manhole located in Knight's End Road.
- 10.9 As noted above, Anglian Water and the LLFA have no drainage objections and recommend conditions and informatives.

Ecology/Biodiversity

- 10.10 A Preliminary Ecological, Bat, Great Crested Newt, and Water Vole Reports accompany the application in-line with policy LP16 and LP19.
- 10.11 The Preliminary Ecological Report concludes that the current habitats on the application site are of low value as they comprise of heavily managed arable fields and margins. Areas which could potentially support protected species are limited in extent, species poor and poorly managed from a biodiversity perspective. Due to the potential of more suitable habitats off site (mature trees, ditches, and scrub) and the need for appropriate mitigation the Report recommends further bat, GCN, and water vole surveys. The recommended surveys have been submitted.
- 10.12 The submitted Bat Survey concludes that the site provides a commuting and foraging function for bats, and that without mitigation the proposed development will cause a loss of foraging and commuting habitat. It recommends mitigation in the form of:
- a) A bat friendly lighting scheme to be designed and implemented with input by an ecologist.
 - b) Retention and enhancement of planting
 - c) SuDs basin to be enhanced.
 - d) BS standards to be applied to the enhancement of the Suds basin, and to works to trees.
 - e) Provision of at least 10 bat boxes at a minimum height of 4mm.
- 10.13 The Great Crested Newt Report concludes that it is unlikely that Great Crested Newts (GCN) could be present on site and as such not considered to be a constraint to development. It is however recommended that the SuDs basin and area around it be enhanced with planting.
- 10.14 The Water Vole Report recommends a 8m construction buffer and protective measures during construction ,and enhancement of the SuDs basin with a requirement for an updated survey prior to construction.
- 10.15 The recommendations of the various reports will be conditioned.

Highways

- 10.16 Policies LP15 and LP16 of the FLP seek to ensure that development can be served by adequate highways infrastructure – avoiding identified risks, maximising accessibility and helping to increase the use of non-car modes by giving priority to the needs of pedestrians, cyclists, people with impaired mobility

and users of public transport. Paragraph 110 of the NPPF (July 2021) requires development to take account of opportunities for sustainable transport modes, provide safe and suitable access for all people and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 10.17 A Transport Statement has been provided with the application, it concludes that the site is located in a sustainable position, impact on the local highway network will not be significant and is unlikely to have any detrimental impacts on accident rates. The impact of the proposed development traffic will not need to be mitigated, and there are therefore no highway capacity or safety reasons to refuse the application.
- 10.18 The Highway Authority has been consulted and has no objections. There is no conflict with the Parameter Plan relating to the larger Persimmons development to the west (F/YR21/1497/O) with vehicle and pedestrian connectivity provided. Neither does the proposal conflict with the principles of the approved BCP. The access connection to Phase 1 will as a matter of course require the omission of the transverse footway currently in place.

Trees

- 10.19 The submitted Tree Report and Constraints Plan indicates 19 trees and five groups of trees, two warrant an A (high quality) classification and 7 warrant a B (moderate quality) classification. None require removal to accommodate the development and only T2 requires minor tree work to facilitate construction. With the exception of T15 the trees appear to be on or outside the site boundary. The layout is said to be informed by the tree positions so that incursions by hardstanding/SuDs into Root Protection Areas are minimal.
- 10.20 As noted above, the Tree Officer has no objections but recommends the requirement for a method statement detailing protective measures, this will be secured by condition.

Planning Obligations

- 10.21 Policy LP5 Part A of the local plan requires developments of 10 or more houses to provide 25 percent of the dwellings as affordable houses, the exact tenure mix to be informed by an up-to-date housing needs assessment. This should form the basis of a S106 Agreement to accompany the submission.
- 10.22 Policy LP13 of the local plan sets out that planning permission will only be granted if there is sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development.
- 10.23 The Council's Local Plan and CIL Viability Assessment report of December 2019, concludes that development on greenfield sites in the south of the district should be able to bear developer contributions of 20 percent affordable housing and scope for £2000 per unit or 10 percent affordable housing with scope for approximately £5000 per unit. With no affordable housing, there is scope for £15,000 or so per unit on greenfield sites in the south of the district.
- 10.24 The National Planning Practice Guidance (NPPG) states that planning applications that fully comply with up-to-date policies that have set out the contributions from

developments, they should be assumed to be viable. A decision maker can give appropriate weight to emerging policies. The Council has been applying the findings and recommendations set out in the December 2019 report to development proposals. The NPPG states that it is up to the applicant to demonstrate the need for a viability assessment at the application stage.

- 10.25 The applicant has confirmed that 9 on-site affordable housing units will be provided on site together with £2,000 per market unit (25 units X £2000 = £50,000 in total). The affordable housing will be provided at 25% instead of the policy compliant requirement of 20% to make an allowance for the cumulative needs generated by Phase 1 and 2, and therefore a total of 9 affordable houses distributed throughout the site is considered to be acceptable.
- 10.26 Both the County Council and the healthcare provider have set out a case for obtaining developer contributions towards education (£754,655) and libraries (£8,190) and primary health care (£21,600) to mitigate the impact of the development.
- 10.27 The Council's Local Plan and CIL Viability Assessment report of December 2019, concludes that development on greenfield sites in the south of the district should be able to bear developer contributions of 20 percent affordable housing and scope for £2000 per unit. This is a material consideration in the determination of applications. To conclude, 9 affordable housing units plus £50,000 will be provided, no other contributions are proposed. This level of financial contribution and affordable housing provision which would be in line with the Viability Assessment.

Other Considerations

Archaeology

- 10.28 A trench based archaeological evaluation undertaken in 2014 found little archaeological evidence of low significance. The County Archaeologist therefore considers further archaeological work is not required.

Environment Health

- 10.29 The agent has confirmed that a pumping station will no longer be required after the detention basin to raise water from the bottom of the basin to discharge into the IDB ditch. There will therefore not be a noise implication on nearby residents.

Minerals and Waste

- 10.30 The site lies within a Mineral and Waste Safeguarded Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). In this instance safeguarding means that unless a particular development is exempted it will not be permitted unless it can be demonstrated that: the mineral has no current or future value; it can be extracted prior to development; the development will not prejudice future extraction; or there is an overriding need for the development where prior extraction is not possible.
- 10.31 In this case the proposal is exempted development under paragraph (b) of Policy 5 due to its strategic allocation under Policy LP 9 of the FLP. Nonetheless, the Minerals and West Planning Authority suggests an informative encouraging the best use to be made of any sand or gravel that may be incidentally extracted as part of the development.

Amenity

10.32 There is significant separation between the proposed dwellings and the rear elevation of existing dwellings on Knights End Road (over 30m), and those dwellings on Phase 1 to the east. Within the proposed development the proposed site plan indicates that minimum separation distances are generally met. Living conditions within and outwith the development should not therefore be adversely affected.

11 CONCLUSIONS

11.1 It is considered that the site meets with strategic settlement hierarchy set out under Policies L3 and LP4 of the Local Plan which seek to focus growth in and around the market towns and in that it adjoins the continuous built settlement.

11.2 In respect of the application site and its suitability for housing development, the site has a number of factors in its favour in terms of potential suitability for residential development as it:

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

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

12 RECOMMENDATION

Grant

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

The applicant has been consulted on the proposed conditions and has confirmed their agreement to them in writing. Therefore, should the application be approved and the consent granted with the proposed conditions after 1st October 2018, it is considered that the requirements of section 100ZA(5) have been met.

The proposed conditions are as follows;

1	Approval of the details of: i. the layout of the site
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	<ul style="list-style-type: none"> ii. the scale of the building(s); iii. the external appearance of the building(s); iv. the landscaping <p>(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development to which this permission relates shall be begun no later than the expiration of two years from the final approval of the reserved matters.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town & Country Planning Act 1990.</p>
3	<p>The residential elements of the development shall be up to and no more than 36 dwellings (Use Class C3). 36 dwellings shall depend on submission of an acceptable layout at the submission of reserved matters stage, no layout of 36 dwellings has been accepted by the granting of this outline permission.</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development to accord with Policy LP16 of the Fenland Local Plan.</p>
4	<p>Prior to the commencement of development, a Construction Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the consideration of the following aspects of construction:</p> <ul style="list-style-type: none"> a) Site wide construction programme. b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers, c) Construction hours and delivery times for construction purposes d) Maximum noise mitigation levels for construction equipment, plant and vehicles e) Dust suppression management including <ul style="list-style-type: none"> 1, identification of person responsible for air quality and dust issues, 2, the recording of dust and air quality complaints 3, to undertake appropriate measures to reduce emissions in a timely manner 4, An agreement for dust deposition, dust flux, or real-time particulate matter monitoring locations with the Local Authority including baseline monitoring before work commences, 5, machinery and dust causing activities to be located away from receptors

	<p>6, Wheel washing measures to prevent the deposition of debris on the highway and the general environment</p> <p>f) Site lighting</p> <p>g) Location of Contractors compound and method of moving materials, plant and equipment around the site.</p> <p>h) Details and locations of hoardings</p> <p>The Construction Environmental Management Plan shall be implemented in accordance with the agreed details, unless minor variations are otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of safe operation of the highway and protection of general residential amenity in accordance with policy LP15 and LP16 and LP19 of the Fenland Local Plan, 2014.</p>
5	<p>The details submitted in accordance with Condition 01 of this permission shall include:</p> <p>(a) a plan showing (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree and (ii) the location of hedges to be retained and details of species in each hedge.</p> <p>(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;</p> <p>(c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;</p> <p>(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;</p> <p>(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development;</p> <p>(f) the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.</p> <p>In this condition 'retained tree or hedge' means an existing tree or hedge which is to be retained in accordance with the plans referred to in paragraph (a) above.</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</p>

	<p>protect the character of the site in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
6	<p>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:</p> <ul style="list-style-type: none"> -Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting; -Placement, type and number of any recommended biodiversity enhancements within the Great Crested Newt eDNA Survey, Bat Survey Report, Water Vole Survey and the Preliminary Ecological Appraisal (Temple, 8 March 2023); and -Boundary treatments. <p>Development shall be carried out in accordance with the submitted details and at the following times:</p> <p>Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy LP19 of the Fenland District Plan (2014).</p>
7	<p>Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.</p> <p>Reason - To ensure a satisfactory form of development.</p>
8	<p>No development shall take place (including demolition, ground works)) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> 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.

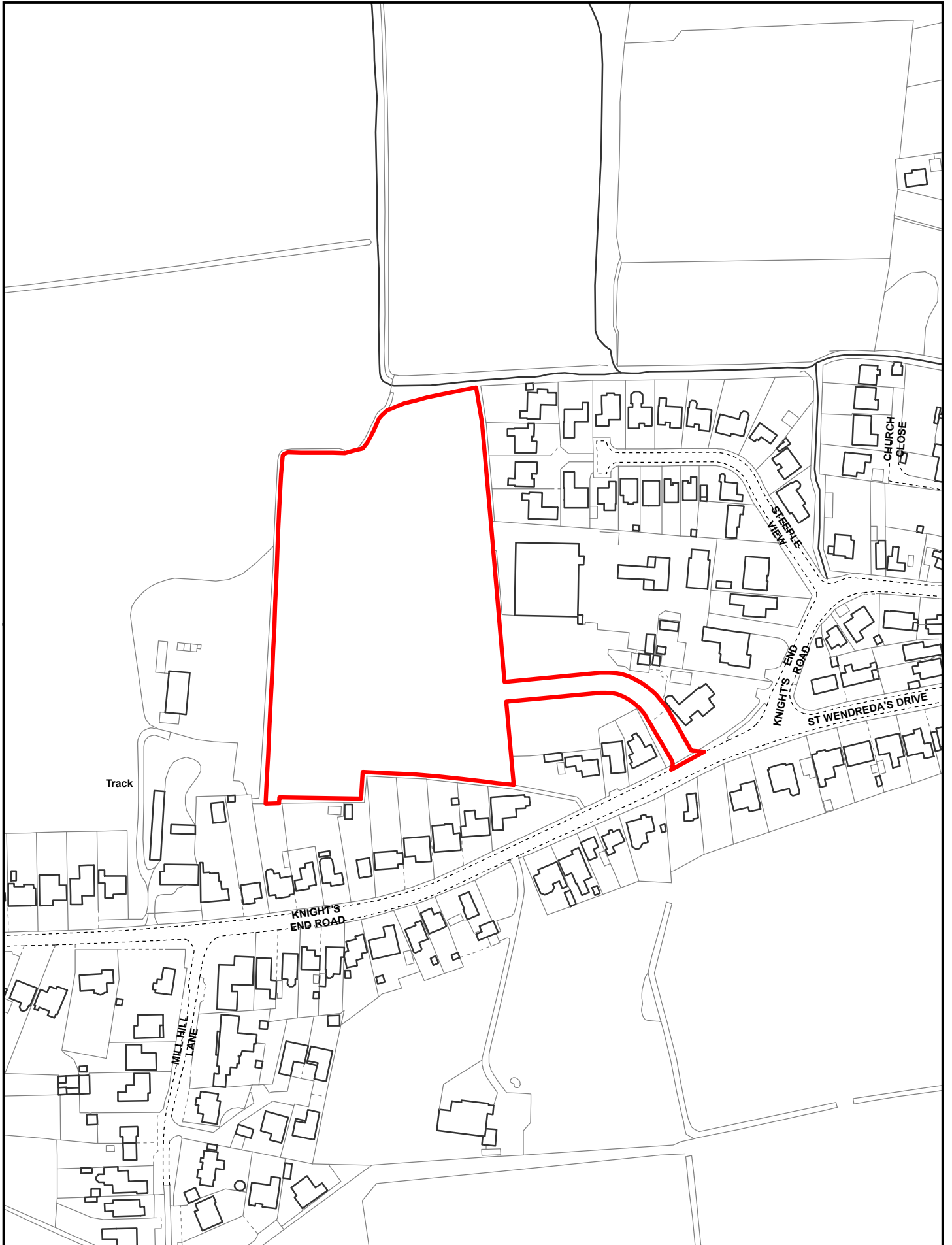
	<p>d) The location and timing of sensitive works to avoid harm to biodiversity features.</p> <p>e) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>f) Responsible persons and lines of communication.</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p> <p>h) Use of protective fences, exclusion barriers and warning signs.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy LP19 of the Fenland District Plan (2014).</p>
9	<p>No external lighting shall be erected until, a "lighting design strategy for biodiversity" for all lighting across the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for ecological constraints that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy LP19 of the Fenland District Plan (2014).</p>
10	<p>The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Great Crested Newt eDNA Survey, Bat Survey Report, Water Vole Survey and the Preliminary Ecological Appraisal (Temple, 8 March 2023) which details the methods for maintaining the conservation status of various protected species, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.</p> <p>Reason: In the interests of biodiversity and the safeguarding of protected species and in accordance with Policy LP19 of the Fenland District Plan (2014).</p>

11	<p>The development hereby permitted shall not be occupied until at least 15 bird boxes and 15 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. Unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy LP19 of the Fenland District Plan (2014).</p>
12	<p>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 Surface Water Drainage Strategy Report, Pick Everard, CAN002-PEV-XX-ZZ-RP-C-0501, Rev: P02, Dated: 27th June 2023 and shall include:</p> <ul style="list-style-type: none"> a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance; c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it); d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections); e) Site Investigation and test results to confirm infiltration rates; f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants; g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non statutory technical standards for sustainable drainage systems; h) Full details of the maintenance/adoption of the surface water drainage system; i) Permissions to connect to a receiving watercourse or sewer; j) Measures taken to prevent pollution of the receiving groundwater and/or surface water <p>Reason: To ensure that the proposed development can be adequately</p>

	<p>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 to accord with Policy LP14 of the Fenland Local Plan and the SPD on Flood and Water.</p>
13	<p>No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts to accord with Policy LP14 of the Fenland Local Plan and the SPD on Flood and Water.</p>
14	<p>Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved under the planning permission. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development to accord with Policy LP14 of the Fenland Local Plan and the SPD on Flood and Water.</p>
15	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order) gates or other means of enclosure shall be erected across the vehicular access hereby approved.</p> <p>Reason: In the interests of highway safety to accord with Policy LP15 of the Fenland Local Plan.</p>
16	<p>Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and</p>

	<p>Maintenance Company has been established.</p> <p>Reason: In the interests of highway safety to accord with Policy LP15 of the Fenland Local Plan.</p>
17	<p>No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The works or development shall be carried out in accordance with the approved scheme of supervision for the arboricultural protection measures.</p> <p>Reason: To retain the natural features of the site in accordance with Policy LP16 of the Fenland Local Plan.</p>
18	<p>Prior to development above slab level taking place details of the management arrangements for the area of open space shall be submitted to and approved in writing by the local planning authority. The details shall include but not be limited to the following;</p> <ul style="list-style-type: none"> -Name and full contact details of the management company -Drawing showing the areas to be managed by the management company -Maintenance details and schedules for all hard and soft landscaping, the play area, dog bin, lighting and biodiversity enhancements that fall within the management company area of maintenance. All such areas shall be maintained by the developer until such time as the management company takes over responsibility for these areas. The developer shall provide written notification to the local planning authority that the management company has taken over the maintenance of these areas within 5 working days of this event taking place. <p>Reason: To ensure that all landscaped areas, play area, biodiversity enhancements and other items as approved continue to be maintained in the interests of the visual appearance of the area, residential amenity, health and well-being of residents and biodiversity in accordance with policies LP2, LP12, LP16 and LP19 of the Fenland Local Plan.</p>
19	<p>Prior to the first occupation of any dwelling the roads and footways shall be constructed to at least binder course surfacing level from the dwelling to the adjoining highway.</p> <p>Reason: In the interests of highway safety and to ensure that roads are managed and maintained thereafter to a suitable and safe standard with adequate highway infrastructure provided in accordance with policy LP13, LP15 and LP16 of the Fenland Local Plan, 2014.</p>
20	<p>Prior to any above-ground works proceeding, details of the proposed levels details of the finished floor level of all buildings in that plot or phase and associated external ground levels including the adjacent highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p>Reason: In the interests of visual and residential amenity in accordance with policy LP16 of the Fenland Local Plan, 2014.</p>

21	<p>Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) 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> <ul style="list-style-type: none"> i) the erection of freestanding curtilage buildings or structures ii) including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E); ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D); 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); iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1 Class C); vi) the erection of any walls, fences or other means of enclosure to all boundaries (as detailed in Schedule 2, Part 2, Class A). <p>Reasons: To prevent overlooking of neighbouring properties, in the interest of the protection of residential and amenity, and In order to control future development and to prevent the site becoming overdeveloped in accordance with Policy LP 16 of the Fenland Local Plan, 2014.</p>
22	<p>The parking space(s) and/or garages shown on the submitted plan to be constructed and the space(s) and/or garages shall be completed prior to the completion of the dwellings to which they relate, and thereafter the approved facilities together with the means of access thereto shall be retained as approved.</p> <p>Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
23	Approved Plans



Created on: 12/05/2022

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F/YR22/0510/O

Scale = 1:2,500



Accommodation Schedule

OPEN MARKET

Unit Type	No. Beds	Storeys	No. of Units
TYPE B	3	2	3
TYPE C	3	2	4
TYPE F	3	2	4
TYPE N8	4	2	6
TYPE 4.2	4	2	5
ASH	5	2	5

AFFORDABLE

Unit Type	No. Beds	Storeys	No. of Units
Housetype A	2	2	9

Total Dwellings 36

KEY

 SITE BOUNDARY (2.17 HA)

 POTENTIAL FUTURE PED/CYCLE CONNECTIONS TO OPEN SPACE, IN LINE WITH CURRENT BROAD CONCEPT PLAN



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LAND WEST OF 12 KNIGHTS END ROAD, MARCH - INDICATIVE SITE PLAN



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F/YR22/1014/F

Applicant: Mr Robert Chapman

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

Land South And West Of Beats Lodge, Hooks Drove, Murrow, Cambridgeshire

Change of use of equestrian land (and stables) to Builders Yard (Sui Generis) with office, including erection of aggregate bays, 2.4m high fence and sliding gates, the formation of a Swale, and extend existing access (part retrospective)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. The application site is located approximately mid-way between Wisbech and Thorney, on Hooks Drove, approximately 1 kilometre southwest of Murrow and within the parish of Wisbech St Mary. The site consists of an access/parking area, a stable block, a former menage and the surrounding paddocks. The site is currently being used as a yard with lorries being stored at the location, there is an aggregate and sand store on site which is sold and delivered to sites, this use has been occurring at the site for roughly one year according to the applicant's agent.
- 1.2. This application seeks full planning permission to change the use of the equestrian land to a builder's yard (Sui Generis). The change of use will entail the laying of hardstanding to the majority of the site with 10 no. aggregate bays, each measuring 10m in width, 10m in depth and 4m in maximum height, 5 no. grab lorry parking spaces, 6 no. staff parking spaces and machinery including a topsoil screener and aggregate bagger on hardcore/gravel. The existing access at the site is to be extended and utilised with the introduction of a 2.4m high sliding gate with adjoining fence.
- 1.3. The site was, before it was developed, grade 1 agricultural land which is the highest quality in the Agricultural Land Classification and categorised as 'best and most versatile'.
- 1.4. Policy LP3 of the Fenland Local Plan 2014 outlines a settlement hierarchy and aims to steer development in the first instance to the most sustainable locations which consist of Fenland's 4 market towns, growth villages, limited growth villages, small villages and other villages. The site lies in the open countryside and is considered as 'Elsewhere' development as identified under policy LP3. For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that it is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's business does not constitute an 'agricultural' operation or any of those identified and is therefore contrary to Policy LP3 of the Fenland Local Plan 2014.

- 1.5. Policy LP16 (e) of the Fenland Local Plan 2014 states that development should “not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light”. The application if granted would permit the introduction of industrial processes into a location that is within close proximity to residential properties in a rural setting with low background noise levels. Consequently, the proposed development would lead to an unreasonable loss of amenity to nearby residential properties and is therefore contrary to Policy LP16 of the Fenland Local Plan.
- 1.6. Policy LP15 of the Fenland Local Plan 2014 aims to create a more sustainable transport network, including walking and cycling infrastructure, and locating employment uses where there is reasonable access to this infrastructure and services. Policy LP16 (k) of the Fenland Local Plan 2014 states development must be located in a location where ‘it can be served by sustainable infrastructure provision, such as surface water and wastewater drainage and highways.’ Hooks Drove is an unclassified road without footways or streetlighting and is unsuitable for HGV traffic by reasons of its width and construction. It is served by other single track approach roads which makes the location of the site and the access to it unsuitable for this type of development. It is considered that the proposed development would therefore create an adverse impact on highway safety contrary to Policy LP15 and LP16 of the Fenland Local Plan 2014
- 1.7. The site lies in Flood Zone 3, the highest risk of flooding, the flood risk assessment accompanying the application fails to adequately address the matter of the sequential test.
- 1.8. 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 approximately mid-way between Wisbech and Thorney, on Hooks Drove, approximately 1 kilometre southwest of Murrow and within the parish of Wisbech St Mary. The closest residential properties not occupied by the applicant are Whitegates, Hooks Drove which is immediately to the west of the site access and Asan Can Cottage, Hooks Drove whose garden is approximately 10 metres east of the proposed aggregate bays. There are a further 16 properties, including residential pitches, all accessed from Hooks Drove, within 300 metres of the site. There are 2 properties on Cant’s Drove to the south of the site that are within 350 – 400 metres.
- 2.2. The site consists of an access/parking area, a stable block, a former menage and the surrounding paddocks. The site is currently being used as a yard with lorries being stored at the location, there is an aggregate and sand store on site which is sold and delivered to sites, this use has been occurring at the site for roughly one year according to the applicant’s agent.
- 2.3. The boundaries of the development site are defined by mature hedges with the exception of the eastern boundary to the neighbouring dwelling, Asan Can Cottage, that has a length of 1.8 meter high close boarded fence.

- 2.4. The site was, before it was developed, grade 1 agricultural land which is the highest quality in the Agricultural Land Classification and categorised as 'best and most versatile'.
- 2.5. The site is located within flood zone 3, the highest risk of flooding.

3 PROPOSAL

- 3.1. This application seeks full planning permission to change the use of the equestrian land to a builder's yard (Sui Generis). The change of use will entail the laying of hardstanding to the majority of the site with 10 no. aggregate bays, each measuring 10m in width, 10m in depth and 4m in maximum height, 5 no. grab lorry parking spaces, 6 no. staff parking spaces and machinery including a topsoil screener and aggregate bagger and on hardcore/gravel.
- 3.2. The existing access at the site is to be extended and utilised with the introduction of a 2.4m high sliding gate with adjoining fence. The proposed sliding gates are to be set back approx. 20m from the existing highway at Hooks Drove with the first 20m of the access to be laid in tarmac. The proposed access to the site beyond the sliding gate is to be 5m in width with a gravel/hardcore surface.
- 3.3. The existing stables in the stable block are to be utilised for storage in connection with the proposed builders yard.
- 3.4. A swale is proposed to the south of the compound to discharge water into the existing drain to the south of the site.

Full plans and associated documents for this application can be found at:
[F/YR22/1014/F | Change of use of equestrian land \(and stables\) to Builders Yard \(Sui Generis\) with office, including erection of aggregate bays, 2.4m high fence and sliding gates, the formation of a Swale, and extend existing access \(part retrospective\) | Land South And West Of Beats Lodge Hooks Drove Murrow Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR14/0525/F	Erection of a stable block and horse walker, and the formation of ménage with 8 x 5m high flood lighting for part domestic/part commercial use	Grant	20/08/2014
CCC/21/070/FUL (Cambridge County Council)	Use of land for recycling inert waste including use of a screener; construction of an earth bund and material storage bays; and the erection of a demountable building (retrospective)	Refuse	14/04/2022

5 CONSULTATIONS

5.1. **Wisbech St Mary Parish Council (11/10/2022)**

'Wisbech St Mary Parish Council was unable to submit a recommendation on this application due to the cancellation of Septembers meeting following the passing of our beloved Queen Elizabeth II. Councillors were requested to submit individual comments via email if = they had strong views on this application. Should this application go to Re-Consultation the Parish Council will be happy to receive that in the usual manner.'

5.2. **Cllr David Scrimshaw - Wisbech St Mary Parish Council (26/09/2022)**

'Already been refused on similar grounds, I object to this application as this is a single track line.'

5.3. **Anglian Water Services Ltd (08/09/2022)**

'Having reviewed the development, it falls out of our Statutory sewage boundary. We therefore have no comments.'

5.4. **Environment Agency (09/09/2022)**

'The planning application falls within our Flood Risk Standing Advice. It is considered that there are no other Agency related issues in respect of this application and therefore, in line with current government guidance, your council will be required to respond on behalf of the Agency in respect of flood risk related issues. See following link for assistance - <https://scanner.topsec.com/?d=1978&r=show&u=https%3A%2F%2Fwww.gov.uk%2Fflood-risk-assessment-local-planning-authorities&t=fb7261fe5e045379d609e5fdb35052f3b2a0094a>'

5.5. **Designing Out Crime Officer (12/09/2023)**

'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 location for the past 12 months. At present, I would consider this to be an area of low risk to the vulnerability to crime.

I have no objection to this proposed change of use. However, I have the following comments for your consideration.

CCTV - *While CCTV is not a universal solution to security problems, it can help deter vandalism or burglary and assist with the identification of culprits once a crime has been committed. The provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan. CCTV should meet BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications, be well signed and registered with the Information Commissioners Office. Cameras should ideally cover main entrances into the buildings, lobbies, service yards, car park and cycle storage.*

External Lighting – *Our recommendation is that access roads and footpaths, car parks, cycle parking and loading areas/service yards should be lit by 1.6m columns designed to BS5489-1:2020 or BS EN 12464-:2014. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. A professional lighting engineer will be able to advise on the ecological issues and the protection of wildlife.*

Landscaping - *Any landscaping you should ensure the following: hedges and low planting should be kept down to 1m – 1.2m and tree crowns raised to 2m to ensure surveillance across the site. Care should be taken to ensure that there is no conflict with the location of lighting, trees, landscaping, and CCTV.'*

5.6. **Wildlife Officer (14/09/2022)**

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

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 created and approved in writing by the Local Planning Authority. The scheme shall be updated to include the following details:*

- *All ecological enhancements, mitigation and compensation as recommended within the Preliminary Ecology Appraisal (Hiller Ecology, August 2022), including all recommendations regarding ecologically sensitive lighting;*
- *Planting to account for the loss of the trees and grassland on site, and suitable planting for the swale as to increase ecological diversity.*
- *Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting;*
- *Boundary treatments.*

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

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

Informative –

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

Assessment/Comment:

The conditions above have been recommended as to ensure that all recommendations from the Ecology Reports are captured in working documents to be used on site. It is noted that none of the current documentation quantifies the potential net loss of biodiversity the site represents. A net negative loss of biodiversity is expected as such the landscaping documentation will need be modified in order to either demonstrate no net loss or justify off site compensation.'

5.7. North Level District I.B.D (20/09/2023)

'My board has no objection in principle to the application.

I note from the application that it is proposed to excess water from the swale to the Bords No. 5 Drain. An application for Land Drainage consent will be required for any new outfall, together with payment of a development levy in accordance with the enclosed.'

5.8. CCC Highways (30/03/2023)

'In order to make an informed decision in respect of the submitted application, additional information is required:

The site benefits from an existing access onto the public highway but this access is not necessarily suitable for intensification as would be anticipated with this change of use application. As such, the applicant needs to demonstrate that the access can achieve inter-vehicular visibility splays commensurate with the signed speed limit or the observed 85th percentile speed.

The methodology provided to derive the splays of 2.4m x 57m to the west and 2.4m x 60m to the right is generally accepted. However, the applicant has not demonstrated that the splays can be fully contained within the application boundary and / or the highway boundary. The applicant will therefore need to overlay a copy of the verified highway boundary on the submission drawings, a copy of which can be procured by following the instructions at the link below.

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highways-development>

A builder's yard will attract large vehicles to the site. The applicant should demonstrate with appropriate swept path analysis that the proposed access is capable of safely accommodating the largest forecast vehicle, which based on the submission would appear to be a grab lorry.

Hook's Drove and the surrounding highway network comprises of narrow carriageway (circa 4m) for long lengths. It is devoid of opportunity for vehicle passing and is generally a poor location for a B2 development of this scale. In order to make the development acceptable in highway safety terms, the applicant will need to give consideration to highway mitigation in the form of suitable passing places at regular intervals. Passing places would be needed at semi-regular intervals between the site and Murrow Bank; a distance of 1.5 miles. The scale of such works may be disproportionate to the development and any such conditions could therefore be unreasonable. I will defer this matter to the LPA for their consideration.

The tangent point of the corner radius of the proposed access (east side) sits directly on the access to the neighbouring property. As a kerb upstand will be required on the radius, it is unclear how this can be constructed in a manner which will not result in vehicles clipping the kerb and causing damage.

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

5.9. CCC Highways (28/07/2023)

'I have reviewed the latest note from MTC and I can accept the access visibility but the other comments in my response 30th March 2023 remain valid, namely the applicant has not demonstrated that the access is suitable for grab lorries and they have not commented upon the 1.5m of highway devoid of passing opportunity. It is my view that unless the applicant can provide suitable mitigation (which would be very costly in light of the remote location), this is not an appropriate location for a builders yard and such a developer could materially impact upon highway safety.'

5.10. FDC Environmental Health (09/06/2023)

'I have consulted with colleagues and agreed that that the previous submission was reasonable, hence:-

The application if granted would permit the introduction of industrial processes into close proximity with residential properties in a rural location with low background noise levels. In view of this I formally object to this application on the grounds that the change of use will cause an unreasonable loss of amenity to nearby residential property.'

5.11. Local Residents/Interested Parties

Objectors

4 letters of objection have been received from 4 addresses located along Hooks Drove, Murrow which raised the following summarised concerns:

- Previous applications to change the use of Equestrian land and stables to a recycling centre was refused
- Van, trucks and movement of vehicles along this road will cause more damage
- Noise pollution
- Not safe for bicycle users and walkers along the road
- Hooks Drove road is a substandard single lane, the road has subsided in several places, there are humps, pot holes and the road surface is cracking
- Dust pollution
- Site is already operating as builders yard and HGVs are present at the site

- Operating hours for the site are declared as 07:00 to 18:00 Mon to Sat. This will be disruptive especially if the site becomes open to the public
- The road is not equipped to be able to cope with the frequent HGV movement that a site like this would require and deterioration of the roadway can already be seen
- Increased traffic along road but lack of passing bays, will lead to increased danger to walkers and cyclists as there is no pathways or street lighting on road
- Visibility on leaving the site is poor, this will impact upon highway safety
- Previous farming land has been now covered in hardcore for access already without permission
- The land prior to the commencement of the business use on site was lay lower than what it does now and it is now less permeable because of the materials that have been tipped onto it

Supporters

26 letters of support have been received from 26 addresses within Murrow, Wisbech which made the following summarised comments:

- Expansion of local business and creates jobs for local people
- Location is ideal on outskirts of village and therefore not impacting the village and local has minimal impact on local residents
- Support economic growth within the local community
- Potential that the proposal will attract more businesses to the area
- Directly behind the applicants site you have Adapt Biogas Plant which is again operating all hours of the day and night again using large machinery and articulated lorries causing noise, dust and strong smelling odours
- Potential to support the careers of younger generation
- Hooks Drove is not a single carriageway as there is no road signage stating this
- There have and still is many businesses within the vicinity of the applicant that have vehicles such as HGVS that use the local roads
- Local A.D Plant only a few hundred yards away from the site has seen massive expansions approved and completed
- Local business providing these goods reduces carbon footprint and transport costs of materials

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

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
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
LP4: Securing Fenland's Future
LP5: Health and Wellbeing
LP7: Design
LP15: Employment
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management

Supplementary Planning Documents/Guidance

Cambridgeshire Flood & Water SPD (2016)

8 KEY ISSUES

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

9 BACKGROUND

9.1. An application was submitted to Cambridgeshire County Council in 2021 for the site for the 'use of land for recycling inert waste including use of a screener; construction of an earth bund and material storage bays; and the erection of a demountable building (retrospective)' the application was refused in April 2022. The application submitted to Cambridgeshire County Council is a material consideration for the determination of the proposed development within this submitted application, the refusal reasons of that application are detailed below:

1. There is surplus capacity for the recycling of inert construction, demolition and excavation waste within the area of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) for the Plan period. The applicant has not demonstrated that the development would comply with Cambridgeshire and

Peterborough Minerals and Waste Local Plan (July 2021) Policy 3 by:

- (a) assisting in closing a capacity gap identified in the table in Policy 3, provided such a gap has not already been demonstrably closed; or
- (b) assisting in closing a new capacity gap identified in the future, with such identification to be set out in the annual monitoring of the Plan; or
- (c) moving waste capacity already identified in the table in Policy 3 up the waste hierarchy.

The proposed development does not address any identified capacity gap or move waste up the waste hierarchy and would divert inert construction, demolition and excavation waste from other sites with planning permission or sites which would be in a location that complies with Policy 4.

2. The application site is in a rural area outside the development limits of any settlement and is not for the recycling or recovery of agricultural waste so is contrary to the locational criteria set out in Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 4. The applicant has not demonstrated that sites which meet criterion (a) or (b) of Policy 4 are not available or suitable.

The application site is remote from most sources of inert construction, demolition and excavation waste so would generate more vehicle-miles transporting the waste and the processed material which would not minimise greenhouse gas emissions or contribute to sustainable development so would be contrary to Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 1.

3. The development does not comply with the spatial strategy for waste management development set out in Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 4 therefore a quantitative need for the development must be demonstrated and the applicant has not done so. Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 3 requires proposals to be in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 4 and the development is not.

4. The access to the application site access is sub-standard in terms of visibility (particularly towards the west) and not properly set out in terms of geometry and construction for HGV movements. The position of the gate is too close to the carriageway edge and visibility splays of the required standard would not be achievable within land controlled by the applicant. Hooks Drove is an unclassified road without footways or streetlighting and is unsuitable for HGV traffic by reasons of its width and construction. It is served by other single track approach roads which makes the location of the site and the access to it unsuitable for this type of development. The development would be contrary to Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 23 and to Fenland Local Plan (May 2014) Policy LP15.

5. The proposed waste management activities will impact on the surrounding area in terms of noise from plant and machinery and HGV movements. The applicant's noise assessment predicts that the development would have a "significant adverse" impact on the occupiers of nearby properties and that if the recommended mitigation measures are carried out the noise emissions from the site would have at worst an "adverse impact" on the occupiers of nearby

properties. The environmental health officer is not confident that the “worst case” scenario presented in the applicant’s noise assessment will not worsen over time and considers it likely that the straw barriers either side of the screener would degrade and lose their effectiveness. The proposals to mitigate noise from the development are not robust enough to ensure that the development can be integrated effectively with existing neighbouring development and consequently the proposed development would have a detrimental effect on the amenity of the neighbouring residential properties. The development does not comply with paragraph 185 of the National Planning Policy Framework (July 2021), Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 17(c) and Policy 18 and Fenland Local Plan (May 2014) Policy LP16.

6. The applicant has not provided sufficient information on each of the following matters for the waste planning authority and consultees to be able to properly consider the impacts and suitability of the proposed development:

- i) surface water drainage strategy;
- ii) justification of flood zone 3 location;
- iii) run-off water quality;
- iv) biodiversity impacts;
- v) biodiversity net gain;
- vi) protection of high quality soils; and
- vii) justification of use of best and most versatile agricultural land.

The application is contrary to paragraphs 167, 169 and 174 (b) & (d) of the National Planning Policy Framework (July 2021), Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policies 20 (e) & (f), 22 and 24 and Fenland Local Plan (May 2014) Policies LP14 (B) and LP19.

10 ASSESSMENT

Principle of Development

- 10.1. Policy LP3 of the Fenland Local Plan 2014 outlines a settlement hierarchy and aims to steer development in the first instance to the most sustainable locations which consist of Fenland’s 4 market towns, growth villages, limited growth villages, small villages and other villages. The site lies in the open countryside and is considered as ‘Elsewhere’ development as identified under policy LP3.
- 10.2. For development to be acceptable in ‘Elsewhere’ locations, the proposal must clearly demonstrate that is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant’s business does not constitute an ‘agricultural’ operation or any of those identified within LP3 as above.
- 10.3. Policy LP6 of the Fenland Local Plan seeks to concentrate new employment land around the four main market towns of Wisbech, March, Chatteris and Whittlesey by encouraging job growth in all sectors, but focusing on the appropriate provision of land for industrial, office and warehousing uses in sustainable locations to meet the needs of the businesses. In terms of the rural economy the Local Plan supports appropriate proposals that meet the criteria as set out in Policy LP12.
- 10.4. In light of the above the proposal clearly fails to demonstrate compliance with Policies LP3, LP6 and LP12 of the Fenland Local Plan 2014 as the application site is located within a countryside location, the applicant’s business does not constitute an ‘agricultural’ operation or any of those identified within LP3 and the

proposed development would lead to the loss of high grade agricultural land with no justification of this loss.

Visual Impact

- 10.5. Policy LP16 (d) of the Fenland Local Plan 2014 requires that 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 surrounding area.’
- 10.6. The mature boundary hedges at the site are to be retained within the proposed development, it is considered that they would provide an adequate visual screen to the development. The proposed aggregate bays would have a maximum height of 4m, it is acknowledged that part of the screener would be higher than the boundary hedges but this is not considered to be a significant visual impact when viewed from the properties on Hooks Drive.
- 10.7. It is considered that the development would not have a significant visual impact on the landscape when viewed from the public highway or from neighbouring properties so would comply with Policy LP16 (d) of the Fenland Local Plan 2014.

Residential Amenity

- 10.8. Policy LP16 (e) of the Fenland Local Plan 2014 states that development should “not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light”.
- 10.9. The applicant has submitted a Health Impact Assessment with the application to support the proposed development. The Environmental Health Officer has commented on submitted application objecting to the proposed development. The Environmental Health Officer has stated that ‘the application if granted would permit the introduction of industrial processes into close proximity with residential properties in a rural location with low background noise levels. In view of this I formally object to this application on the grounds that the change of use will cause an unreasonable loss of amenity to nearby residential property’.
- 10.10. In light of these comments, it is considered that the proposed development would have an adverse impact on the amenity of neighbouring residents and would therefore fail to comply with Policy LP16 of the Fenland Local Plan 2014.

Access and Highways

- 10.11. Policy LP15 of the Fenland Local Plan 2014 aims to create a more sustainable transport network, including walking and cycling infrastructure, and locating employment uses where there is reasonable access to this infrastructure and services.
- 10.12. Policy LP16 (k) of the Fenland Local Plan 2014 development must be located in a location where “it can be served by sustainable infrastructure provision, such as surface water and wastewater drainage and highways.”
- 10.13. The Highways Officer initially commented on the submitted application and requested further information, the Highways Officer expressed concerns with the proposed development stating *‘the site benefits from an existing access onto the public highway but this access is not necessarily suitable for intensification as would be anticipated with this change of use application. As such, the applicant*

needs to demonstrate that the access can achieve inter-vehicular visibility splays commensurate with the signed speed limit or the observed 85th percentile speed'. Furthermore, the Highways Officer outlined that 'a builder's yard will attract large vehicles to the site. The applicant should demonstrate with appropriate swept path analysis that the proposed access is capable of safely accommodating the largest forecast vehicle, which based on the submission would appear to be a grab lorry. Additionally, that 'Hook's Drove and the surrounding highway network comprises of narrow carriageway (circa 4m) for long lengths. It is devoid of opportunity for vehicle passing and is generally a poor location for a development of this scale. In order to make the development acceptable in highway safety terms, the applicant will need to give consideration to highway mitigation in the form of suitable passing places at regular intervals. Passing places would be needed at semi-regular intervals between the site and Murrow Bank; a distance of 1.5 miles. The scale of such works may be disproportionate to the development and any such conditions could therefore be unreasonable.'

- 10.14. Following these comments, the applicant submitted an additional justification statement in relation to the proposed visibility splays and this was accepted by the Highways Officer. However, further concerns that were initially outlined by the Highways Officer were not addressed. The Highways Officer detailed that *'the applicant has not demonstrated that the access is suitable for grab lorries and they have not commented upon the 1.5m of highway devoid of passing opportunity. It is my view that unless the applicant can provide suitable mitigation (which would be very costly in light of the remote location), this is not an appropriate location for a builders yard and such a developer could materially impact upon highway safety'*.
- 10.15. Taking the above into account, it is considered that the proposed development within this countryside location would create an adverse impact on highway safety. Hooks Drove is an unclassified road without footways or streetlighting and is unsuitable for HGV traffic by reasons of its width and construction. It is served by other single track approach roads which makes the location of the site and the access to it unsuitable for this type of development. Therefore, overall, in highways terms it is considered that the proposed development would be contrary to Policy LP15 and LP16 of the Fenland Local Plan 2014.

Flood Risk

- 10.16. The site lies in Flood Zone 3, the highest risk of flooding; Policy LP14 of the Fenland Local Plan 2014 and paragraphs 159-169 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk sites if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.
- 10.17. It is noted that the Environment Agency have commented on the submitted application and referred the council to their standing advice. The North Level Drainage Board has submitted comments of no objection in principle.
- 10.18. The application is accompanied by a Flood Risk Assessment however no separate sequential test document is provided. The Flood Risk Assessment contains a section regarding the sequential test; however, this simply states that when the River Nene tidal defences are taken into consideration the site has a low probability of flooding and therefore passes the sequential test.

10.19. It is explicit within the Cambridgeshire Flood and Water SPD that existing flood defences should not be taken into consideration when undertaking the sequential test, as maintenance of the defences and climate change will have an impact on the level of protection they provide. Consequently, as the application has not considered any alternative sites at a lower risk of flooding the sequential test is failed.

11 CONCLUSIONS

11.1. Policy LP3 of the Fenland Local Plan 2014 outlines a settlement hierarchy and aims to steer development in the first instance to the most sustainable locations which consist of Fenland's 4 market towns, growth villages, limited growth villages, small villages and other villages. The site lies in the open countryside and is considered as 'Elsewhere' development as identified under policy LP3. For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's business does not constitute an 'agricultural' operation or any of those identified within LP3 as above.

11.2. Policy LP16 (e) of the Fenland Local Plan 2014 states that development should "not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light". The application if granted would permit the introduction of industrial processes into a location that is within close proximity to residential properties in a rural location with low background noise levels. Therefore, the proposed change of use will cause an unreasonable loss of amenity to nearby residential properties and is considered to be contrary to Policy LP16 of the Fenland Local Plan.

11.3. Policy LP15 of the Fenland Local Plan 2014 aims to create a more sustainable transport network, including walking and cycling infrastructure, and locating employment uses where there is reasonable access to this infrastructure and services. Policy LP16 (k) of the Fenland Local Plan 2014 development must be located in a location where 'it can be served by sustainable infrastructure provision, such as surface water and wastewater drainage and highways.' Hooks Drove is an unclassified road without footways or streetlighting and is unsuitable for HGV traffic by reasons of its width and construction. It is served by other single track approach roads which makes the location of the site and the access to it unsuitable for this type of development. It is considered that the proposed development within this would therefore create an adverse impact on highway safety contrary to Policy LP15 and LP16 of the Fenland Local Plan 2014.

11.4. The site is located within Flood Zone 3 and the application is not accompanied by a satisfactory sequential test. The proposal is therefore contrary to the requirements of Policy LP14 of the Fenland Local Plan 2014, section 14 of the National Planning Policy Framework and the Cambridgeshire Flood and Water SPD.

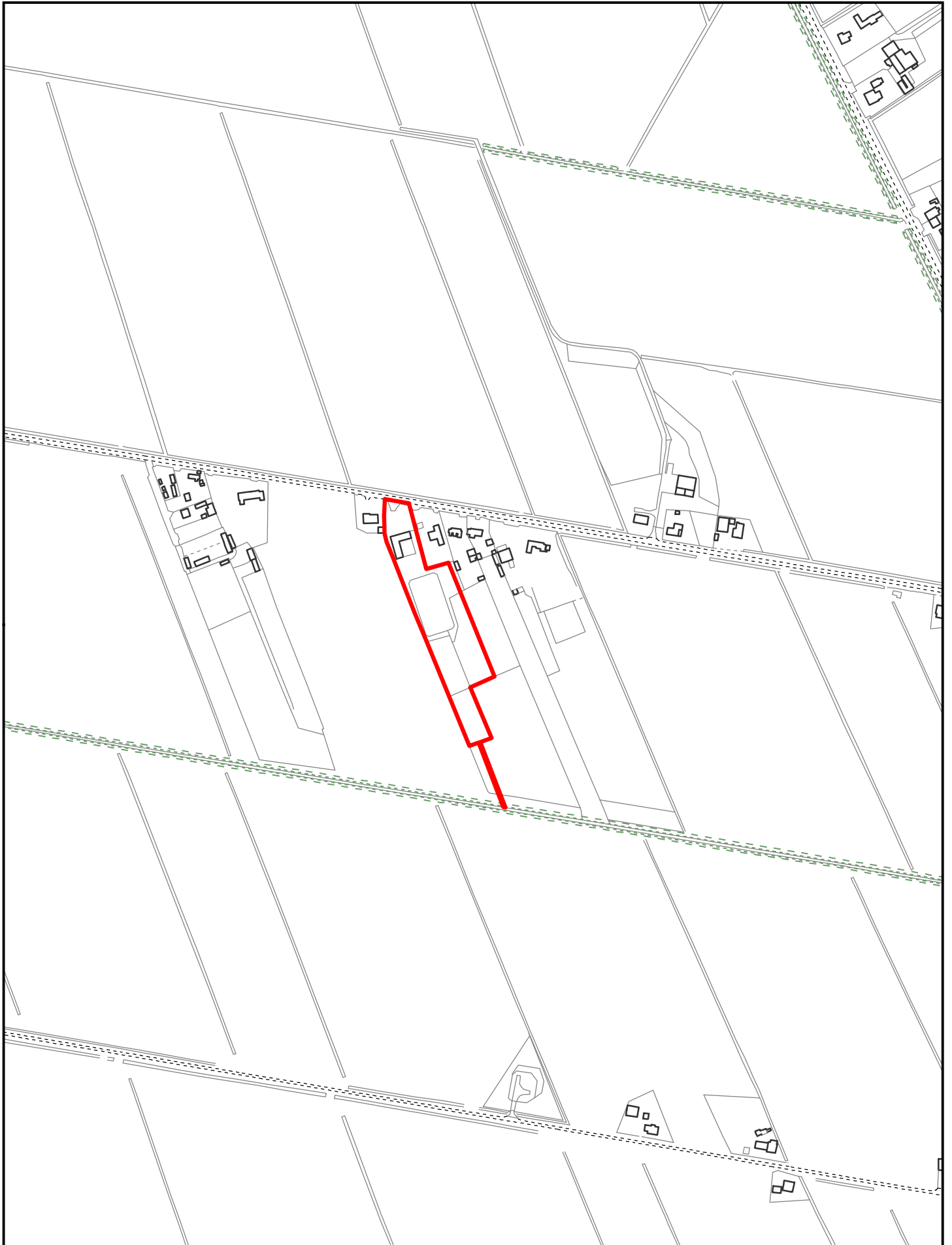
12 RECOMMENDATION

Refuse for the following reasons:

1	To promote sustainable development in rural areas, Policy LP3 of the Fenland Local Plan 2014 outlines a settlement hierarchy and aims to steer development in the first instance to the most
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	<p>sustainable locations which consist of Fenland's 4 market towns, growth villages, limited growth villages, small villages and other villages. The site lies in the open countryside and is considered as 'Elsewhere' development as identified under policy LP3. For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.</p> <p>The applicant's business does not constitute an 'agricultural' operation or any of those identified above and is therefore contrary to Policy LP3 of the Fenland Local Plan 2014.</p>
2	<p>Policy LP16 (e) of the Fenland Local Plan 2014 states that development should "not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light". The application if granted would permit the introduction of industrial processes into a location that is within close proximity to residential properties in a rural location with low background noise levels. Consequently, the proposed development would lead to an unreasonable loss of amenity to nearby residential properties and is therefore contrary to Policy LP16 of the Fenland Local Plan.</p>
3	<p>Policy LP15 of the Fenland Local Plan 2014 aims to create a more sustainable transport network, including walking and cycling infrastructure, and locating employment uses where there is reasonable access to this infrastructure and services. Policy LP16 (k) of the Fenland Local Plan 2014 development must be located in a location where 'it can be served by sustainable infrastructure provision, such as surface water and wastewater drainage and highways.' Hooks Drove is an unclassified road without footways or streetlighting and is unsuitable for HGV traffic by reasons of its width and construction. It is served by other single track approach roads which makes the location of the site and the access to it unsuitable for this type of development. It is considered that the proposed development would therefore create an adverse impact on highway safety contrary to Policy LP15 and LP16 of the Fenland Local Plan 2014.</p>
4	<p>Policy 14 of the Fenland Local Plan 2014 requires that development proposals within Flood Zone 3 are accompanied by a sequential test demonstrating how the development is unable to be accommodated in areas of lower risk of flooding. This policy is compliant with section 14 of the National Planning Policy Framework, which also requires such a test to be satisfied prior to approving development within Flood Zone 3.</p> <p>The submitted application is not accompanied by a sequential test document, instead concluding that due to the presence of flood defences the site is at a low risk of flooding. The Cambridgeshire Flood and Water Supplementary Planning Document 2016 makes it clear that when undertaking a sequential test the presence of flood defences is to be discounted. Consequently, the proposal is in conflict with the requirements of Policy LP14 of the Fenland</p>

	<p>Local Plan 2014, section 14 of the National Planning Policy Framework and the Cambridgeshire Flood and Water Supplementary Planning Document 2016.</p>
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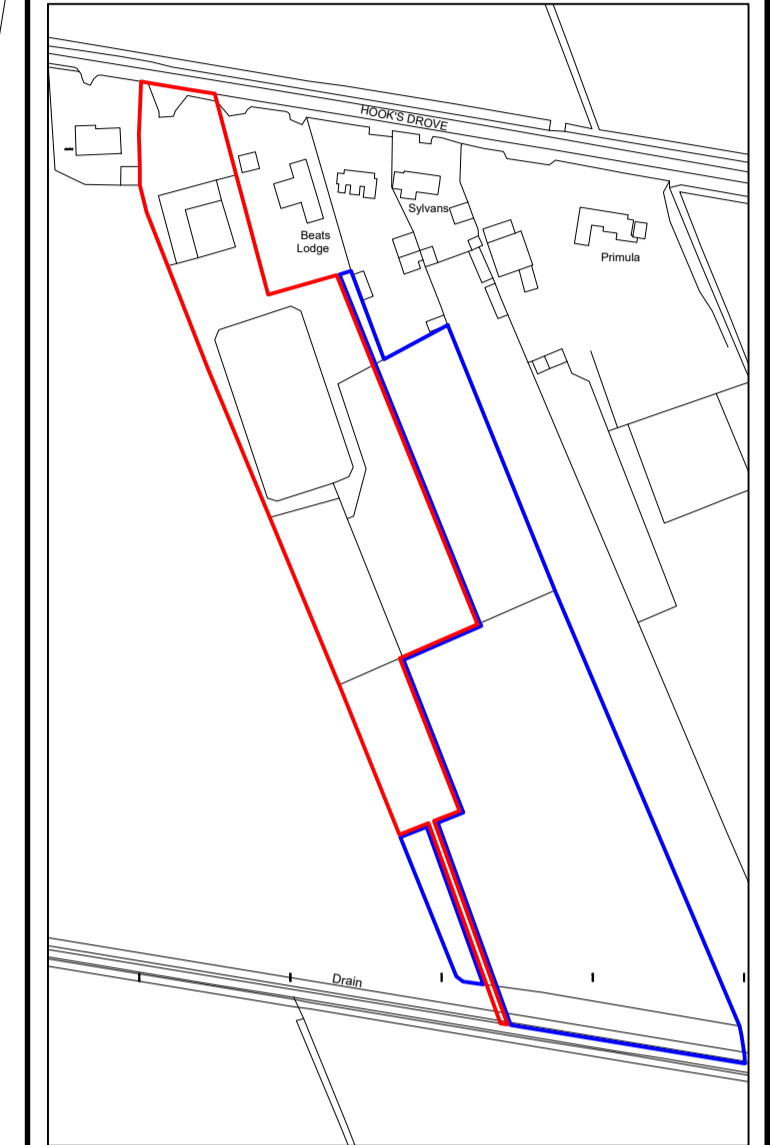


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 Please read, if in doubt ask. Change nothing without consulting the Engineers.
 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.
 Where materials, 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

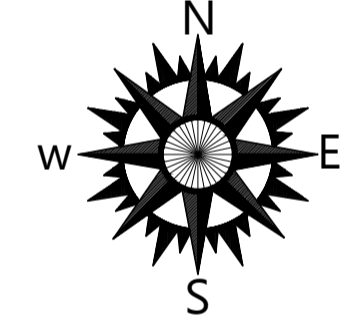
All finishes, insulation and damp-proofing to architect's details



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**LOCATION PLAN
(1:2500)**

METERS
1:2500
0 20 40 60 80 100



B	PLANNERS COMMENTS	AUG 2022
A	RED LINE UPDATED	AUG 2022
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
 CONSULTING STRUCTURAL ENGINEERS

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 Website: www.mortonconsultingengineers.co.uk

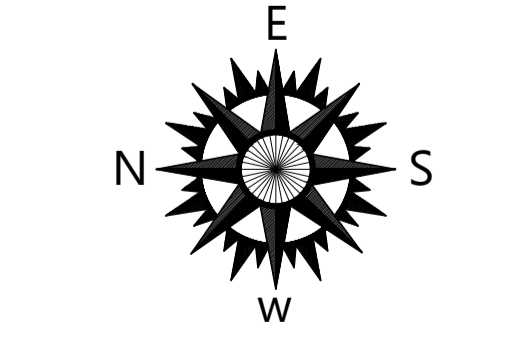
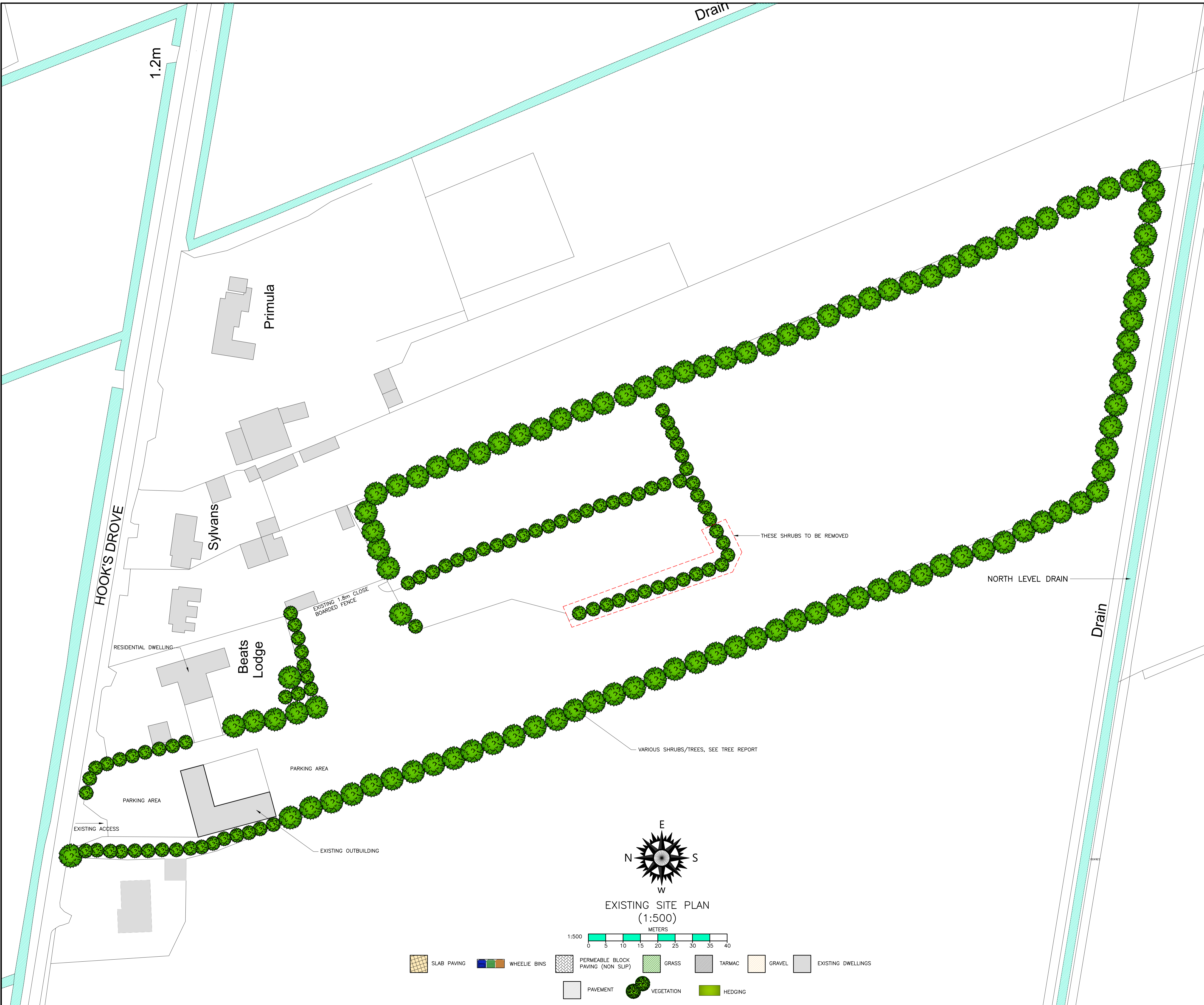
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 Building Excellence in Fenland

CLIENT
Robert Chapman

PROJECT
Land South-West of Beats Lodge, Hooks Drive Murrow, Cambridgeshire PE13 4HH

TITLE
Existing Site Plan

DRAWN G. Boreham	DATE OF ISSUE
CHECKED	
DATE May 2022	DRAWING NUMBER H8327/01
SCALE As Shown	



**EXISTING SITE PLAN
(1:500)**

METERS
1:500
0 5 10 15 20 25 30 35 40

- SLAB PAVING
- WHEELIE BINS
- PERMEABLE BLOCK PAVING (NON SLIP)
- GRASS
- TARMAC
- GRAVEL
- EXISTING DWELLINGS
- PAVEMENT
- VEGETATION
- HEDGING

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OVERFLOW TO NORTH LEVEL DRAINAGE BOARD, SEE DOCUMENTS

NORTH LEVEL DRAIN

PROPOSED RUN TO DISCHARGE INTO DRAIN, SEE SURFACE WATER DRAINAGE STRATEGY

PROPOSED LOCATION OF SWALE DESIGNED BY OTHERS, TO DISCHARGE INTO DRAIN AT REAR OF SITE SUBJECT TO APPROVAL

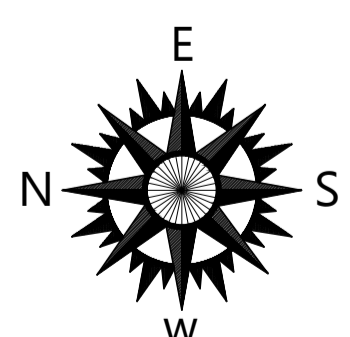
PROPOSED LOCATION OF TOPSOIL SCREENER

PROPOSED AGGREGATE BAYS

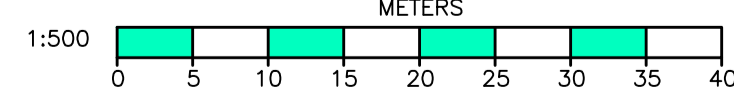
PROPOSED LOCATION OF AGGREGATE BAGGER

PROPOSED LOCATION FOR 5No GRAB LORRY PARKING SPACES

ENSURE FIRST 20m OF DRIVE IS TARMACED AND SEALED AWAY FROM HIGHWAY, SEE ACCESS DRAWING



PROPOSED SITE PLAN (1:500)



- SLAB PAVING
- WHEELIE BINS
- PERMEABLE BLOCK PAVING (NON SLIP)
- GRASS
- TARMAC
- HARDCORE
- EXISTING DWELLINGS
- PAVEMENT
- VEGETATION
- HEDGING



BIRD BOX (BB)
2No SET ON STABLE BLOCK / OFFICE



BAT BOX (B)
2No SET ON STABLE BLOCK / OFFICE

B A	PLANNERS COMMENTS RED LINE UPDATED	AUG 2022 AUG 2022
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REVISIONS	DATE
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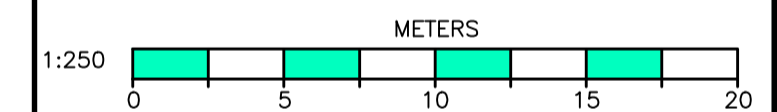
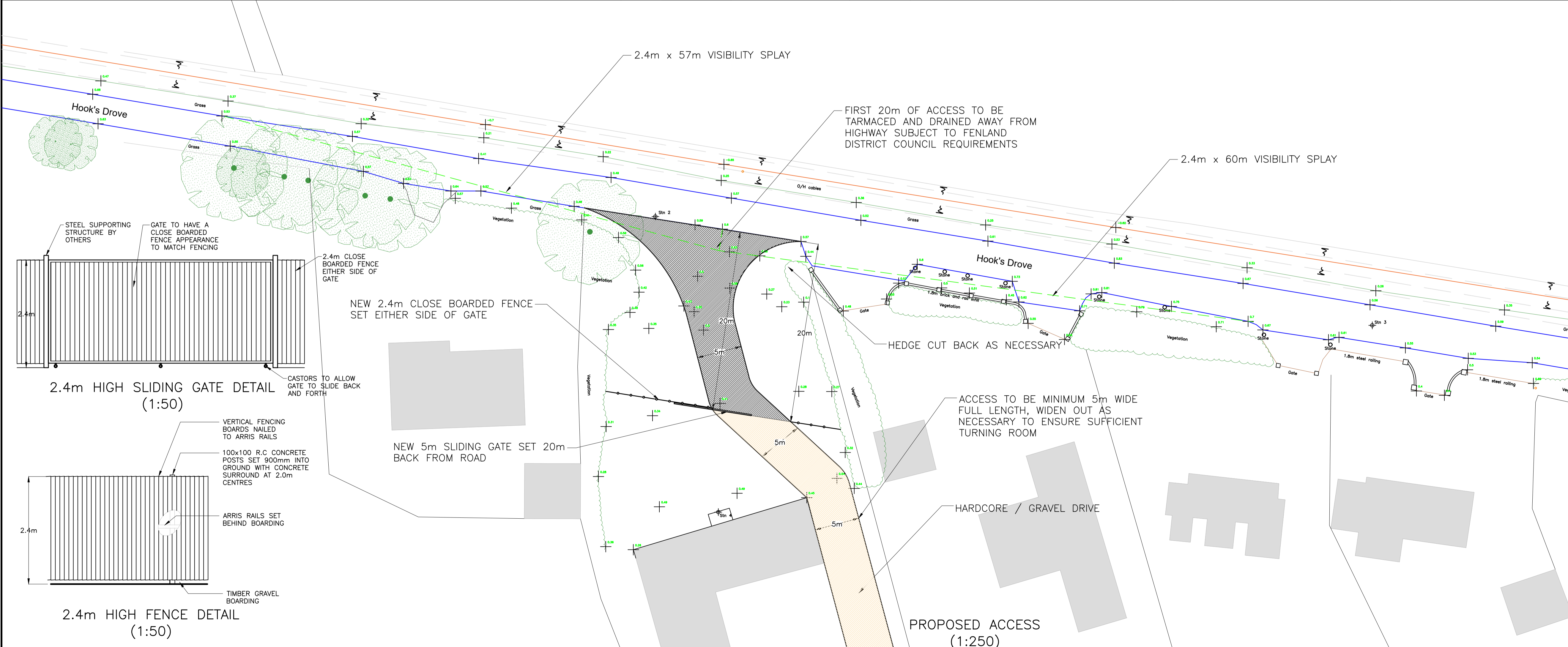
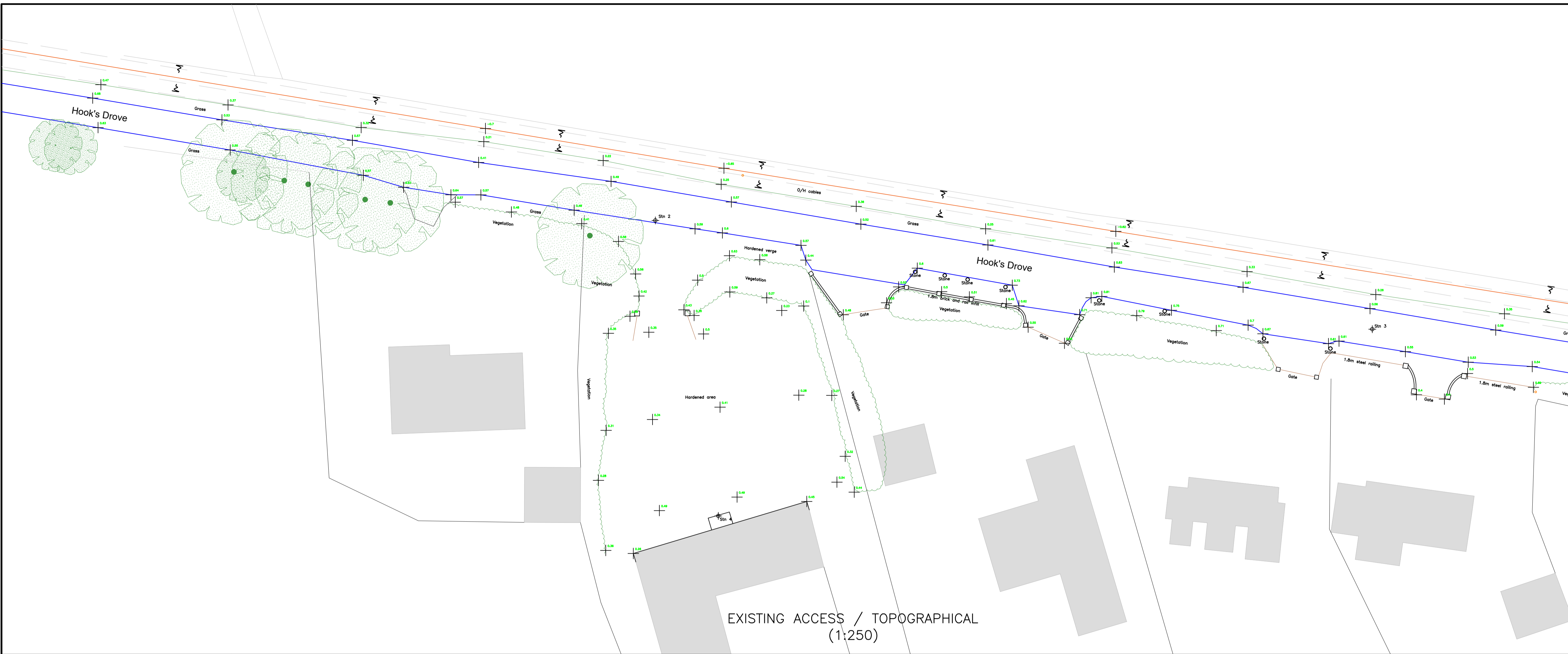
CLIENT
Robert Chapman

PROJECT
 Land South-West of Beats Lodge, Hooks Drove Murrow, Cambridgeshire PE13 4HH

TITLE
Proposed Site Plan

DRAWN	G.Bohram	DATE OF ISSUE	
CHECKED		DRAWING NUMBER	H8327/03
DATE	May 2022	SCALE	As Shown

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CLIENT: Robert Chapman

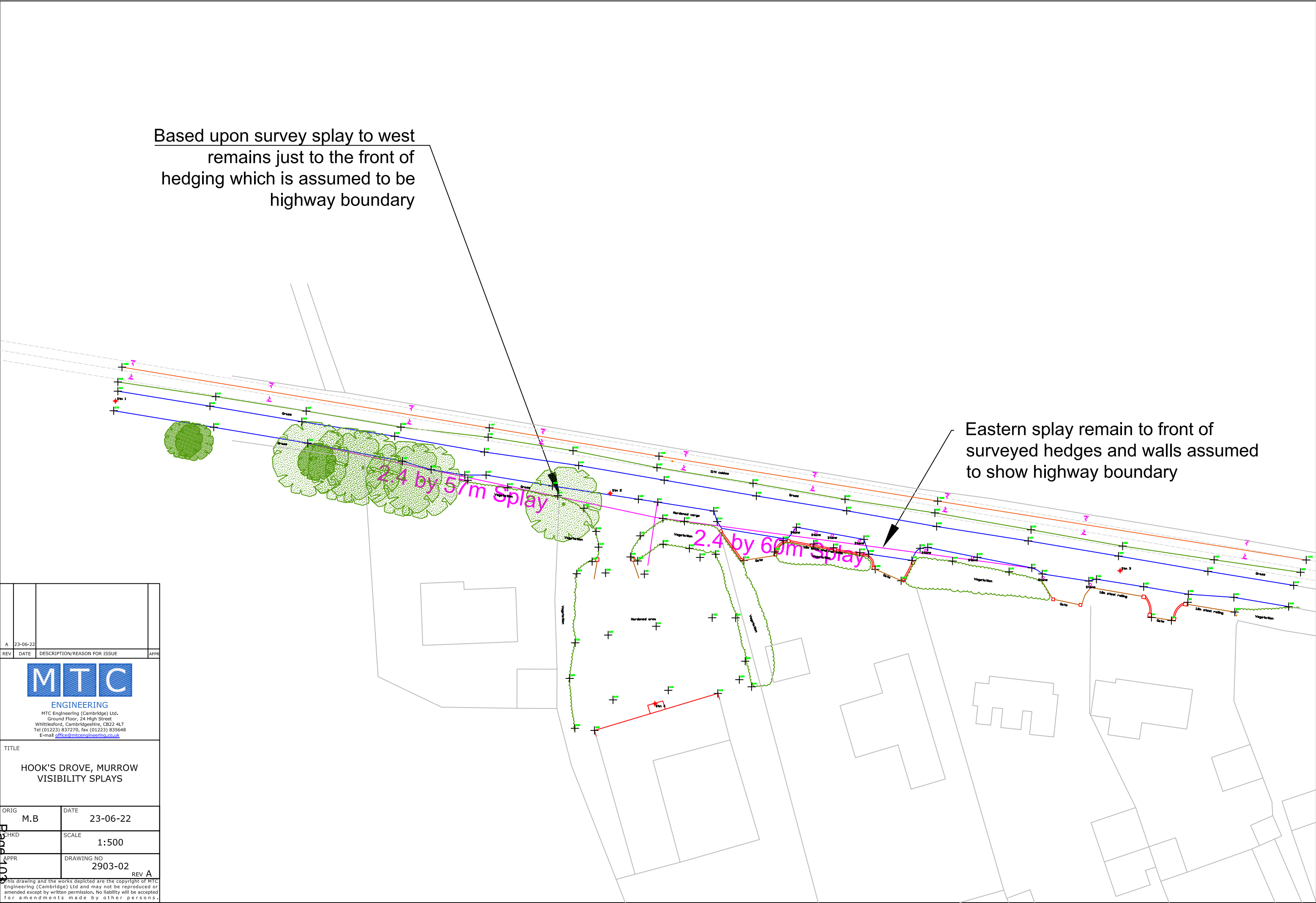
PROJECT: Land South-West of Beats Lodge, Hooks Drove Murrow, Cambridgeshire PE13 4HH


TITLE: Existing & Proposed Access

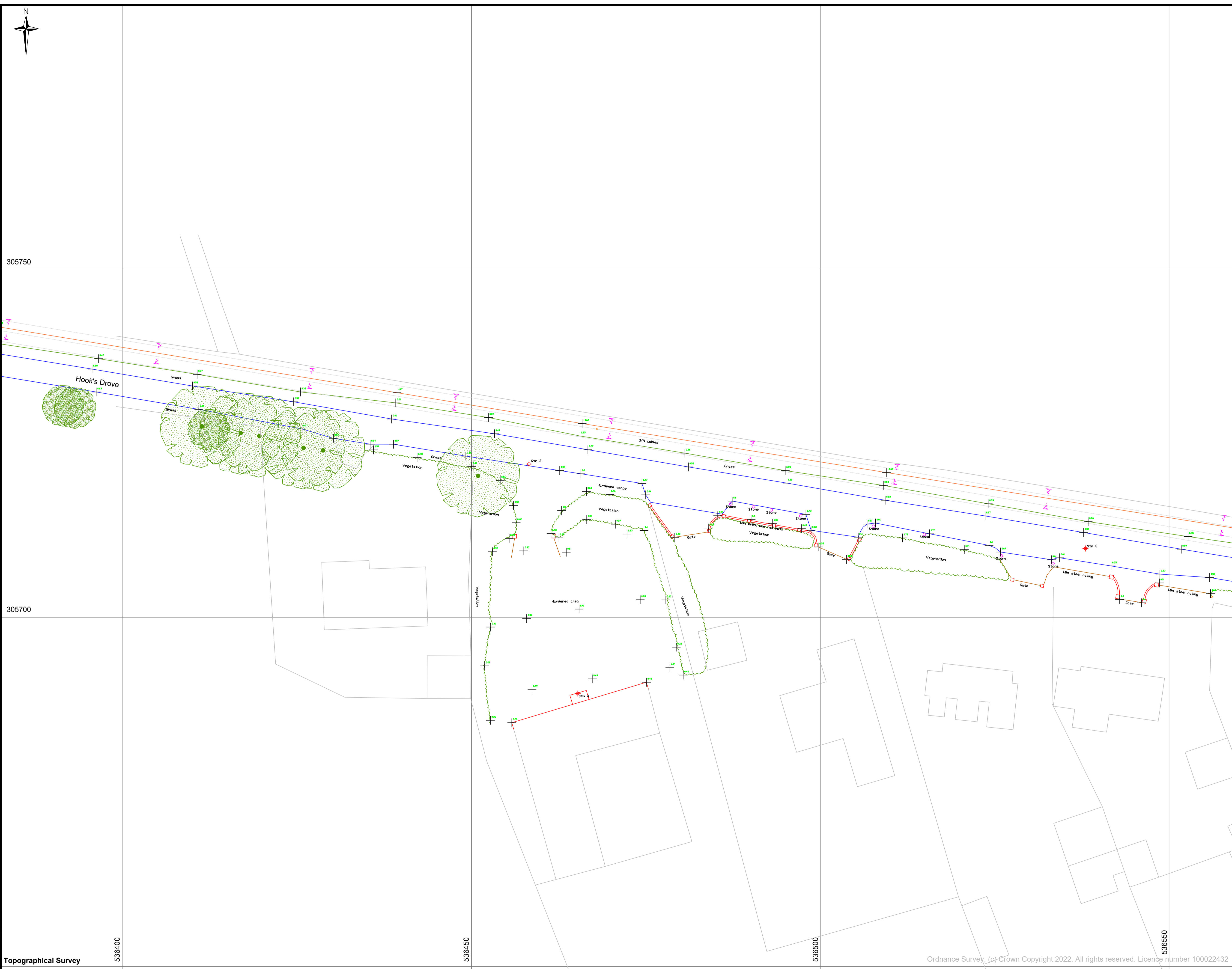
DRAWN: G.Bohram	DATE OF ISSUE
CHECKED:	
DATE: May 2022	DRAWING NUMBER: H8327/02
SCALE: As Shown	

Based upon survey splay to west
remains just to the front of
hedging which is assumed to be
highway boundary

Eastern splay remain to front of
surveyed hedges and walls assumed
to show highway boundary



REV	DATE	DESCRIPTION/REASON FOR ISSUE	APPR
A	23-06-22		
 MTC ENGINEERING MTC Engineering (Cambridge) Ltd. Ground Floor, 24 High Street Whitlesford, Cambridgeshire, CB22 4LT Tel (01223) 837270, fax (01223) 835648 E-mail office@mtcengineering.co.uk			
TITLE			
HOOK'S DRIVE, MURROW VISIBILITY SPLAYS			
ORIG	DATE		
M.B	23-06-22		
CHKD	SCALE		
	1:500		
APPR	DRAWING NO		
	2903-02		
	REV A		
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305750

305700

536400

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536500

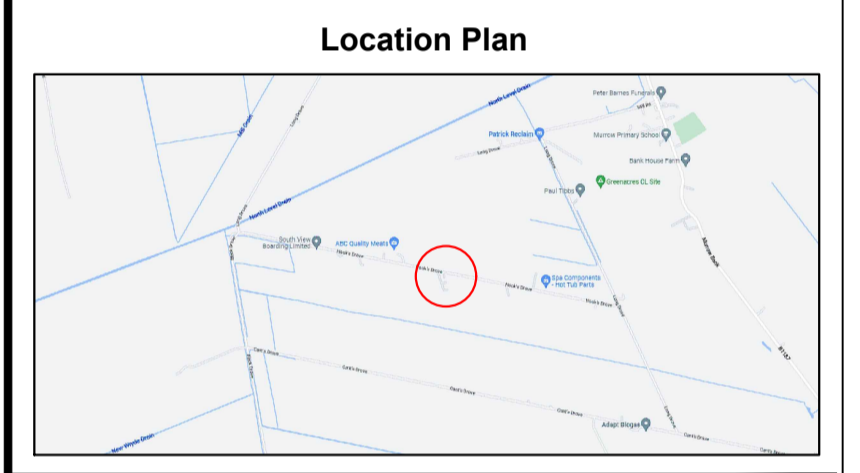
536550

Topographical Survey

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- Notes
- All levels and coordinates relate to a GPS derived datum. Control was established using Ordnance Survey's Active GPS Network OSGB32(36). Translated from ETRS89 using OSGM15 and OSTN15 models. Control station information may not be shown on this drawing.
 - All levels shown adjacent to kerb lines have been taken at channel face unless stated otherwise.
 - Not all existing services are necessarily shown on this drawing. All services that could be located at the time of the survey have been positioned but should be taken as approximate and used as a guide to their presence. Clarification of all underground routes should be confirmed by the individual service provider and prior to project construction.
 - Land ownership boundaries and legal title extents have not been identified in this survey. Fences have been surveyed at post positions and changes of direction. Hedges located at face or line of main stem, see drawing note to specify.
 - Not all trees have been surveyed, level relates to ground at base of trunk.


Areas of non surveyed planting, positions shown indicatively only, or perimeter surveyed where level information is present.
 - This survey has been merged with Ordnance Survey Master Map Data. Boundaries and physical objects have only been fixed where level information is present. All Ordnance Survey mapping is subject to their own accuracy and tolerances.
 - The information presented in this survey is a recording of what was present and accessible at the time of survey. Areas of the site not surveyed are represented by Ordnance Survey mapping.
 - Not all boundaries were surveyed due to extensive vegetation.
- Survey completed on 13.05.2022



Date	Ref.	Revisions

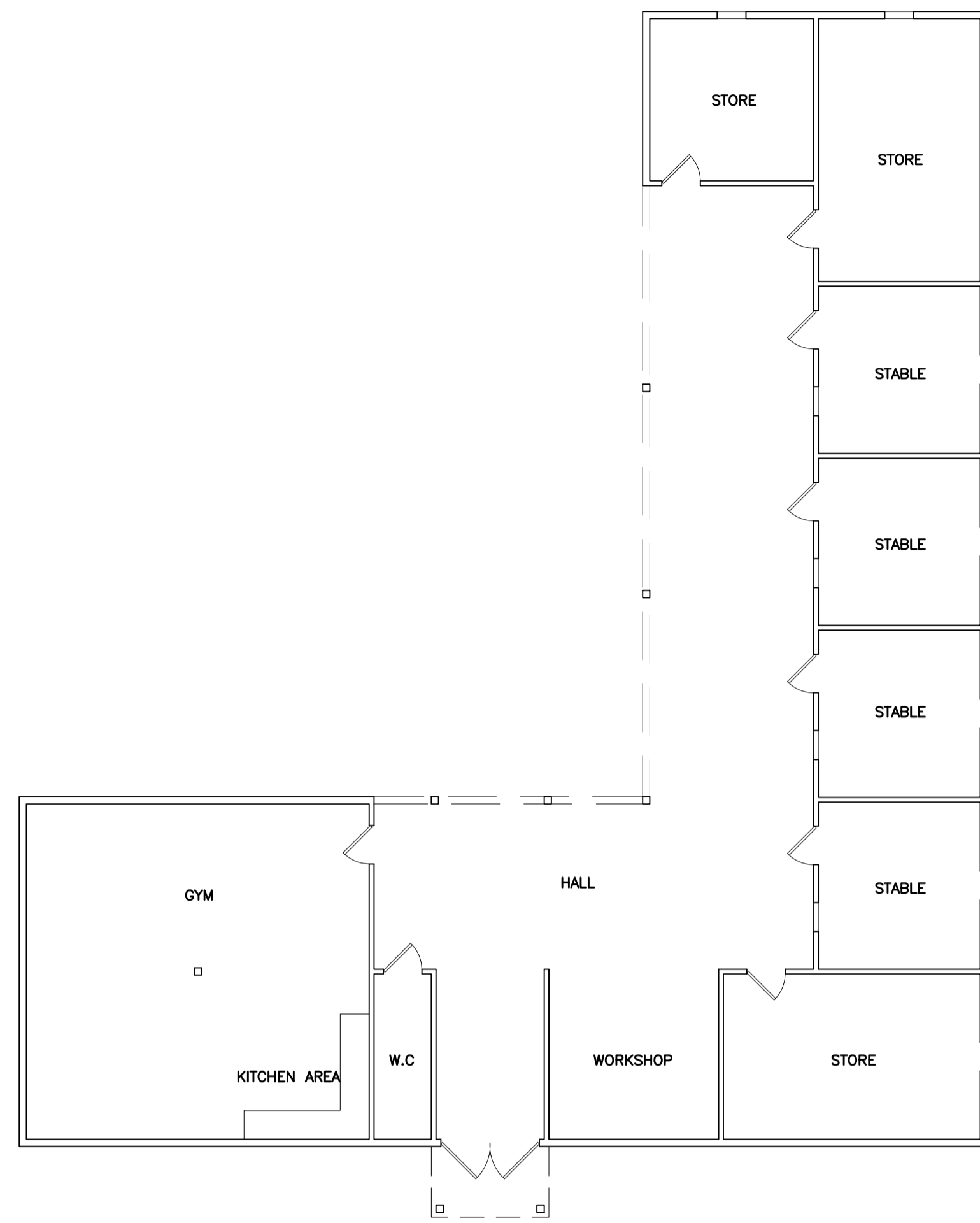
Project
**Land Adjacent to
Beats Lodge, Hook's Drove
Murrow, Cambridgeshire**

Title
Topographical Survey

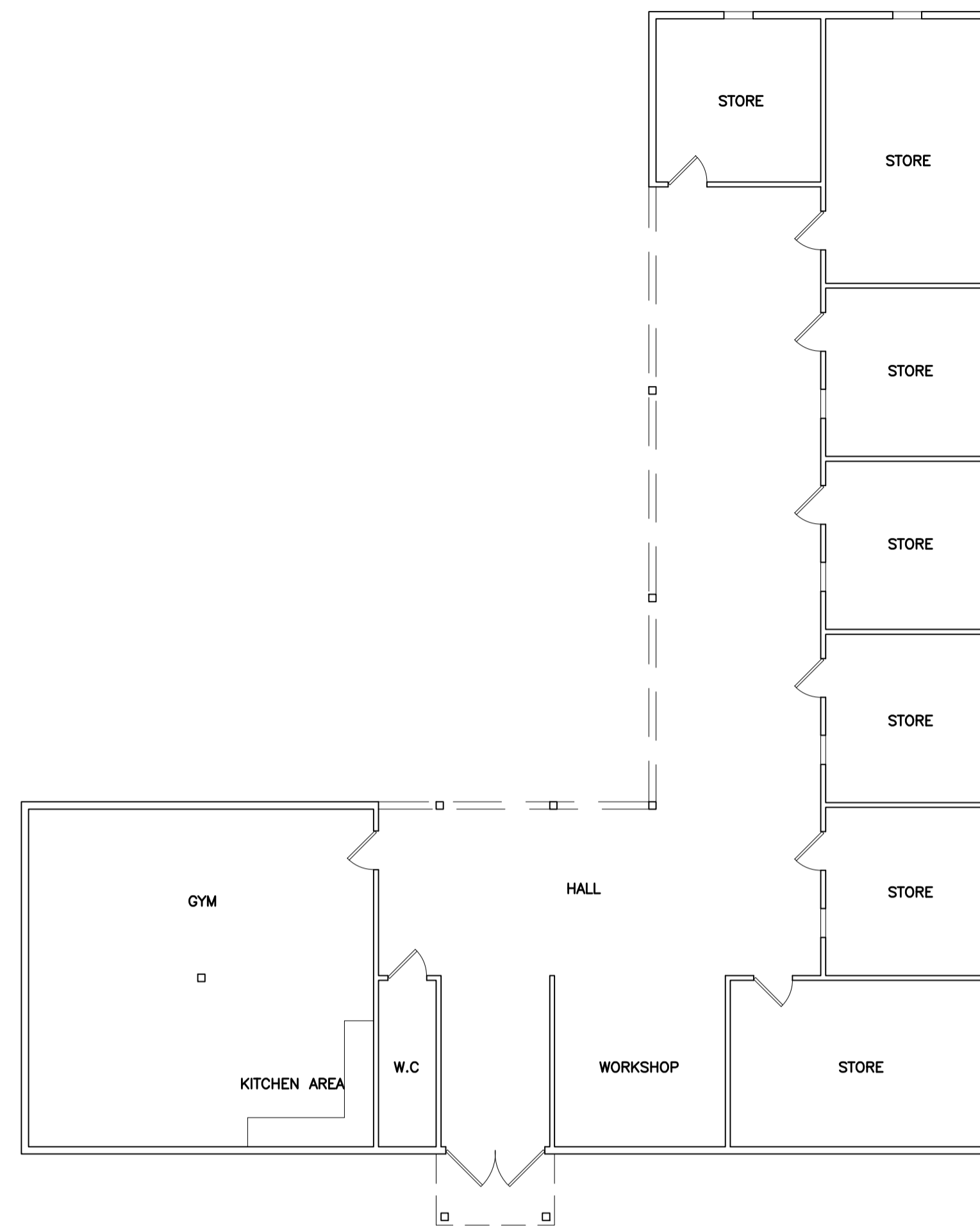
Scale 1:250 @ A1	
Drawn AC	
Checked AC	
Date 15.05.2022	

COBBS ENGINEERING LTD
448E March Road, Turves, Whittlesey, Peterborough, PE7 2DW
Mobile: 07828 389765
Email: Cobbsengineeringltd@gmail.com

Drawing number
1467-0000-001



EXISTING OUTBUILDING PLAN
(1:100)



PROPOSED OUTBUILDING PLAN
(1:100)



OUTBUILDING FRONT ELEVATION

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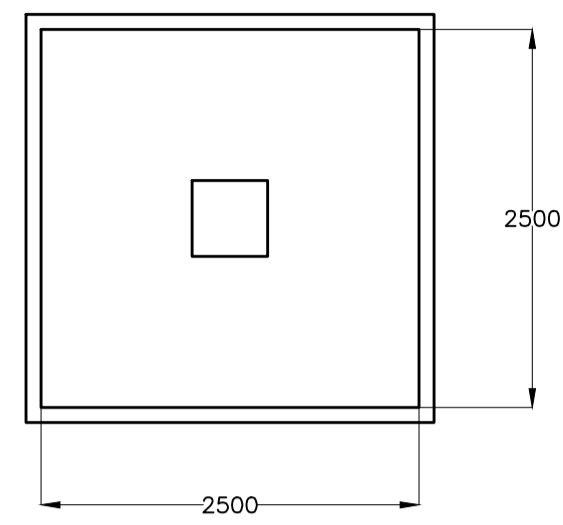
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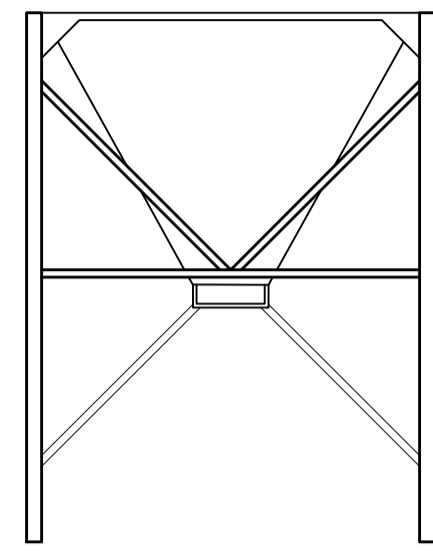
PROJECT
Land South-West of Beats Lodge, Hooks Drove Murrow, Cambridgeshire PE13 4HH

TITLE
Existing & Proposed Outbuilding Floor Plans

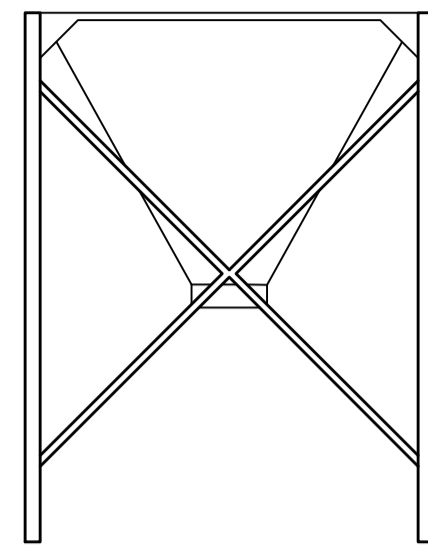
DRAWN G. Boreham	DATE OF ISSUE
CHECKED	
DATE Aug 2022	DRAWING NUMBER H8327/06
SCALE As Shown	



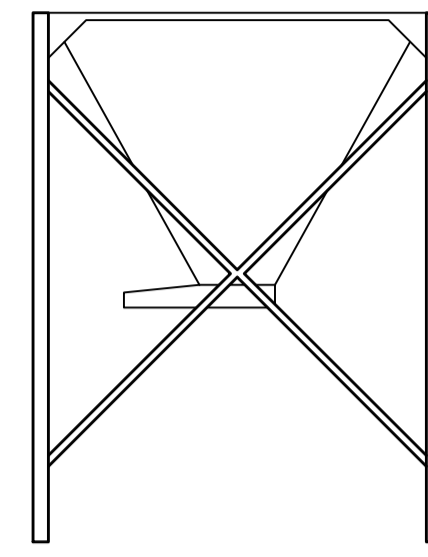
TYPICAL AGGREGATE BAGGER PLAN
(1:50)



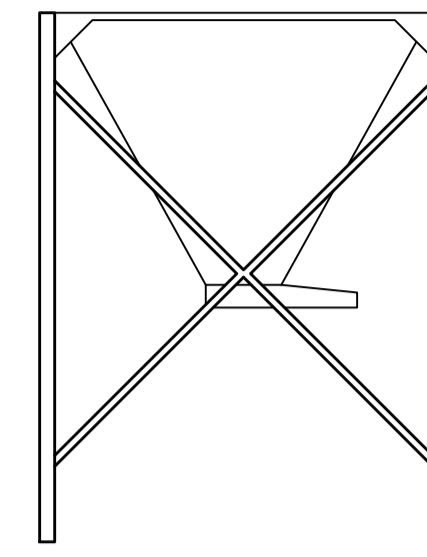
TYPICAL AGGREGATE BAGGER
FRONT ELEVATION
(1:50)



TYPICAL AGGREGATE BAGGER
REAR ELEVATION
(1:50)



TYPICAL AGGREGATE BAGGER
RHS ELEVATION
(1:50)



TYPICAL AGGREGATE BAGGER
LHS ELEVATION
(1:50)



TYPICAL AGGREGATE BAGGER
PHOTO



TYPICAL TOPSOIL SCREENER

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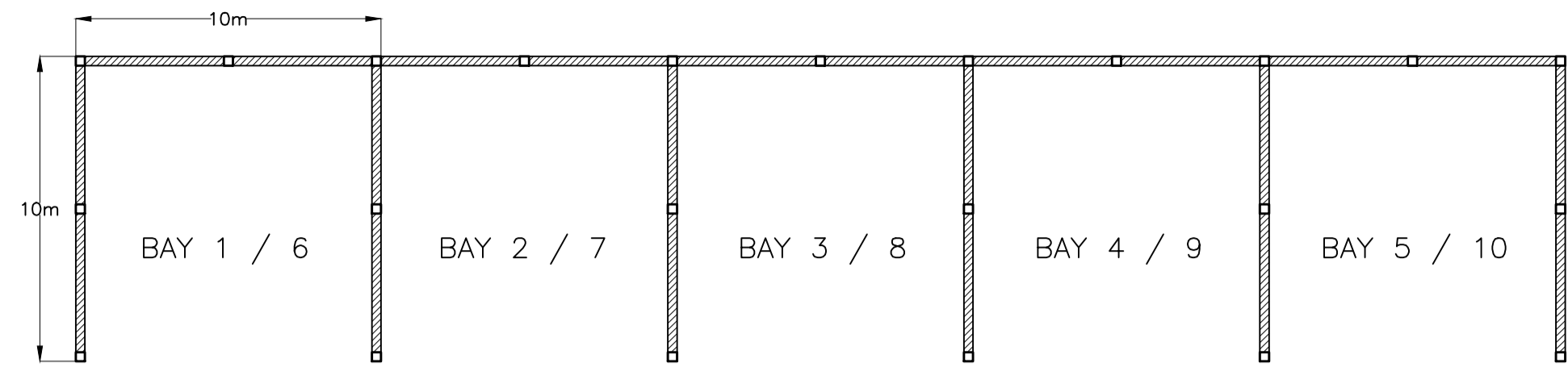
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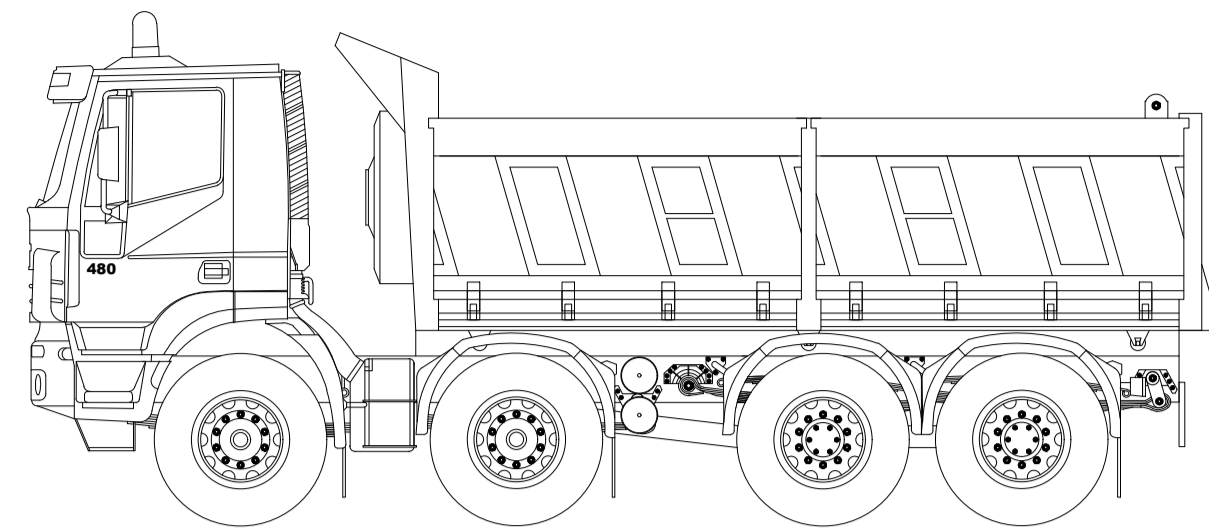
PROJECT
Land South-West of Beats Lodge, Hooks Drove Murrow, Cambridgeshire PE13 4HH

TITLE
Proposed Topsoil Screener & Aggregate Bagger Details

DRAWN G.Bohram	DATE OF ISSUE
CHECKED	
DATE May 2022	DRAWING NUMBER H8327/05
SCALE As Shown	



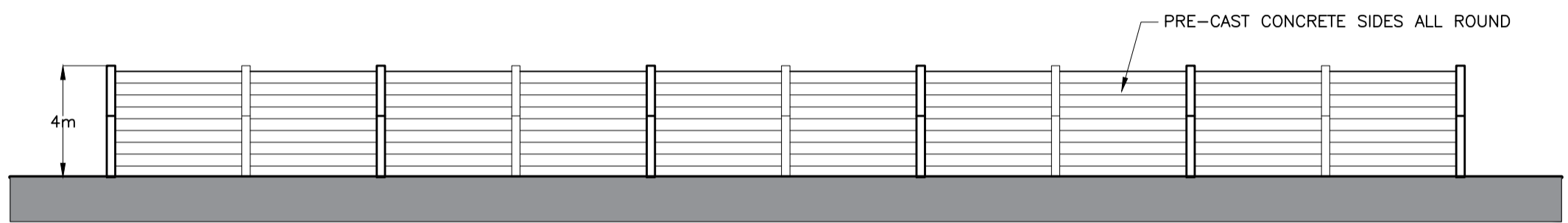
PROPOSED AGGREGATE BAYS PLAN
(1:200)
(SAND, GRAVEL, BALLAST, AGGREGATES)



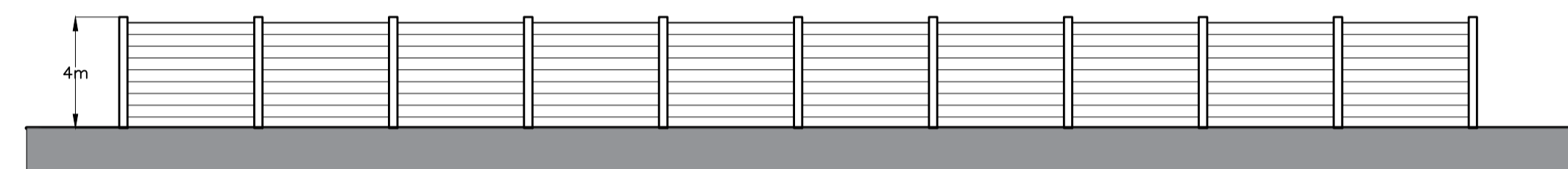
TYPICAL RIGID BODY LORRY SIDE ELEVATION
(DUMPERS / GRAB LORRIES)
(1:50)



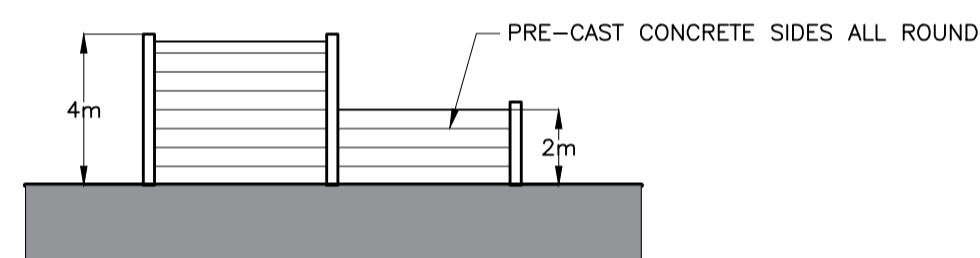
TYPICAL RIGID BODY LORRY FRONT ELEVATION
(DUMPERS / GRAB LORRIES)
(1:50)



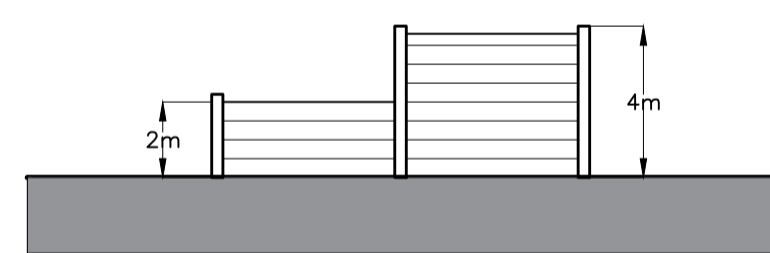
PROPOSED AGGREGATE BAYS FRONT ELEVATION
(1:200)



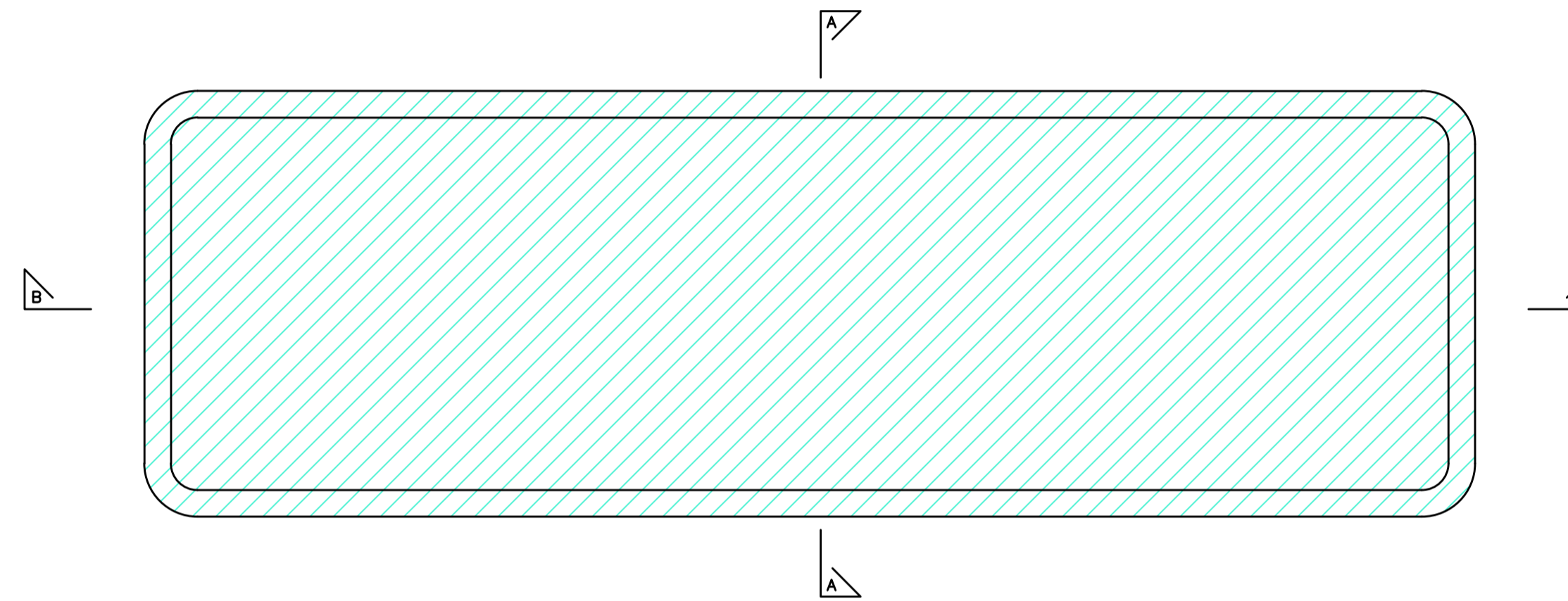
PROPOSED AGGREGATE BAYS REAR ELEVATION
(1:200)



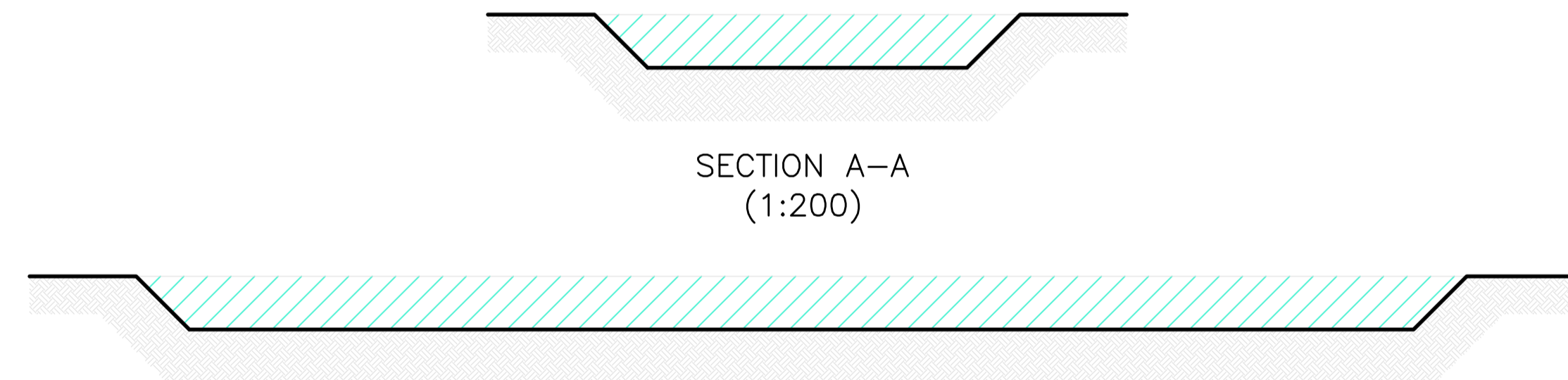
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(1:200)



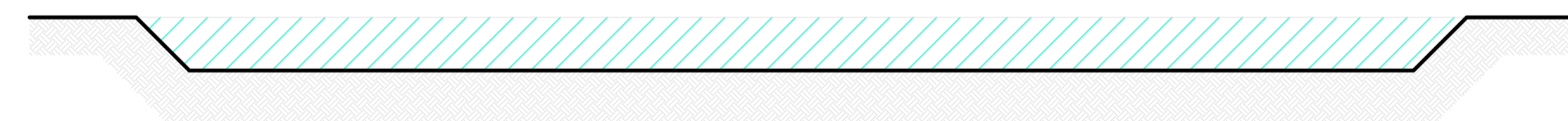
PROPOSED AGGREGATE BAYS RHS ELEVATION
(1:200)



SWALE PLAN
(TO BE DESIGNED BY OTHERS)
(1:200)



SECTION A-A
(1:200)



SECTION B-B
(1:200)

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A	PLANNERS COMMENTS	AUG 2022
	REVISIONS	DATE

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CLIENT
Robert Chapman

PROJECT
Land South-West of Beats Lodge, Hooks Drove Murrow, Cambridgeshire PE13 4HH

TITLE
Proposed Aggregate Bays, Lorry Details And Swale Details

DRAWN	G.Bohram	DATE OF ISSUE
CHECKED		
DATE	May 2022	DRAWING NUMBER
SCALE	As Shown	H8327/04_A

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F/YR22/1084/F

Applicant: Mrs Theresa Steer

**Agent : Mr Ethan Giles
Green Planning Studio Ltd**

Land South West Of 92, High Street, Chatteris, Cambridgeshire

The siting of a mobile home for residential use and erection of an ancillary day room

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application proposes the siting of a mobile home for residential use and erection of an ancillary day room. It was confirmed by the agent in the early stages of the application through correspondence that the application was made on the basis to provide accommodation for a gypsy/traveller. This argument has been assessed and barrister opinion sought, with the conclusion being that the applicant is not considered to be a Gypsy Traveller for the purposes of the policy definition
- 1.2 The development would impact adversely on the character of the Conservation Area by further eroding the settlement morphology of the area and would be contrary to policy LP18 which seeks to protect, conserve and seek opportunities to enhance the historic environment.
- 1.3 The site is proposed to be served by an existing vehicular access from the High Street. The change of a permanent dwelling to a mobile home makes no difference in terms of highway impacts at the access. The existing access lacks sufficient visibility and whilst the intensification is modest, it will result in an increased risk of collision particularly with passing pedestrians and therefore contrary to policy LP and paragraph 111 of the NPPF
- 1.4 In summary, there is insufficient evidence to satisfy that the intended occupier meets the definition referenced above. Given this, any personal circumstances cannot be used to 'tip the balance' in favour. The application is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site lies within the settlement of Chatteris and within the Chatteris Conservation Area. The site is accessed via High Street, through a shared driveway positioned between 86 High Street and 84 High Street, a Grade II listed dwelling, leading to 84a High Street and beyond to the site itself. The access opens up beyond a 5-bar gate into an area of grassland and compacted gravel hardstanding. At the time of site inspection, there was evidence of a large area of scrap metal stockpiling near the eastern boundary, various rubble and refuse heaps, and vehicles parked in the area.
- 2.2 The site is bounded by a high brick wall to the south side, 1.8m high close boarded timber fencing to the west, panelled fencing to the east (which forms the boundary with the garden area of 84a), and is currently open to the north, adjacent on this side to an established yard area situated behind the dwellings of 86-92 High Street. The site is flat throughout and is within Flood Zone 1, area at lowest risk of flooding.

3 PROPOSAL

- 3.1 The application seeks full planning permission for the use of the land for residential use and ancillary day room. It was confirmed by the agent in the early stages of the application through correspondence that that application was made on the basis to provide accommodation for a gypsy/traveller.
- 3.2 The structures are to be located to the rear of 92 High Street with the mobile home lying parallel with boundary to no84A High Street and the day room offset to the south-west. The latter will house a day room, bathroom and kitchen facility and is to measure 3.4 x 6.5m with a shallow pitched roof. Timber cladding is proposed with a clay tiled roof.
- 3.3 The agents Planning Statement states that 'The proposed caravans will conform to the definition within Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968 and therefore plans and elevations of individual units are not required.'
- 3.4 The submitted site plan also indicates provision for two vehicles with a turning area to the south-western corner of the site and the installation a bin store adjacent to the boundary with no84A High Street. An existing close boarded timber fence is in existence to the northern and southern boundaries with proposed root protection areas to the existing trees that are to be retained.
- 3.5 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?keyVal=RILTJKHE06P00&activeTab=summary>

4 SITE PLANNING HISTORY

- 4.1 F/YR20/0119/F | Erect single-storey 3-bed dwelling - Refused
- 4.2 F/YR20/0581/F | Erect single-storey 3-bed dwelling - Refused

5 CONSULTATIONS

- 5.1 **County Archaeology** – *No objections or requirements for the proposed development*
- 5.2 **Chatteris Town Council** – *Recommend refusal. Access is unsuitable. Poor visibility for vehicles leaving the site as opening is too narrow and is on a bend in the road*
- 5.3 **County Highways** - *There are two recently refused planning applications for a dwelling in the same location (ref: F/YR20/0119/F and F/YR20/0581/F). Both applications were refused on highway safety grounds, amongst other considerations.*

The change of a permanent dwelling to a mobile home makes no difference in terms of highways impacts at the access. As such, the previous comments remain valid. The existing access lacks sufficient visibility for use by a single access and if it were proposed today, it would be refused. The intensification, while modest, arising from an additional dwelling will result in increased risk of collision, particularly with passing pedestrians. As such, I object to the application.

For context, a shared use access should meet the following criteria: Standard requirement Proposed 5m wide for at least the first 8m to allow two domestic vehicles to pass and mitigate the risk of reversing onto the highway 3.3m at access. Note Building Regulations Part B5 state for fire tender access, a minimum of 3.1m at gates is permitted but 3.7m is the recommended minimum width of roads kerb to kerb (or in this case building to building). 2m x 2m pedestrian visibility splays, measured to the nearside footway edge. The splays must be kept clear from a height of at least 600mm and be contained within the

application boundary and / or the highway boundary. There is zero pedestrian visibility, meaning there is a risk that exiting vehicle will collide with passing pedestrians. 2.4m x 43m inter-vehicular visibility splays, measured to the nearside carriageway edge. Visibility splays to the centreline (to the left on exit) are only accepted where vehicles cannot overtake. A reduction will be accepted proportional to the 85th percentile observed vehicle speeds. 2.4m x 4.5m / 2.4m x 4.3m. A reduction in the x-distance (2.4m) is not accepted as this is to account for vehicle bonnet length. To reduce this, risk clipping of the bonnet by passing vehicles. Within the site, parking and turning arrangements are acceptable, but I do note that the location of the proposed parking clashes with a tree protection fence. I recommend that you consult with FDC's waste collection team as I note the bin store is remote from the highway, presumably the collection point.

- 5.4 **Conservation Officer** - This application concerns the siting of a mobile home for residential use and erection of an ancillary day room on land to the southwest of 92 High Street, Chatteris. The site lies within Chatteris Conservation Area and in close proximity to No. 84 High Street, Chatteris which is Grade II listed.

Consideration is given to the impact of the proposal on the architectural and historic interests of an adjacent listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.

Consideration is given to the impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

Relevant planning history associated with the site is under planning ref: F/YR20/0119/F for the erection of a 3 bed dwelling bungalow which was refused on a number of grounds pertaining to access and occupier amenity. Also, an application for 2 bungalows on a site to the rear of No. 94 High Street has been previously refused (F/0834/88/O) on the grounds that piecemeal development on backland would be out of character with this part of the town, to the detriment of adjacent residents and that the access would have a detrimental impact upon the attractiveness and future well-being of the listed building at No. 94 High Street.

The proposal put forward is not acceptable. The following comments are made: Historically this area was dominated and characterised by mediaeval burgage plots. These are still readable in plan form and maps, though many buildings along the frontage have been altered, enlarged or rebuilt.

It lies immediately adjacent to a listed building, which turns its back on the plot and is bounded by a high garden wall. It is felt therefore that this proposal will not affect the setting of the listed building. Though some adjacent development has taken place nearby at Ash Grove and Quaker Way, a large number of plots remain recognisable as burgage plots. It is within this context that this proposal is considered.

Development in this area would impact on the character of the conservation area by further eroding the settlement morphology of the area. The refusal of this application would be consistent with the refusal of the application referenced above and in line with a recent appeal against refusal to grant planning permission at land to the rear of No. 107 High Street, Chatteris. The appeal was dismissed by the Inspector on grounds that "the proposal would further erode the legibility and significance of the mediaeval burgage feature" and that consequently it would fail to meet "desirable outcome of preserving or enhancing the character or appearance of a conservation area". This accords with the NPPF paragraph 193, which states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to

substantial harm, total loss, or less than substantial harm to its significance (REF: APP/D0515/W/W19/3221692).

These comments apply equally to this case, despite the proposal changing from a bungalow to a mobile home the issues are the same and are in line with the comments made for the refused 3 bed bungalow that preceded this application (planning ref: F/YR20/0119/F). I therefore recommend that this application is refused.

5.5 Local Residents/Interested Parties

Objectors – 6no letters of objection from residents within Chatteris. Points summarised below:

- Access issues
- Antisocial behaviour
- Density/Overdevelopment
- Devalue property
- Not policy compliant
- Drainage issues
- Environmental concerns
- Flooding
- Loss of view/outlook
- Noise
- Parking arrangements
- Proximity to property
- Shadowing/loss of light
- Traffic impact
- Visual impact
- Waste/litter
- Wildlife concerns
- Question their gypsy status

Supporters – 34 letters of support from residents within Chatteris; 9 letters of support from residents outside the settlement of Chatteris (Sutton, March, Huntingdon, Ely)

- Add more to the High Street
- Great to see area being developed
- No detrimental issues
- Provides housing for a small family
- No concerns sharing an access
- Prefer the land to be used for residential than any other use
- Would support a young, hard working family
- Safe environment

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 The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7 POLICY FRAMEWORK

Planning Policy for Traveller Sites August 2015

Policy B – Planning for traveller sites

Policy H – Determine planning application for traveller sites

Policy I – Implementation

National Planning Policy Framework (NPPF)

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

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

Para 11: Presumption in favour of sustainable development

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

Para 119: Promote effective use of land

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

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

Para 161: Need to apply the sequential and exceptions tests.

Para 193: Considering the impact of a proposed development on the significance of a heritage asset

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

Emerging Local Plan

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

LP1 – Settlement Hierarchy

LP4 – Securing Fenland's Future

LP7 – Design

LP14 – Gypsies and Travellers and Travelling Showpeople

LP20 – Accessibility and Transport

LP22 – Parking provision

LP23 – Historic Environment

LP24 – Natural Environment

LP25 – Biodiversity Net Gain

LP27 – Trees and Planting

LP28 – Landscape

LP32 – Flood and Water Management

8 KEY ISSUES

- Principle of Development
- PPTS
- Character and Appearance/Impact upon Heritage Assets
- Highway safety

- Other Issues

9 BACKGROUND

- 9.1 An initial application for the erection of a 3 bed detached dwelling was refused for the following reasons:

1. 'Policy LP15 of the Fenland Local Plan 2014 requires development schemes to demonstrate that they have had regard to several criteria, including providing a well-designed, safe and convenient access for all. The NPPF states (at paragraphs 108 and 110) that developments should ensure that safe and suitable access to the site can be achieved for all users and development should create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists, and vehicles. The existing shared driveway is considered to be inadequate to serve the proposed development by reason of its restricted width along its length which could result in conflict between pedestrians and vehicles together with the lack of passing places and restricted visibility at its junction with High Street. As a result, safe and suitable access to the site for all people as required in the NPPF would not be achieved. Policy LP15 (c) is consistent with the NPPF in requiring well designed, convenient and safe access for all. The proposal would conflict with Policy LP15 (c) of the Fenland Local Plan 2014, and paragraphs 108 and 110 of NPPF.

2. The Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste and Management Design Guide SPD, Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland - SPD - July 2014 and Policy LP16 of the Fenland Local Plan 2014 seek to ensure that adequate, well designed bin facilities are conveniently located with easy access for users. In view of the site location and relationship with the adopted highway the proposal will result in bins being carried over 45m from the storage area to a required collection point within 10 metres (maximum) of the highway, which is in excess of the recommended distance of 30m, as such the development is considered to be contrary to Policy LP16 (f) of the Fenland Local Plan 2014 and Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland - SPD - July 2014.

3. Policies LP2 and LP16 of the Fenland Local Plan 2014 seeks to achieve high quality environments for existing and future residents in Fenland with high standards of residential amenity. The position of the dwelling will result in a detrimental impact on neighbouring dwellings and their amenities, and due to the close proximity of the dwelling to the north and east boundary fences will also result in a poor form of habitable accommodation with low levels of amenity to the detriment of future occupiers. The proposal is therefore considered contrary to Policies LP2 and LP16 (d) and (e) of the Fenland Local Plan 2014 and C1 of the National Design Guide 2019.'

- 9.2 Subsequent application F/YR20/0581/F proposed a single storey, 3 bed detached dwelling. This was refused for the same reasons as those referenced above.

10 ASSESSMENT

Principle of Development

- 10.1 The proposal is for the provision of a mobile home and day room for residential use. The application site is located within the Market Town of Chatteris which is one of four settlements within which the majority of the district's new housing, employment growth, retail, growth and wider service provision should take place.
- 10.2 Alongside LP3, Policy LP10 focuses on Chatteris as being an area for some growth, with development contributing to retaining its character. There are some examples of backland development in the vicinity of the site, in particular 82 and 84A High Street to the east. There are no specific policies that oppose the principle of backland development within the local plan.

- 10.2 Policy LP5 (Part D) relates to Gypsy and Travellers and advises on the criteria used to assess suitable new site and associated facilities, inter alia, (b) the site should provide a settled base and be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school.
- 10.3 Para 26 of the PTTS states that when considering applications, local planning authorities should attach weight to certain criteria, inter alia, (a) effective use of previously developed (brownfield), untidy or derelict land.
- 10.3 The site is located within the Market Town of Chatteris, as such, the overall principle of the provision of a Traveller site is supported subject to consideration of all other matters addressed below.

Planning Policy for Traveller Sites- Policies and criteria

- 10.4 Limited information was submitted with the application upfront with regards to intended occupier. In correspondence with the agent, it was subsequently confirmed that the application had been made to provide accommodation for a gypsy/traveller.
- 10.5 Annex 1 of the PPTS sets out the clear definition of “gypsies and travellers”:

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such’.

- 10.6 It further states that:

‘In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances’.

- 10.7 The PPTS definition was successfully challenged in the Court of Appeal in October 2022 in respect of the removal of the phrase “or permanently” from the above definition in respect of persons who have ceased to travel when the definition was updated with the 2015 version.
- 10.8 The Council need to be satisfied that it is likely that the intended occupier meets the definition as referenced above. Given the complexities of such determination barrister opinion was sought in December 2022.
- 10.9 The status of the intended occupier is highly relevant to the determination of the application, and, in summary, the legal opinion concludes that there is insufficient evidence to satisfy the Council that the intended occupier meets the definition referenced above. Given this, any personal circumstances cannot be used to ‘tip the balance’ and therefore application of the PPTS and Policy LP5, Part D is not therefore required.

Character and Appearance/Impact upon Heritage Assets

- 10.10 Policy LP16 requires all new development to; (c) retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies (d) Make a positive contribution to local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, provides resilience to climate change, reinforce local identity and does not adversely impact , either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area whilst Policy LP18 seeks to protect,

conserve and seek opportunities to enhance the historic environment throughout the Authority.

- 10.11 The proposed mobile home and utility/day room are single storey in height and would be positioned approximately 61 metres away from the High Street and behind existing built form, therefore, in essence, is backland development. Given that caravans are nearly always white or cream in colour, it is quite difficult to ensure that they do not have an unacceptable impact on the appearance or character of an area.
- 10.12 It is proposed that the timber cladding, slate roof and timber window and door frame would be used in the construction of the utility room/day room. The external materials proposed are considered sympathetic and given that the site is enclosed by built form and would be tucked around the back of such, there will be minimal visual impact from a street scene perspective.
- 10.13 Notwithstanding the above, however, the site lies within the Chatteris Conservation Area and in close proximity to No. 84 High Street, Chatteris which is Grade II listed. Consideration is given to the impact of the proposal on the architectural and historic interests of an adjacent listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.14 Consideration is given to the impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.15 Relevant planning history associated with the site is under planning ref: F/YR20/0119/F for the erection of a 3 bed dwelling bungalow which was refused on a number of grounds pertaining to access and occupier amenity. Also, an application for 2 bungalows on a site to the rear of No. 94 High Street has been previously refused (F/0834/88/O) on the grounds that piecemeal development on backland would be out of character with this part of the town, to the detriment of adjacent residents and that the access would have a detrimental impact upon the attractiveness and future well-being of the listed building at No. 94 High Street.
- 10.16 Historically this area was dominated and characterised by mediaeval burgage plots. These are still readable in plan form and maps, though many buildings along the frontage have been altered, enlarged or rebuilt. It lies immediately adjacent to a listed building, which turns its back on the plot and is bounded by a high garden wall. It is felt therefore that this proposal will not affect the setting of the listed building. Though some adjacent development has taken place nearby at Ash Grove and Quaker Way, a large number of plots remain recognisable as burgage plots. It is within this context that this proposal is considered.
- 10.17 Development in this area would impact on the character of the conservation area by further eroding the settlement morphology of the area. The refusal of this application would be consistent with the refusal of the application referenced above and in line with a recent appeal against refusal to grant planning permission at land to the rear of No. 107 High Street, Chatteris. The appeal was dismissed by the Inspector on grounds that “the proposal would further erode the legibility and significance of the mediaeval burgage feature” and that consequently it would fail to meet “desirable outcome of preserving or enhancing the character or appearance of a conservation area”. This accords with the NPPF paragraph 193, which states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance (REF: APP/D0515/W/W19/3221692).

- 10.18 The Councils Conservation Officer raises an objection and states that the comments within the appeal decision are given weight and apply equally to this case, despite the proposal changing from a bungalow to a mobile home. The issues are the same and are in line with the comments made for the refused 3 bed bungalow that preceded this applications (planning ref: F/YR20/0119/F and F/YR20/0581/F).

Highway Safety

- 10.19 The site is proposed to be served by the existing vehicular access from the High Street. The Local Highway Authority were consulted and cite the two recently refused planning applications for a permanent dwelling in the same location (ref: F/YR20/0119/F and F/YR20/0581/F). Both applications were refused on highway safety grounds, amongst other considerations.
- 10.20 From a Highways perspective, the change of a permanent dwelling to a mobile home makes no difference in terms of highways impacts at the access. As such, comments made for the previous applications remain valid. The existing access lacks sufficient visibility for use by a single access and, if this was proposed today, it would be refused. The intensification, while modest, arising from an additional dwelling will result in increased risk of collision, particularly with passing pedestrians.
- 10.21 For context, and as referenced in the Consultees section, Highways have stated the criteria that should be adhered to in respect of the width of the access and visibility splays.
- 10.22 Within the site, parking and turning arrangements are acceptable, but it is noted that the location of the proposed parking clashes with a tree protection fence. Further to this, it is to be noted that the bin store is remote from the highway, which presumably would be the collection point.
- 10.23 Given the comments from Highways, and the planning history to the site in this regard, an objection has been raised with the proposal failing to comply with LP15 of the Fenland Local Plan 2014.

Residential Amenity

- 10.24 As a backland development site, there is the potential for the proposal to adversely impact upon neighbouring residential amenity. The nearest properties to the development site are along Quaker Way to the west and 84A to the east.
- 10.25 The rear elevations on Quaker Way are set approximately 8m from the boundary with the development site. The limitation of the proposed mobile home as single storey does ensure that any significant overlooking is avoided due to the existing 1.8m fencing and brick wall around the site.
- 10.26 84A High Street lies to the east of the site. The site plan shows a distance of 3m will be retained to the common boundary and a distance of approximately 25m to the rear elevation of the dwelling. There is an intervening close boarded fence 1.8m in height.
- 10.27 Site history is such that two previous applications were refused for the erection of a bungalow on the site. Both these refusals included a residential amenity reason referring to the close relationship of the proposed dwelling with the boundaries which would lead to an adverse impact upon the amenity of residents adjacent. Further to this, and given the proximity to the boundaries, the plans failed to demonstrate sufficient private occupant amenity space. This application sees the provision of a mobile home set in 3m from both the north-west and north-eastern boundaries and proposes this to be reoriented from the previous refusals therefore alleviating the concerns raised previously in respect of impact upon the neighbours amenity. There also proposes the provision of a dayroom sited at right angles and to the south-west of the mobile home with occupants private amenity space provided to the rear of the dayroom which equates to

approximately 65 sq m and considered sufficient in this regard factoring in the footprint of the mobile home and the requirement to provide sufficient parking and turning space within the site. Given the above, it is considered that these overcome the previous residential amenity concerns.

Bin Collection

- 10.28 The existing dwellings along High Street currently utilise the access road between 84 and 86 High Street to provide access and egress for their refuse collection bins from their rear gardens to kerbside along High Street. Any future development would be required to present their bins for collection kerbside on High Street, or have a bin collection point sited no further than 10m down a shared driveway with a drag distance of no more than 30m.
- 10.29 It is noted that a bin storage area is located adjacent to the access road on the eastern boundary of the site and that the proposed bin collection point is located along the access driveway. This bin collection point is shown positioned approximately 25m from kerbside on High Street, and approximately 30m from the bin storage area at the development site. However, within the above guidelines, the collection point should be sited no more than 10m from the highway, yet repositioning of this collection point will mean the overall drag distance from the proposed development will be more than 30m, in excess of the recommended drag distance contained within the RECAP guidance. Therefore, the issue of refuse collection is unable to be reconciled as it presents an unacceptable solution outside reasonable guidelines, resulting in poor residential amenity for future occupiers of the proposed dwelling contrary to Policy DM4 of the SPD July 2014.

Personal Circumstances

- 10.30 Under Section 149 of the Equality Act 2010, local authorities must have due regard to their public sector duty to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons with protected characteristic and those that do not share them.
- 10.31 Certain groups of ethnic gypsies and travellers have protected characteristics.
- 10.32 The Human Rights Act 1998 sets out various articles which deal with a different right. Of particular relevance are Article 14: Protection from discrimination in respect of the rights and freedoms and Article 8: Respect for your private and family life, home and correspondence and Protocol 1: Article 1 Right to Peaceful enjoyment of your property and Protocol 1: Article 2 Right to an education.
- 10.33 These rights do not necessarily carry more weight than established planning policies and planning for the public interest. Each case needs to be assessed on its merits.
- 10.34 Section 11 of the Children's Act 2004 (which gives effect to Article 3 of the United Nations Convention on the Rights of the Child) requires that the Council, in the discharge of its functions, is required to have regard to the need to safeguard and promote the welfare of children. The Courts have set out a number of principles to be followed when Section 11 (and Article 8) are engaged in planning applications; in summary the decision maker must identify the child's best interests, and such interests must be a primary consideration in determining the planning application.
- 10.35 Information was provided during the course of the application and a legal opinion sought which concludes that there is insufficient evidence to satisfy the Council that the intended occupier meets the definition referenced above. Given this, any personal circumstances cannot be used to 'tip the balance' in favour.

11 CONCLUSIONS

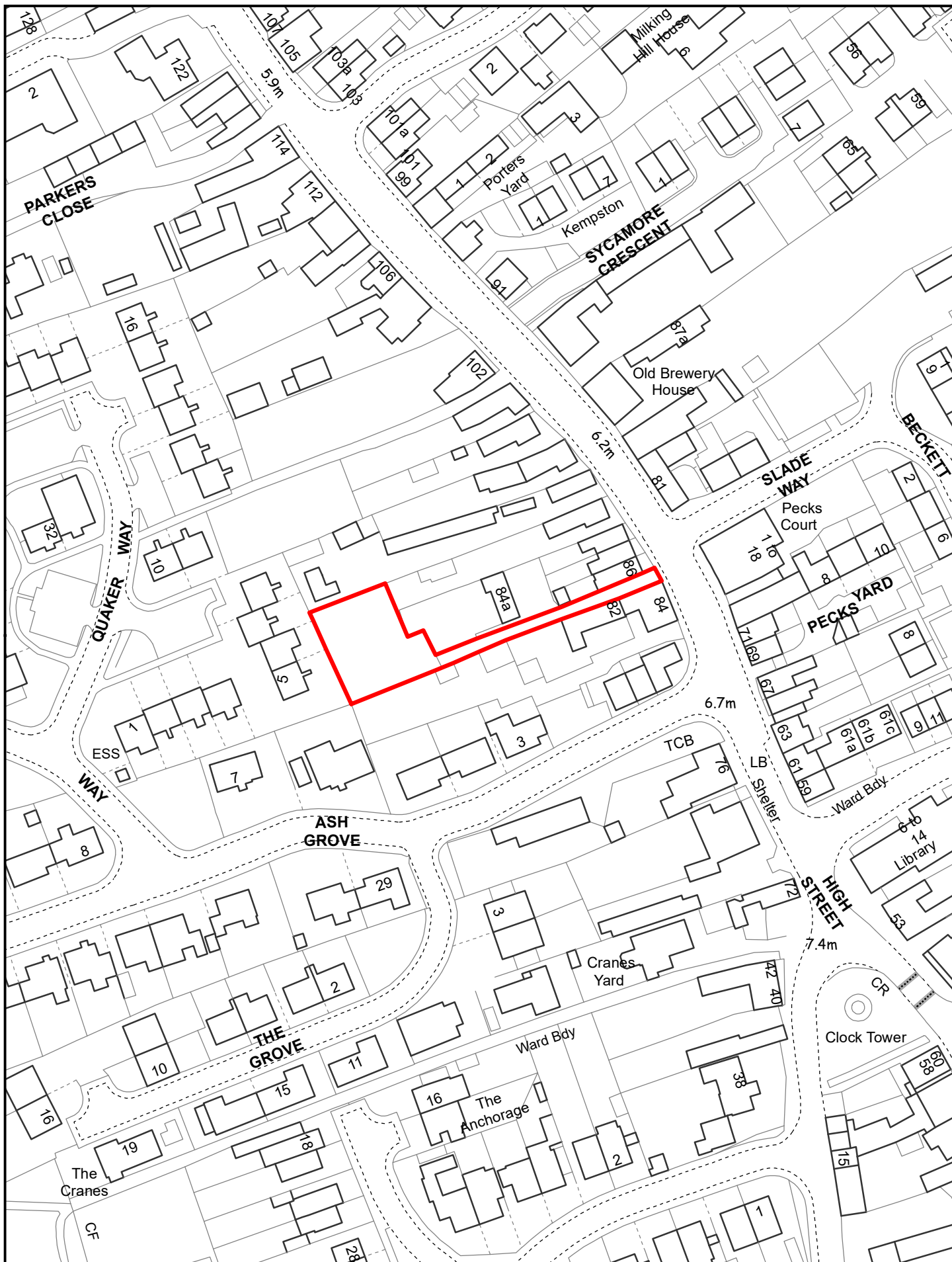
- 11.1 The existing shared driveway is considered to be inadequate to serve the proposed development by reason of its restricted width along its length which could result in conflict between pedestrians and vehicles together with the lack of passing places and restricted visibility at its junction with High Street. As a result, safe and suitable access to the site for all people as required in the NPPF would not be achieved. Policy LP15 (c) is consistent with the NPPF in requiring well designed, convenient and safe access for all. The proposal would conflict with Policy LP15 (c) of the Fenland Local Plan 2014, and paragraph 111 of the NPPF.
- 11.2 The proposal would further erode the legibility and significance of the mediaeval burgage feature and that consequently it would fail to meet the desirable outcome of preserving or enhancing the character or appearance of the Chatteris 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.
- 11.3 In view of the site location and relationship with the adopted highway the proposal will result in bins being carried over 45m from the storage area to a required collection point within 10 metres (maximum) of the highway, which is in excess of the recommended distance of 30m, as such the development is considered to be contrary to Policy LP16 (f) of the Fenland Local Plan 2014 and Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland - SPD - July 2014.
- 11.4 Personal information and evidence has been submitted with regards to the intended occupiers of the site. The case officer has carefully considered this evidence and sought a legal opinion which concludes there is insufficient evidence to satisfy the Council that the intended occupier meets the definition referenced above. Given this, any personal circumstances cannot be used to 'tip the balance' and therefore application of the PPTS and policy LP5, Part D is not therefore required.

11 RECOMMENDATION:

Refuse; for the following reasons

1	Policy LP15 of the Fenland Local Plan 2014 requires development schemes to demonstrate that they have had regard to several criteria, including providing a well-designed, safe and convenient access for all. The NPPF states (at paragraph 111) that developments should ensure that safe and suitable access to the site can be achieved for all users and development should create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists, and vehicles. The existing shared driveway is considered to be inadequate to serve the proposed development by reason of its restricted width along its length which could result in conflict between pedestrians and vehicles together with the lack of passing places and restricted visibility at its junction with High Street. As a result, safe and suitable access to the site for all people as required in the NPPF would not be achieved. Policy LP15 (c) is consistent with the NPPF in requiring well designed, convenient and safe access for all. The proposal would conflict with Policy LP15 (c) of the Fenland Local Plan 2014, and paragraph 111 of the NPPF.
2	Policy LP18 seeks to protect, conserve and seek opportunities to enhance the historic environment throughout the Authority. The proposal would further erode the legibility and significance of the mediaeval burgage feature and that consequently it would fail to meet the desirable outcome of preserving or enhancing the character or appearance of the Chatteris 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.

3	<p>The Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste and Management Design Guide SPD, Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland - SPD - July 2014 and Policy LP16 of the Fenland Local Plan 2014 seek to ensure that adequate, well designed bin facilities are conveniently located with easy access for users. In view of the site location and relationship with the adopted highway the proposal will result in bins being carried over 45m from the storage area to a required collection point within 10 metres (maximum) of the highway, which is in excess of the recommended distance of 30m, as such the development is considered to be contrary to Policy LP16 (f) of the Fenland Local Plan 2014 and Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland - SPD - July 2014.</p>
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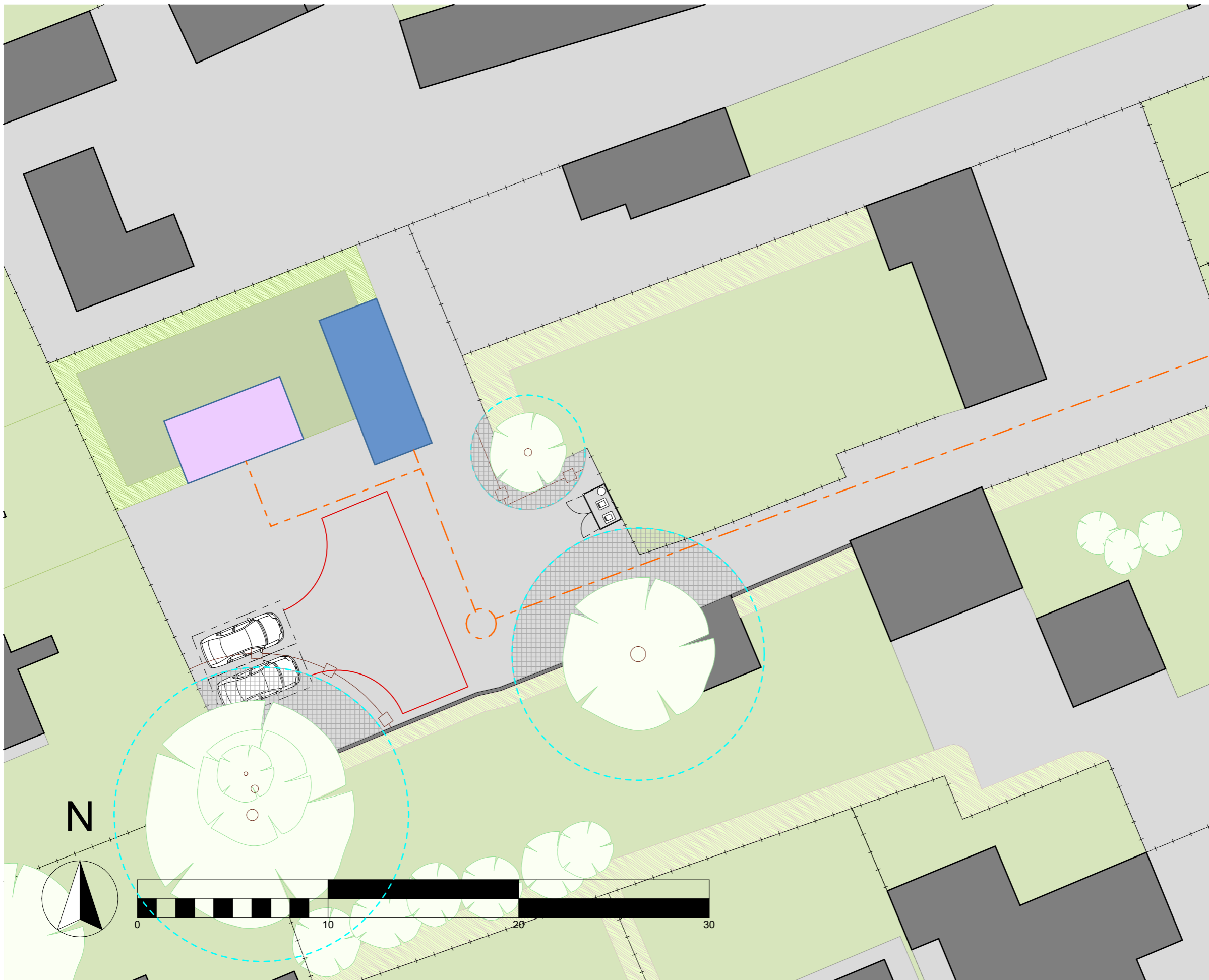
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F/YR22/1084/F

Scale = 1:1,250





Site Plan Key/Legend	
	Residential gardens
	Grassed area
	Existing buildings/structures
	Existing hardstanding
	Existing hedgerow
	Existing trees
	Existing post & rail timber fence
	Existing close boarded timber fence
	Proposed mobile home
	Proposed utility/day room
	Proposed loose bound permeable hardstanding
	Proposed native hedge & tree planting
	Proposed root protection area (RPA)
	Proposed protective barrier
	Proposed hardstanding to be lifted and replaced/top-dressed
	Existing Manhole
	Proposed Foul drainage
	Indicative turning head
	Indicative parking space
	Proposed bin storage

Issue ID	Issue Name	Current Revision	Initials	Date
P02	Initial Transmittal	P02	EG	22/09/2022
P01	Initial Transmittal	P01	EG	15/09/2022

Do not scale from this drawing except for planning application purposes. The contractor is to check all site dimensions, levels and sewer inverts before works commence. This drawing must be checked and read against any structural or specialist consultant drawings. The contractor is to comply in all respects with the current Building Regulations and BS Codes of Practice whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations, ground conditions or ground contaminants and confirmation and/or investigation is to be carried out by suitable experts. This drawing and the building works/designs depicted are the copyright of Green Planning Studio Ltd and are not to be reproduced in any form or by any means without the written consent of Green Planning Studio Ltd.
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Client
Theresa Steer

Project
21_1189 84B Highstreet - Single gypsy/traveler pitch with dayroom.
84B Highstreet, Chatteris, Cambridgeshire, PE16 6NN

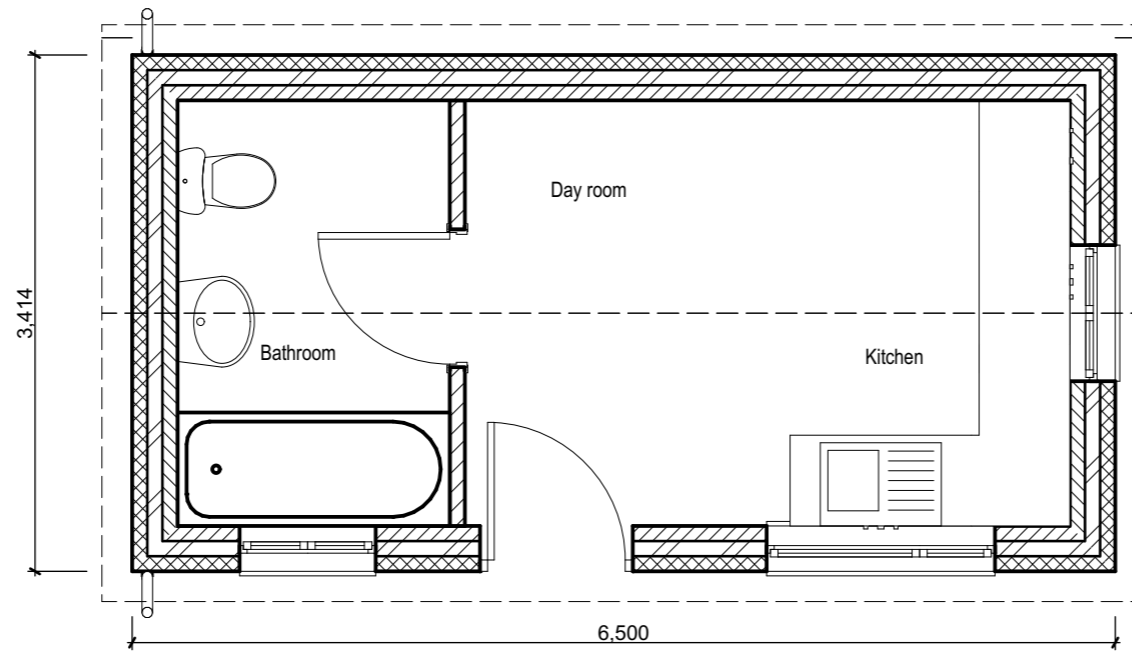
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Proposed Site Plan

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Case No	Status	
21_1189	Initial Status	
Drg No	Rev	
003	P02	

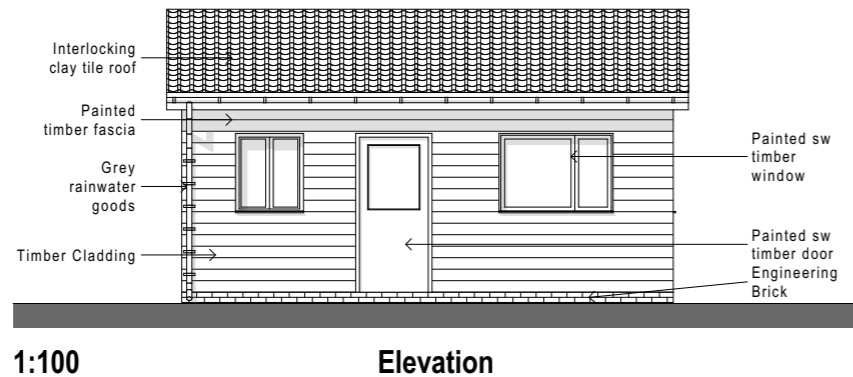
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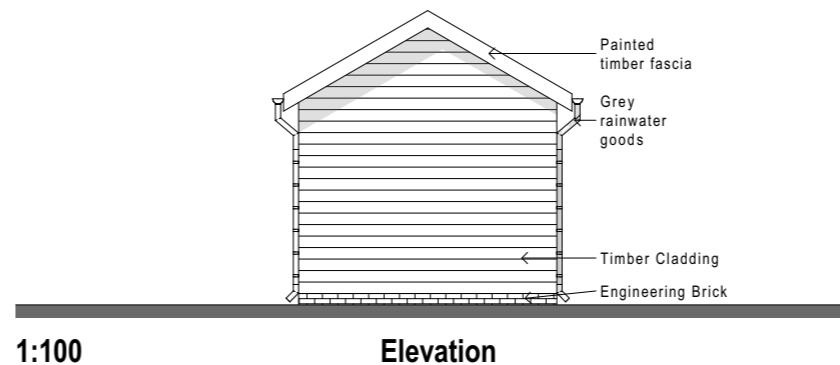
RIBA Chartered Practice



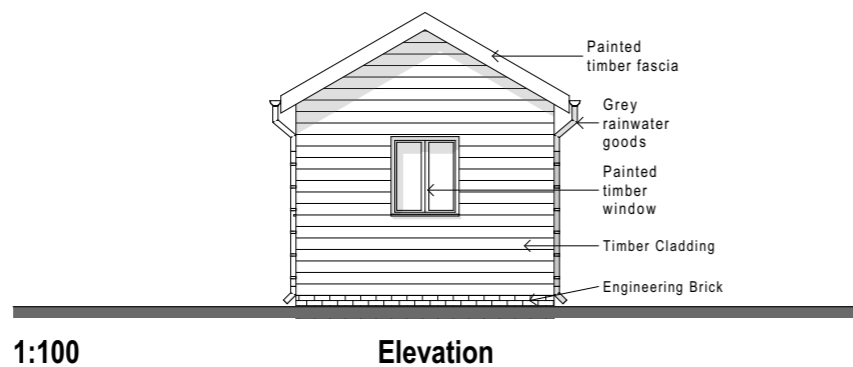
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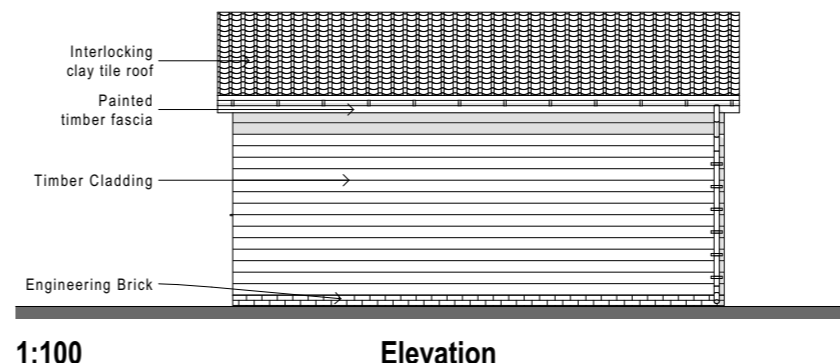
1:100 Elevation



1:100 Elevation



1:100 Elevation



1:100 Elevation

Issue ID	Issue Name	Current Revision	Initials	Date
P02	Initial Transmittal	P02	EG	22/09/2022
P01	Initial Transmittal	P01	EG	15/09/2022

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Client
Theresa Steer

Project
21_1189 84B Highstreet - Single gypsy/traveler pitch with dayroom.

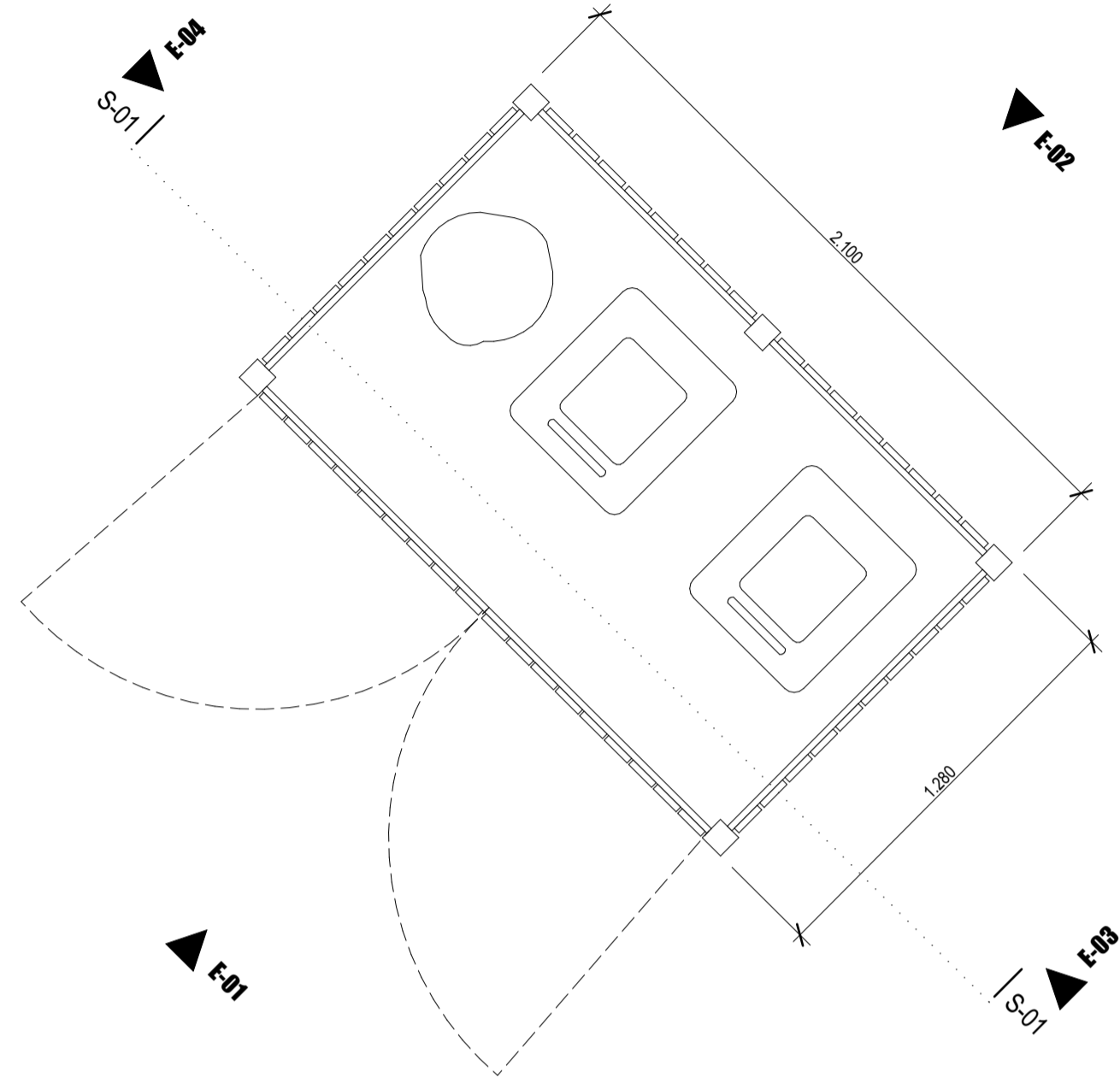
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Proposed Dwelling/Dayroom/Building* - Plans and Elevations		
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1:50, 1:100	22/09/2022	EG
Case No	Status	
21_1189	Initial Status	
Dwg No	Rev	
005	P02	

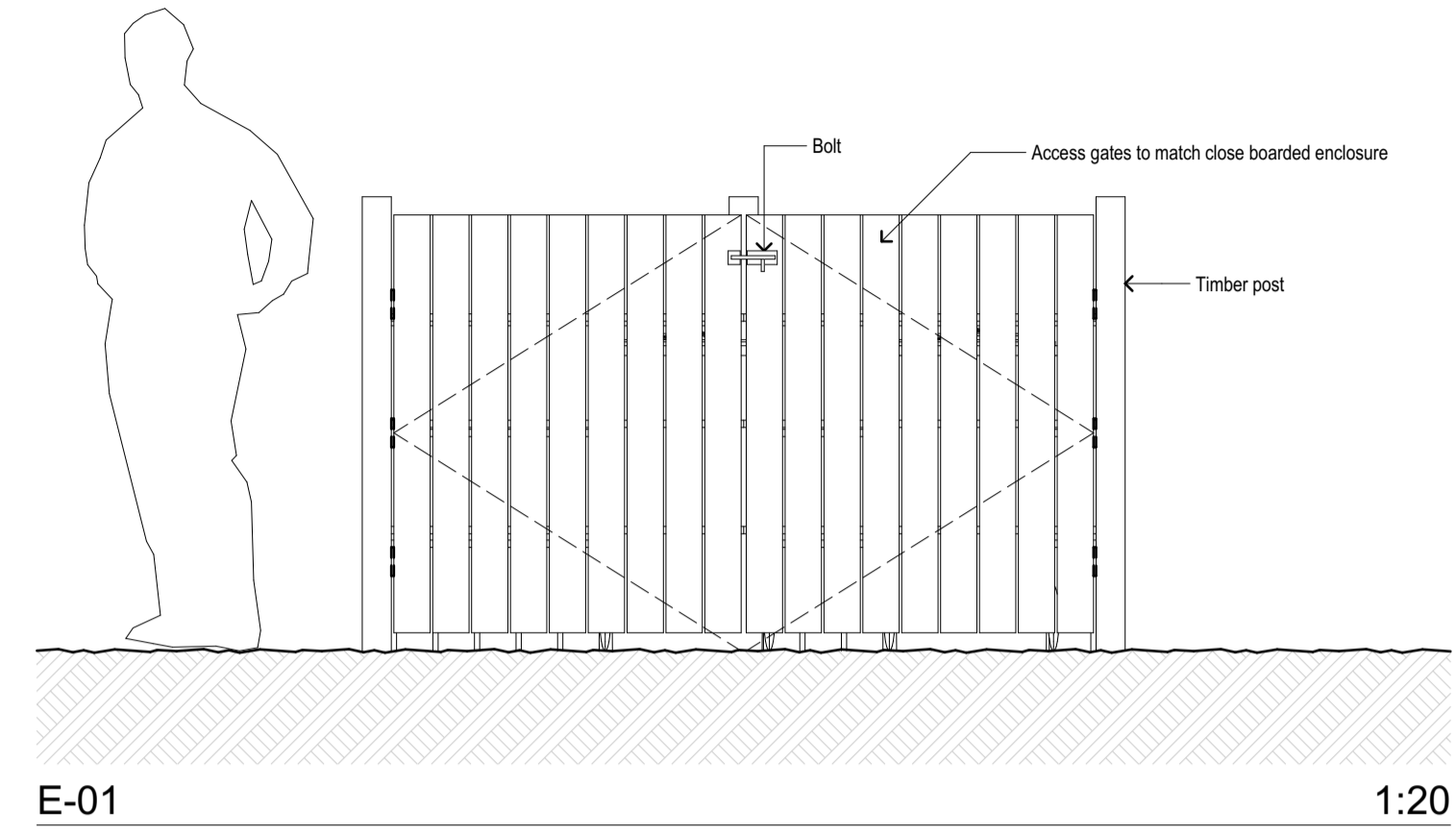
ISO 19650 No:
21_1189-GPS-ZZ-ZZ-DR-A-005

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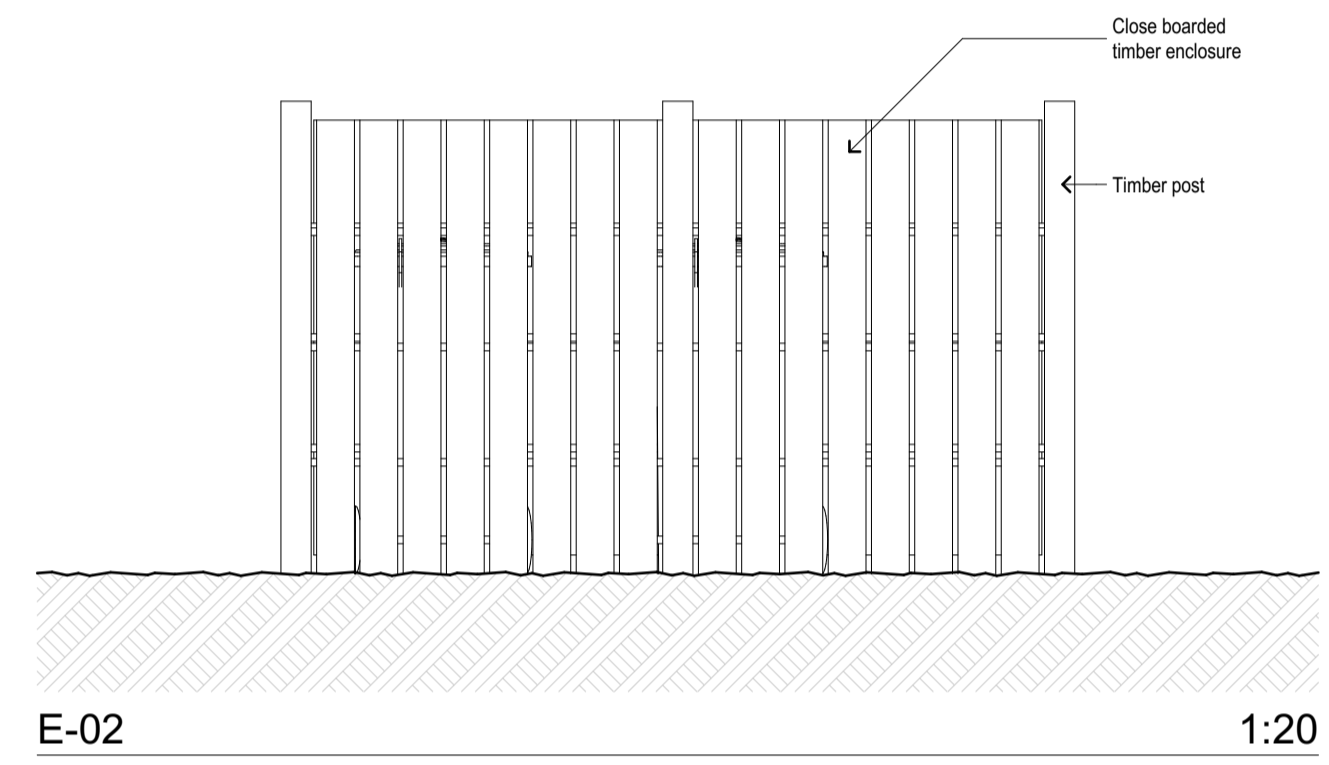
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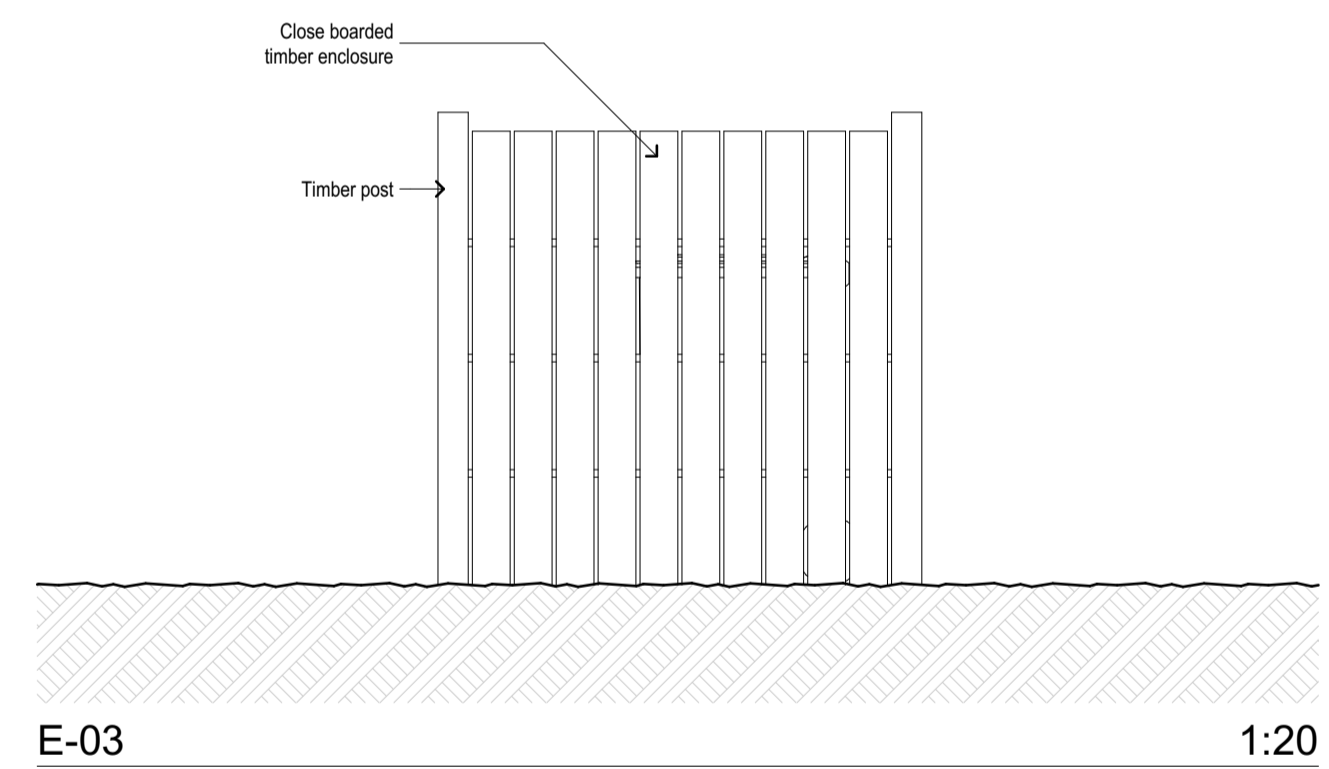
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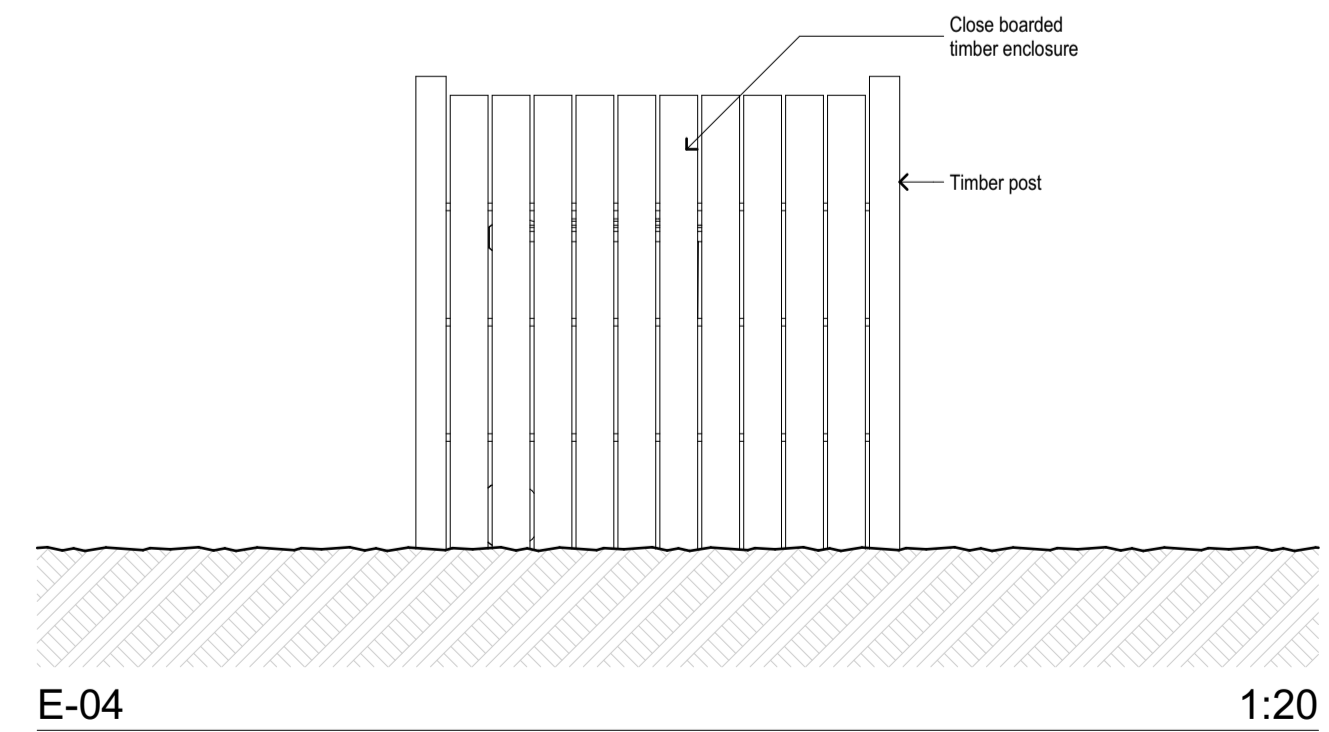
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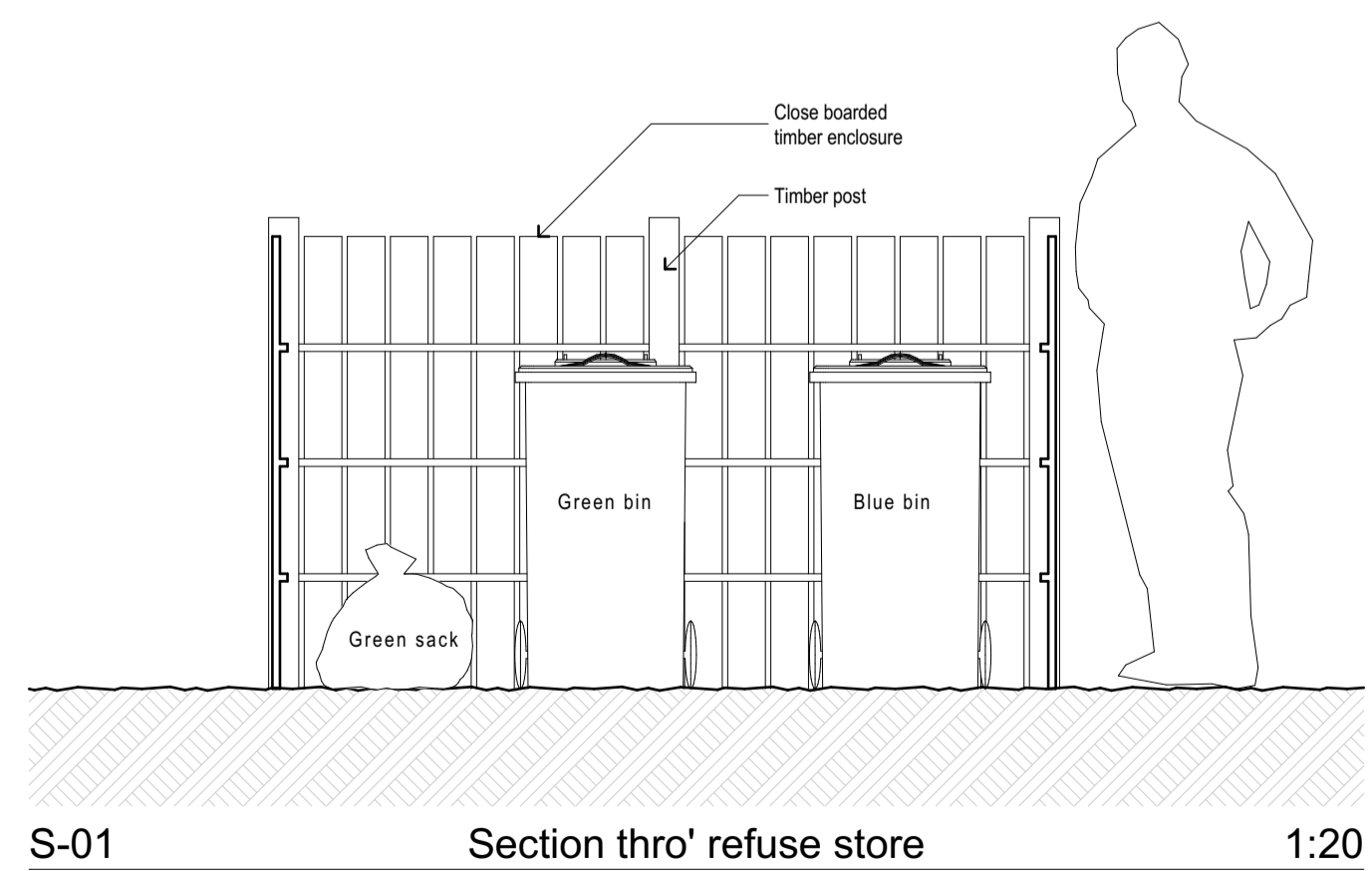
E-02 1:20



E-03 1:20



E-04 1:20



S-01 Section thro' refuse store 1:20

Issue ID	Initial Transmittal Issue Name	Current Revision	Initials	Date
P02		P01	EG	22/09/2022

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Client
Theresa Steer

Project
21_1189 84B Highstreet - Single gypsy/traveler pitch with dayroom.

94S,
Highstreet,
Chatteris,
Cambridgeshire,
PE16 6NN

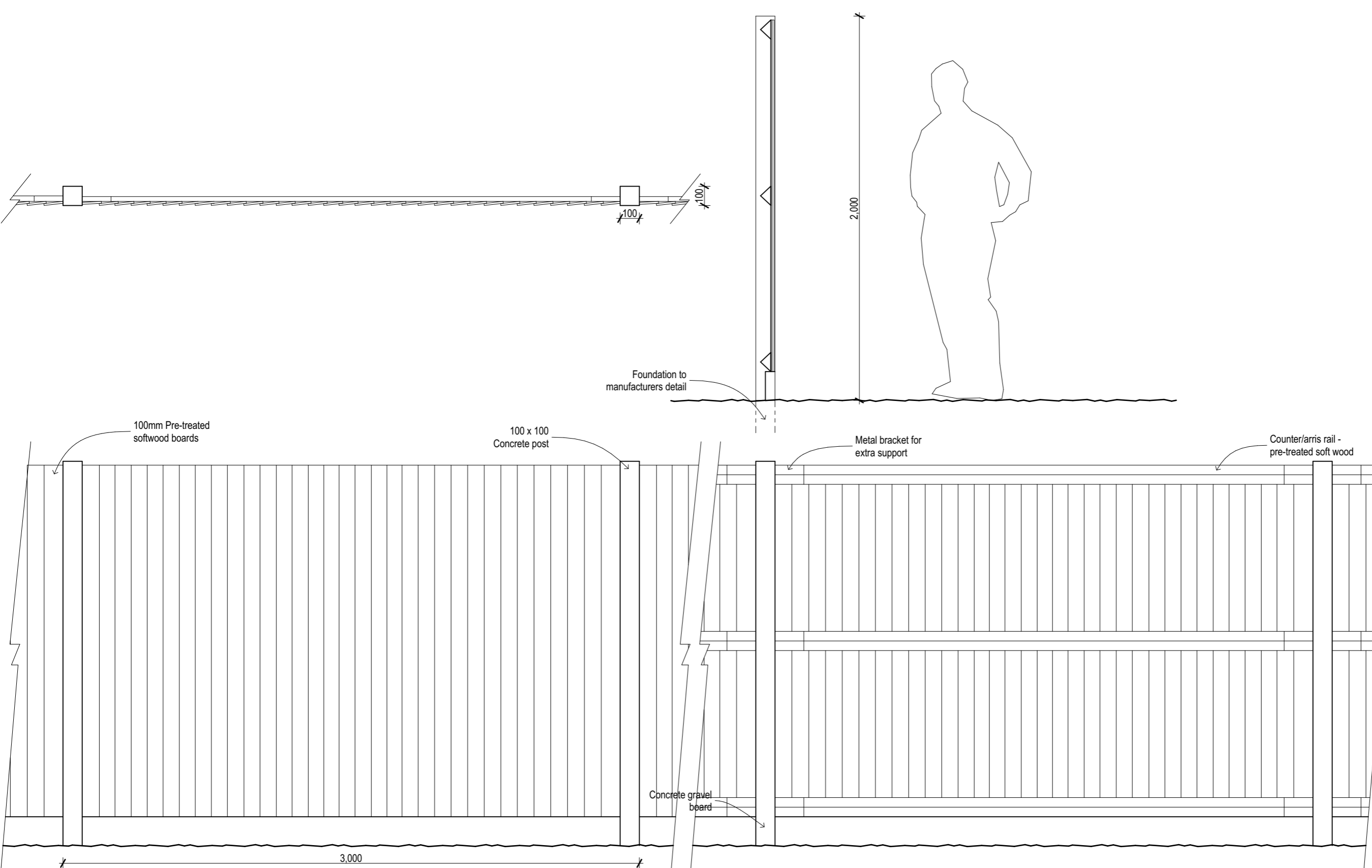
Drawing Title
Proposed Refuse Store

Scale	Date	Drawn
@A1 1:20	22/09/2022	EG
Case No	Status	Initial Status
21_1189		
Drng No	Rev	
007	P01	

ISO 19650 No:
21_1189-GPS-ZZ-DR-A-007

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Typical close boarded fence panel details

Issue ID	Issue Name	Current Revision	Initials	Date
P02	Initial Transmittal	P01	EG	22/09/2022

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Client
Theresa Steer

Project
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84B Highstreet, Chatteris, Cambridgeshire, PE16 6NN

Drawing Title
Proposed Fence Details

Scale @A3	Date	Drawn
1:20	22/09/2022	EG
Case No	21_1189	Status
Dwg No	006	Initial Status
		Rev
		P01

ISO 19650 No:
21_1189-GPS-ZZ-ZZ-DR-A-006

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F/YR22/1416/O

Applicant: Mrs P McCarter

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

Land To The East Of 114, Main Road, Parson Drove, Cambridgeshire

Erect up to 4 x dwellings involving the formation of a new access (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for committee: Parish Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. The application seeks outline planning permission for up to 4no dwellings with all matters reserved save for access, which is indicated as being from a private drive connecting to Main Road.
- 1.2. Parson Drove is identified within the Fenland Local Plan as a Limited Growth Village, and policy LP3 notes that for such settlements, “a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village. Such development may be appropriate as a small village extension”. The site lies adjacent to the built form of the settlement and is therefore deemed to be classed as a small village extension with the proposal therefore in compliance with Local Plan Policy LP3.
- 1.3. The proposed development would be constructed to the rear of an existing frontage development and accessed by a long vehicular access to the west of the site. The development would represent a tandem or backland form of development which would conflict with and undermine the prevailing form of linear frontage development along Main Road.
- 1.4. As the application proposes a level of development that is consistent with that envisaged for Parson Drove within the settlement hierarchy of the Local Plan, it is considered that the area of search for the Sequential Test can be restricted to the limited growth village of Parson Drove. A Flood Risk Assessment including Sequential Test and Exceptions Test has been submitted. This demonstrates that there are no other sequential preferable sites within the village with the exceptions test having been met. The proposal therefore complies with the Cambridgeshire Flood and Water SPD 2016, Policies LP12A(j); LP14 of the Fenland Local Plan 2014 and paragraphs 159-167 of the NPPF’
- 1.5. County RECAP Guidance states that ‘any designated storage area within the boundaries of the property should not be more than 25m distance from the collection point’. The access road would be a private road and therefore unadopted with the refuse bins and waste having to be moved to the adopted highway for collection. In this instance, the development would be contrary to policy LP16 (f) and guidance contained in the County RECAP Waste Management Design Guide Supplementary Planning Document, 2012.
- 1.6. Consequently, the recommendation is to refuse the application.

2 SITE DESCRIPTION

- 2.1 The application site comprises 5090 sq m of open grade 1/2 agricultural land to the south of Main Road and sitting to the west of Silver's Lane, Parson Drove.
- 2.2 The land directly to the north of the site has planning permission for up to five dwellings (ref: F/YR19/0971/O), however four dwellings have gained reserved matters approval on the land and are currently being built out. (ref: F/YR21/0820/RM, F/YR21/1026/RM, F/YR21/1250/RM, F/YR21/1516/RM).
- 2.3 The site is flat throughout and is within flood zones 2/3 of the Environment Agency Flood Maps for Planning.

3 PROPOSAL

- 3.1 The application is seeking outline permission for the erection of up to 4no. dwellings and confirmed on the application form as being for market housing. The application is in outline form with all matters reserved save for access. Matters of layout, appearance, scale and landscaping will be reserved for future consideration should the application be approved.
- 3.2 An indicative plan shows that each of the four plots would have their own access points from an elongated private road, which runs along the west of the site and bends round to the southern edge of the site.
- 3.3 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=RLJHTZHE06P00>

4 SITE PLANNING HISTORY

- 4.1 There is no planning history for the application site itself.

5 CONSULTATIONS

5.1 Parson Drove Parish Council

The Council considered application F/YR22/1416/O Erect up to 4 x dwellings involving the formation of a new access (outline application with matters committed in respect of access) Land To The East Of 114 Main Road Parson Drove Cambridgeshire and a discussion ensued. It was noted that there were no comments on the application from members of the public, nor did any make personal representations to any councillors, as well as being within the local plan. The Council agreed to recommend for approval.

5.2 Environment Agency

Thank you for your consultation dated 05 January 2023 for the above application. We have no objection to this planning application, providing that you have taken into account the Flood Risk considerations which are your responsibility. We have 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. We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) undertaken by Geoff Beel Consultancy (dated: July 2022 ref: GCB/Swann Edwards) and the following mitigation measures it details:

- Finished floor levels set at a minimum of 2.0m ODN.
- Flood resilient construction to a height of 300mm above the finished floor level are fully implemented and retained for the life of the development.

5.3 Environmental Health

I refer to the above planning application and make the following observations.

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

5.4 North Level District Internal Drainage Board

Please note that North Level District Internal Drainage Board have no comment with regard to the above application.

5.5 Highways

Please add visibility splay for 40mph for the access to the proposed development. Also, can you please indicate the width of the private access to the development. The width will need to be suitable to enable 2-way traffic and emergency vehicular access.

Neighbour responses:

- 5.6 One objection to the proposal from a resident of Parson Drove:

Policy 3 of the Parson Drove Village Development Plan, which forms part of Fenland's planning regulations states that Proposals involving 4 or more dwellings will require clear justification of why the benefits of the proposal outweigh the impacts and should be accompanied by demonstrable evidence of clear local community support, through a proportionate preapplication community consultation that has been ratified by the Parish Council. There is no evidence that this has been carried out and until local support has been demonstrated this application should not proceed. At the very least it seems to me that the owners of the four properties fronting Main Road should be consulted and should show support for this application to be approved

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context

Identity

Homes and Buildings

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District

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 LP4: Securing Fenland's Future
Policy LP5: Health and Wellbeing
Policy LP7: Design
Policy LP8: Amenity Provision
Policy LP11: Community Safety
Policy LP12: Meeting Housing Needs
Policy LP20: Accessibility and Transport
Policy LP22: Parking Provision
Policy LP32: Flood and Water Management

Parson Drove Neighbourhood Plan 2020

Policy 1 – Housing Growth
Policy 2 – Scale of Housing Development
Policy 4 - Maintaining Separation Between Parson Drove and Church End
Policy 5 – Road and Pedestrian Safety

8 KEY ISSUES

- **Principle of Development**
- **Compliance with the Neighbourhood Plan**
- **Highways Safety**
- **Character of the area**
- **Flood Risk**
- **Residential Amenity**

9 BACKGROUND

- 9.1 Whilst there is no site history for the application site itself, the site directly to the north is currently being built out. Application F/YR19/0971/O was granted to erect up to 5 dwellings (outline application with matters committed in respect of access). This site lies to the direct north of the application site and fronts Main Road itself. Separate reserved matters applications have been brought forward for four of the plots.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.
- 10.2 Parson Drove is identified within the Fenland Local Plan as a Limited Growth Village, and policy LP3 notes that for such settlements, “a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village. Such development may be appropriate as a small village extension”.

- 10.3 There is no defined settlement boundary for Parson Drove within the Local Plan with the application site lying behind the existing residential linear form of development that fronts the southern side of Main Road. Notwithstanding this, and, whilst there is no specific definition surrounding what is classed as a small village extension, the site immediately adjoins the built form of the settlement and, on this basis, it is concluded that this would be considered as a small village extension and would therefore accord with the provisions of the policy.
- 10.4 With regard to the consultation draft of the emerging Local Plan, which carries extremely limited weight as this time, given that consultation has only recently commenced, the site is outside of the defined settlement boundary of Parson Drove. The agent has contested this and referenced the site allocation, LP57.01, which lies beyond the west of the site with LP57.03 directly to the north of the application site which is currently being built out.
- 10.5 The proposed development is considered to be a small village extension of Parson Drove and, therefore, in terms of policy LP3 is considered acceptable in principle. Application of policy LP12 will be assessed in 'character and appearance'

Agricultural Land

- 10.6 Policy LP12 ((i) states that development should not result in the loss of high grade agricultural land or if so comprehensive evidence is provided to justify the loss.
- 10.7 Paragraph 174 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside...including the economic benefits of the best and most versatile agricultural land. Grades 1, 2 and 3a agricultural land fall within this category.
- 10.8 A large proportion of agricultural land in Fenland District is best and most versatile land. There is insufficient information upon which to assess whether the loss the land might mean loss of best and most versatile agricultural land. However, the Council has rarely refused applications for this reason, given the quantity of such land within the District, and it is not considered that this issue could therefore be used as a reason for refusal in this instance.

Compliance with the Neighbourhood Plan

- 10.9 Paragraph 12 of the NPPF states that 'Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted'.
- 10.10 Paragraph 14 of the National Planning Policy Framework (2021) makes it clear that the adverse impact of allowing a development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh its benefits, provided that neighbourhood plan is up to date, contains policies to allow the settlement to meet its identified housing requirement, has a 3-year supply of deliverable sites and housing delivery is at least 45% of that required over a 3-year period.
- 10.11 With regard to the scale of development noted above, the Parson Drove Neighbourhood Plan (2019) states at Policy 2: Scale of Housing Development, that "sites proposing 5 or more dwellings may be considered appropriate where: the proposal is accompanied by clear demonstrable evidence of positive community support for the scheme generated via a thorough and proportionate pre-application community consultation exercise; and it is supported by the Parish Council".
- 10.12 The Parish Council have reviewed the application and have given a recommendation in support of the development. In relation to the neighbourhood plan, the application is in line with the policies 1, 2, 4 and 5. Policy 4 of the Neighbourhood plan states that there should be no development other than permitted development between Parsons Drove

and Church End from the east side of Sealeys Lane and Silvers Lane up to the existing dwellings at the end of Church End to allow for an appropriate separation of the villages. As this development is on the western side of Silvers Lane, it is considered appropriate and complies with the policies within the Neighbourhood Plan. It is to be noted that a neighbour objection was received that stated the proposal is contrary to Policy 3 of the Parson Drove Neighbourhood Plan. As referenced above, Policy 3 refers to site proposing 5 or more dwellings. In this instance, the proposal is for 4 dwellings and therefore no evidence is required.

- 10.13 On the basis of the above, the principle of the proposal is not opposed by the relevant policies of the Development Plan, and consideration must be given to the specific impacts as detailed below.

Character of area

- 10.14 Local Plan Policy LP16 identifies that proposals for new development will only be permitted if it can be demonstrated that the proposal, *inter alia 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 surrounding area.*
- 10.15 Whilst acknowledging that the site is considered to be a small village extension and therefore is acceptable in principle, it must also comply with the requirements of Part A of policy LP12. This states that development can be supported where it does not harm the wide open character of the countryside and provides further guidance as to the restriction of such development to ensure that it has an acceptable impact on the settlement and its character. The Policy requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village, it must not result in coalescence with any neighbouring village, and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces, etc. Finally, the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 10.16 Further to the above-mentioned policies, Policy DM3(d) of the 'Making a Positive Contribution to Local Distinctiveness and Character of the Area' SPD sets out that the character of the landscape, local built environment and settlement pattern should inform the layout, density, proportions, scale, orientation, materials and features of the proposed development, which should aim to improve and reinforce positive features of local identity.
- 10.17 Details of appearance, landscaping, layout and scale are to be submitted at Reserved Matters stage, however the Council must be satisfied that an appropriate design can be brought forward through any subsequent reserved matters application before granting planning permission. An indicative proposed block plan has been provided showing four plots set to the rear of the built form under construction that front Main Road. Each plot is to have a separate access from a private drive to the west of the site.
- 10.18 Parson Drove is of a distinctive linear character. There are only limited exceptions to this character. The development to the north of the site is arranged in a linear form fronting Main Road with the southern boundary creating a strong boundary with the countryside for the present extent of the village. The proposed development would be conflicting with the existing core shape and built form of the development fronting Main Road which is primarily linear in form. The encroachment of the built form of the village into the agricultural landscape to the south of the settlement in this location would have a detrimental impact on the appearance and character of the settlement in this regard,

introducing a domestic appearance and features into what is currently a comparatively open aspect dominated by agricultural land.

- 10.19 The topography is relatively flat with limited visual screening with the site and surroundings to the south, west and east open in nature with any additional built form considered to create a substantial degree of prominence in the wider landscape. Cumulatively, the extension beyond the established pattern of development in conjunction with a substantial degree of prominence within the landscape would cause harmful erosion to the character and appearance of the open countryside. To approve such a scheme would see the countryside, incrementally, being eroded to the detriment of the wider area, and would set a precedent for additional in depth piecemeal development; urbanisation and loss of openness with even more significant cumulative impacts.
- 10.20 In character terms, the proposal is located on a backland site, which is located beyond a recent development that fronts Main Road itself. Whilst the policies of the Local Plan do not preclude backland development *per-se*, Parson Drove is particularly distinctive within the immediate vicinity and within the wider setting of the district as a settlement with extremely limited backland development and a very strong character of linear, frontage development along Main Road, for which the site to the north forms part.
- 10.21 The indicative site location plan shows the construction of up to four dwellings located on land to the rear of frontage residential development along Main Road. By virtue of its tandem nature, the proposed development would be discordant with the existing linear built form of the development along the frontage, exacerbated by it also presenting a 'side-on' aspect to the rural Silvers Lane, to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry.
- 10.22 Whilst it cannot be contested that up to 4no dwellings could be reasonably accommodated within the plot without causing a cramped appearance and with little detrimental impact upon the street scene, these do not outweigh the fact that the open character of the area at this point would be disrupted by the mere physical presence of additional dwellings and would set an undesirable precedent. Thus, the proposal would therefore fail to comply with the requirements of Policy LP12 and Policy LP16 (d) of the Fenland Local Plan (2014).

Residential Amenity

- 10.23 Policy LP2 states that development proposals should contribute to the Council's goal of Fenland's residents, including promoting high levels of residential amenity whilst Policy LP16 states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light. It also identifies that proposals should identify, manage and mitigate against any existing or proposed risks from sources of noise, emissions, pollution, contamination, odour and dust, vibration, landfill gas and protects from water body deterioration.
- 10.24 With regards to impacts of the proposed development on neighbouring properties, it is considered that the dwellings could be designed, with the appropriate orientation, window layout and landscaping to limit any adverse overlooking and could also be designed to limit any overbearing and shadowing.
- 10.25 If this application is supported, the impact on residential amenity in terms of overlooking and loss of privacy would be re-visited at the reserved matters stage once the scale and appearance of the dwellings can be fully assessed and, upon which, neighbours would have further opportunity to comment.

Highway Safety

- 10.26 As access is being considered within this application, County Highways were consulted on the application. Comments were received requesting *visibility splay for 40mph for the access to the proposed development along with requesting details of the width of the private access to the development.*
- 10.27 The agent has been made aware of the requirements, however, to date, no plans have been received. Insufficient information has therefore been provided to demonstrate that suitable visibility splays for the required access to Main Road can be provided along with a suitable width for the access road. Although this application is for outline planning permission, this is to include access with the information regarding visibility splays required to demonstrate the proposed development could be accessed safely. This information has not been provided despite the agent being made aware of the requirements. It has not therefore been demonstrated that suitable and safe access will be available to the proposed development, contrary to Policy LP15 which aim to provide safe transport networks.

Refuse collection

- 10.28 Policy LP16(f) states that a development should 'provide adequate, well-designed facilities for the storage, sorting and collection of waste that are user friendly and appropriate to the amount and type of development proposed (including taking account of any district or county Supplementary Planning Documents which are in force at the time of the proposal)'.
- 10.29 County RECAP Guidance also states that 'any designated storage area within the boundaries of the property should not be more than 25m distance from the collection point'. The access road would be a private road and therefore unadopted with the refuse bins and waste having to be moved to the adopted highway for collection. In this instance, the development would be contrary to policy requirements and guidance contained in the RECAP Waste Management Design Guide Supplementary Planning Document, 2012.

Flood Risk

- 10.30 Paragraph 162 of the NPPF states that 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'
- 10.31 The site lies within Flood Zones 2 & 3 and therefore at moderate to high risk of flooding. National and Local planning policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding, Flood Zone 1.
- 10.32 Policy LP14 of the Fenland Local Plan and the NPPF seeks to steer developments to areas of lowest risk of flooding and requires developments, such as this application, to pass the Sequential Test and the Exceptions Test, should the Sequential Test be passed. In order to justify the development in Flood Zone 3, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 and then in Zone 2 which could accommodate the development.
- 10.33 A Flood Risk Assessment was submitted with the application. This indicated that in light of the flood risk considerations, floor levels of the proposed dwellings will be at 2.00m AOD with a further 300mm of flood resilient construction above finished floor level. Neither the Environment Agency or North Level District Internal Drainage Board have any objections to the scheme, with the Environment Agency stating that they strongly recommend that the mitigation measures proposed in the submitted Flood Risk

Assessment (FRA) undertaken by Geoff Beel Consultancy (dated: July 2022 ref: GCB/Swann Edwards) and the following mitigation measures it details:

- Finished floor levels set at a minimum of 2.0m ODN.
- Flood resilient construction to a height of 300mm above the finished floor level.

10.34 In communication with the agent, they were made aware that the submitted FRA failed to include a sequential test and exceptions test. A 'Sequential and Exception test' was subsequently received. Within this, the agent states that the sequential test area 'is to be restricted to the village of Parsons Drove'. It further states that 'this approach is consistent with the NPPF and the NPPG which states that the sequential test should be applied to the catchment area'. As the application proposes a level of development that is consistent with that envisaged for Parson Drove within the settlement hierarchy of the Local Plan, it is considered that the area of search for the Sequential Test can be restricted to the limited growth village of Parson Drove. A Flood Risk Assessment including Sequential Test and Exceptions Test has been submitted. This demonstrates that there are no other sequential preferable sites within the village with the exceptions test having been met. The proposal is therefore considered to comply with the Cambridgeshire Flood and Water SPD 2016, Policies LP12A(j); LP14 of the Fenland Local Plan 2014 and paragraphs 159-167 of the NPPF'

11 CONCLUSIONS

11.1 Parson Drove is identified within the Fenland Local Plan as a Limited Growth Village, and policy LP3 notes that for such settlements, "a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village. Such development may be appropriate as a small village extension". The site lies adjacent to the built form of the settlement and is therefore deemed to be classed as a small village exception with the proposal therefore in compliance with Local Plan Policy LP3

11.2 The proposed development would be constructed to the rear of an existing frontage development and accessed by a long vehicular access to the west of the site. The development would represent a tandem or backland form of development which would conflict with and undermine the prevailing form of linear frontage development along Main Road.

11.3 As the application proposes a level of development that is consistent with that envisaged for Parson Drove within the settlement hierarchy of the Local Plan, it is considered that the area of search for the Sequential Test can be restricted to the limited growth village of Parson Drove. A Flood Risk Assessment including Sequential Test and Exceptions Test has been submitted. This demonstrates that there are no other sequential preferable sites within the village with the exceptions test having been met. The proposal therefore complies with the Cambridgeshire Flood and Water SPD 2016, Policies LP12A(j); LP14 of the Fenland Local Plan 2014 and paragraphs 159-167 of the NPPF'

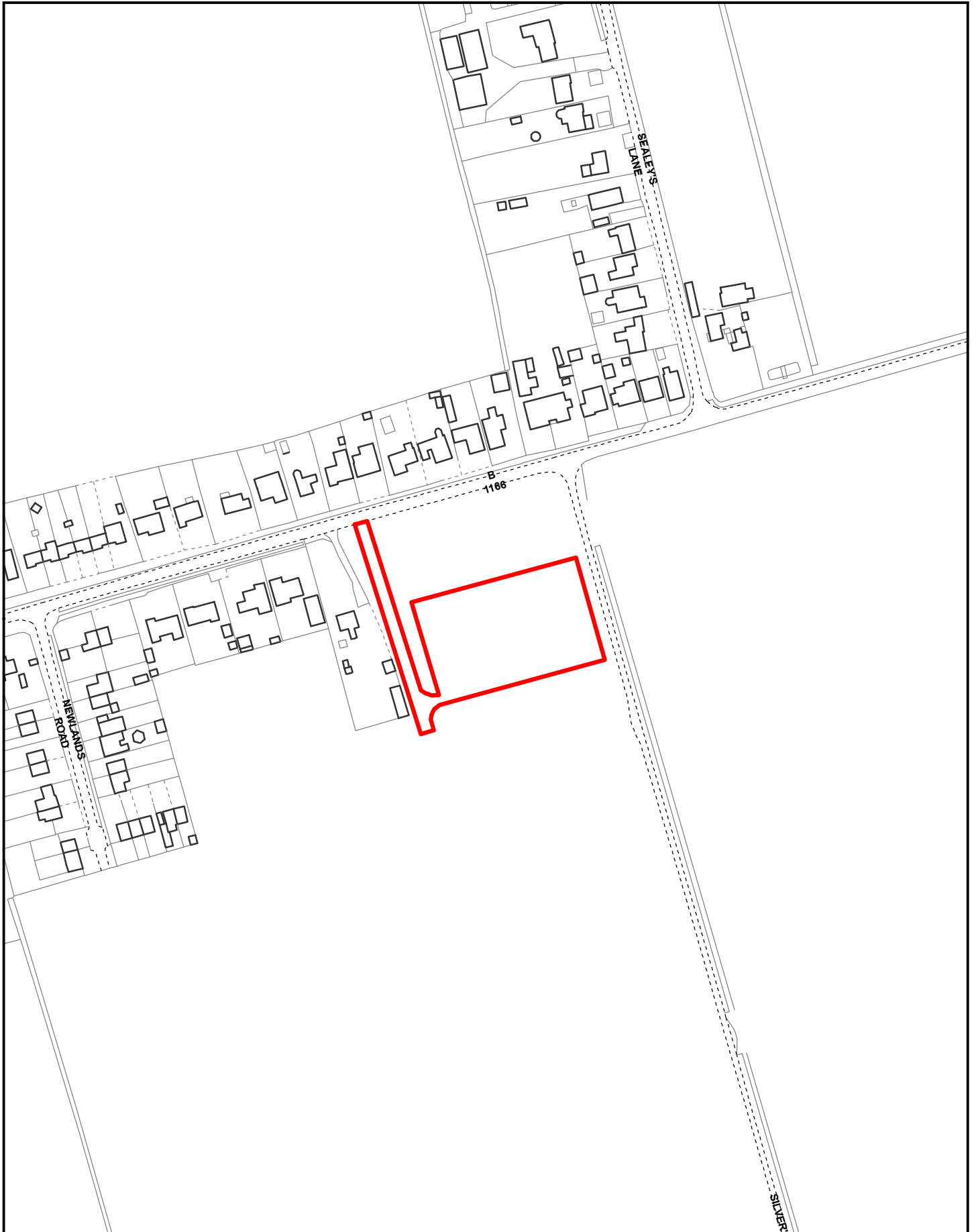
11.4 County RECAP Guidance states that 'any designated storage area within the boundaries of the property should not be more than 25m distance from the collection point'. The access road would be a private road and therefore unadopted with the refuse bins and waste having to be moved to the adopted highway for collection. In this instance, the development would be contrary to policy LP16 (f) and guidance contained in the County RECAP Waste Management Design Guide Supplementary Planning Document, 2012.

12 RECOMMENDATION:

Refuse; for the following reasons:

1	Policy LP12 of the Fenland Local Plan (2014) details a range of criteria against
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	<p>which development within the villages will be assessed and Policy LP16 seeks to ensure that proposed development responds to and improves the character of the local built environment. The application site proposes the construction of up to four dwellings located on land to the rear of frontage residential development along Main Road. By virtue of its backland nature, the proposed development would be discordant with the existing linear built form of the development along Main Road to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry. Thus, the proposal would therefore fail to comply with the requirements of Policy LP12 and Policy LP16 (d) of the Fenland Local Plan (2014).</p>
2	<p>Insufficient information is provided to demonstrate that suitable visibility splays can be provided for the required access to Main Road. The application materials have therefore not demonstrated that suitable and safe access will be available to the proposed development, contrary to Policy LP15 of the Fenland Local Plan (2014) which aims to provide safe transport networks.</p>
3	<p>Policy LP16(f) states that a development should 'provide adequate, well designed facilities for the storage, sorting and collection of waste that are user friendly and appropriate to the amount and type of development proposed (including taking account of any district or county Supplementary Planning Documents which are in force at the time of the proposal)'. County RECAP Guidance states that 'any designated storage area within the boundaries of the property should not be more than 25m distance from the collection point'. The access road would be a private road and therefore unadopted with the refuse bins and waste having to be moved to the adopted highway for collection. In this instance, the development would be contrary to policy LP16 (f) and guidance contained in the County RECAP Waste Management Design Guide Supplementary Planning Document, 2012.</p>



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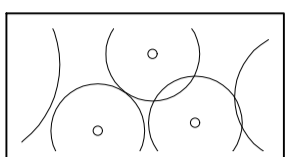
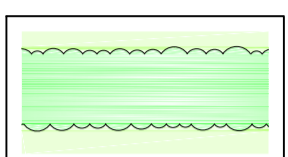
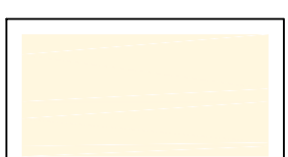
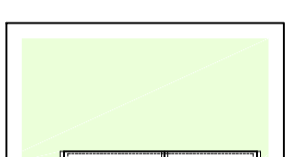
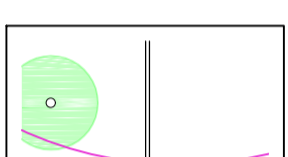
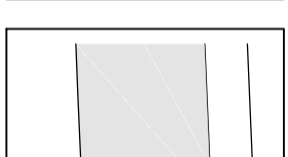
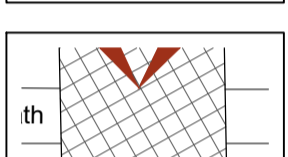
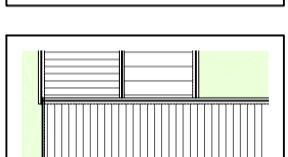
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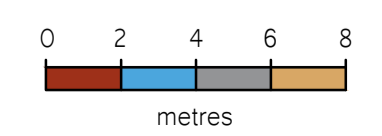


- General Notes
1. All dimensions are shown in "mm" unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors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

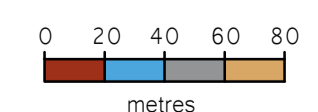
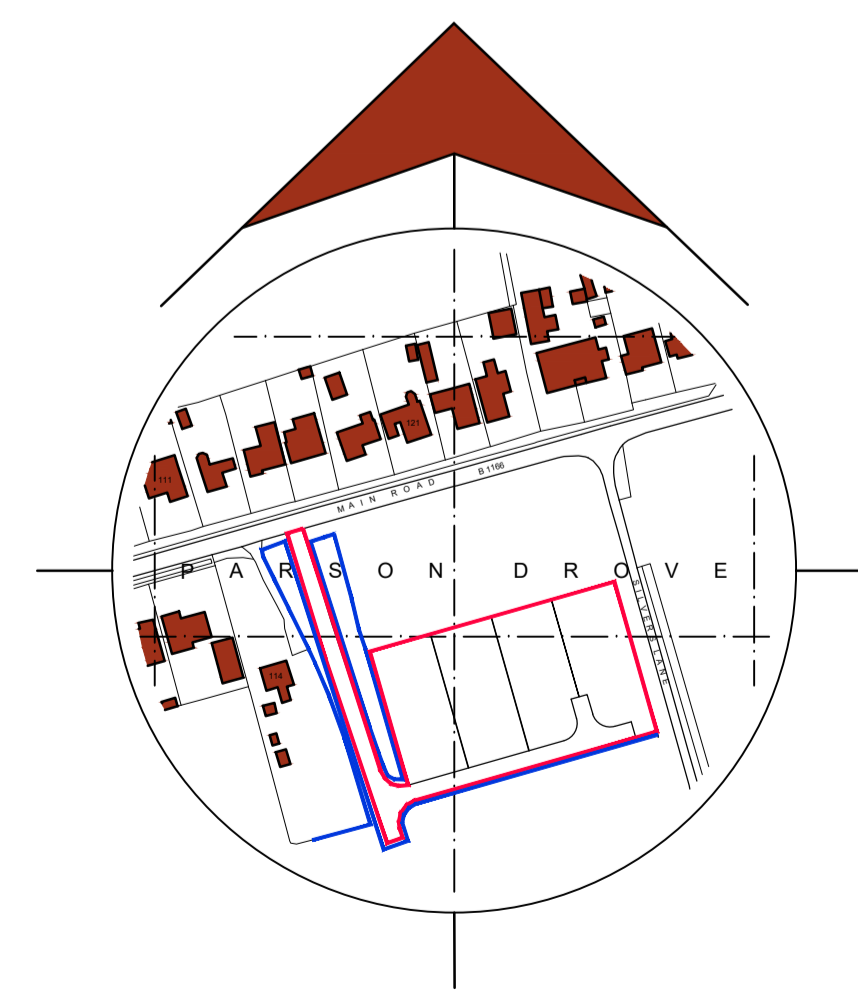
SITE PLAN KEY

-  Un-surveyed OS buildings
-  Existing vegetation
-  Proposed vegetation
-  Proposed gravelled areas
-  Proposed grassed areas
-  Proposed fencing
-  Proposed Private Drive to Adoptable Standard
-  5m of sealed & drained access to Cambs CC highways construction specification
-  Proposed indicative dwellings

Indicative Site Plan
Scale: 1:200



Location Plan
Scale: 1:2500



Status
FOR APPROVAL



Job Title Proposed Development Main Road, Parson Drive, Wisbech, Cambs For: Mrs McCarter	Date February 2022	Drawn by CW Checked by GE
Drawing Title Outline Planning Drawing Indicative Site Plan and Location Plan	Job No. SE-1565 Dwg No. PP1000	Sheet Size A1 Revision B

F/YR23/0373/PIP

**Applicant: Mr E Tabner
Risely Family**

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

Land South East Of, 76 Station Road, Manea, Cambridgeshire

Residential development of up to 9 dwellings (application for Permission in Principle)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application seeks 'Permission in Principle' for residential development of up to 9 dwellings, where only in principle issues are assessed, namely the location, use and amount of development proposed.
- 1.2 Policy LP3 of the Fenland Local Plan identifies Manea as a 'growth village' where development within the existing urban area or as small village extensions of a limited scale will be appropriate. The site is located between and to the rear of existing dwellings on Station Road and could therefore be considered a village extension, however it must also comply with the more detailed policy criteria set out in Policy LP12.
- 1.3 The character of this part of the village is predominantly frontage development, however the area of the application site is the exception to this, with an in-depth built form encompassing large agricultural buildings, which are not considered to have a positive impact on the visual amenity of the area. As such, the redevelopment of the site for housing may be appropriate and potentially more compatible with the adjoining residential use.
- 1.4 However, the site is within Flood Zone 3, the highest risk of flooding. National and Local Planning Policy seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower flood risk. The application is accompanied by a Sequential Test; however, this is inadequate and as such the application fails to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding.
- 1.5 As such, the recommendation is to refuse the application.

2 SITE DESCRIPTION

The application site is located on the eastern side of Station Road, Manea, with a road frontage between 76 and 76C and extending behind 74B-76 Station Road. The site consists of a number of vacant agricultural buildings in a variety of designs, scales and materials with partially overgrown land and concrete hardstanding surrounding, it is understood the site was formally a piggery. The southern part of the site is undeveloped. There appear to be 2 accesses to the site from Station Road, though only one is included within the application site. The site is located in Flood Zone 3, the highest risk of flooding.

3 PROPOSAL

- 3.1 This 'Permission in Principle' (PIP) application is for residential development of up to 9 dwellings.
- 3.2 Permission in Principle (PIP) applications are an alternative way of obtaining planning permission for housing led development and separates the consideration of matters of principle for proposed development from the technical detail.
- 3.2 As set down in the Town & Country Planning (Permission in Principle) Order 2017 and Town & Country Planning (Brownfield Land Register) Regulations 2017, the scope of PIPs (stage 1 of the process) is restricted to consideration of location, use, and amount of development proposed. All other matters are 'reserved' for consideration by the stage 2 Technical Details application which may be made should PIP be granted.
- 3.3 The current proposal is the first part of Permission in Principle; this 'first stage' (or Permission in Principle stage) establishes whether a site is suitable in principle and assesses the 'principle' issues namely:
 - a) Location,
 - b) Use, and
 - c) Amount of development proposed
- 3.4 Should this application be successful, the applicant would have to submit a Technical Details application (stage 2 of the process) covering all other detailed material planning considerations. The approval of Permission in Principle alone does not constitute the grant of planning permission.
- 3.5 The applicant is only required to submit minimum information to accompany the application. However, an Indicative Site Plan has been submitted. This shows a single point of access to the site off Station Road serving the proposed dwellings, with plot 1 fronting Station Road and the remaining plots surrounding the shared and private roads to the rear of the existing frontage dwellings.
- 3.6 Full plans and associated documents for this application can be found at:

[F/YR23/0373/PIP | Residential development of up to 9 dwellings \(application for Permission in Principle\) | Land South East Of 76 Station Road Manea Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Numerous applications in relation to the piggery, the most recent in 2010, none since this date or relevant to the current proposal.

5 CONSULTATIONS

5.1 Parish Council

Agree in principle, concerns about over development and infrastructure. PC request s106.

5.2 Projects Officer (Homes for Ukraine/Housing Strategy & Enabling) FDC

As this application is for 9 dwellings, it is below the threshold for affordable housing requirements.

5.3 Environmental Health (FDC)

The Environmental Health Team note the information submitted at Planning in Principle stage.

Should it be decided that a formal application will be submitted and whilst it is unlikely that this service would have any objections, it will require a full Phase II Contaminated Land Risk Assessment owing to the previous site usage. It would also be expected that a robust Construction Environmental Management Plan (CEMP) is provided in accordance with the template on the Fenland District Council website: [Construction Environmental Management Plan: A template for development sites \(fenland.gov.uk\)](https://fenland.gov.uk)

5.4 Environment Agency (26/5/2023)

Flood Risk

The site is in flood zone 3 and a Flood Risk Assessment (FRA) should be provided to detail the impacts at the technical documents submission. Appropriate flood mitigation measures such as raised floor levels being raised appropriately should be detailed in the report.

Sequential and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 162 of the National Planning Policy Framework. The Exception Test is set out in paragraph 164. These tests are the Councils responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

5.5 Environment Agency (5/7/2023)

Thank you for your consultation dated 21 June 2023. We have inspected the documents as submitted and have no objection. However, we have provided additional comments below on flood risk.

Flood Risk

We have no objection to the development in principle, however, upon review of the Flood Risk Assessment (Prepared by Peter Humphreys Associates received 01/07/23) we would like to make the following comments:

- The FRA fails to include all the available information on flood risk at the site.*
- The FRA fails to adequately assess the flood risk at the site.*

- *Finished floor levels are proposed below the predicted flood depth in the event of a breach of the Old Bedford River flood defences.*
- *The FRA fails to demonstrate that the proposed development will be safe for its lifetime, taking into account the effects of climate change.*

When the applicant submits their detailed design, the FRA must address the points highlighted above. The FRA must demonstrate that the development and its occupants will be safe in the event of overtopping and/ or breaching of the tidal defences for the development's lifetime (considered to be 100 years for residential). If this cannot be achieved, we are likely object to the proposal.

Additional Advice

In accordance with the National Planning Policy Framework (NPPF) paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

With regard to the second part of the Exception Test, your Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authority to formally consider the emergency planning and rescue implications of new development in making their decisions.

We strongly recommend that your Authority's Emergency Planner is consulted on the above issues.

Advice to Applicant

You can request up to date flood risk information for the site using the following link: Flood map for planning - GOV.UK ([flood-map-for-planning.service.gov.uk](https://www.gov.uk/flood-map-for-planning))

Where internal flooding is unavoidable (and deemed acceptable, justification must be provided), no ground floor sleeping accommodation should be provided and safe refuge above the predicted flood level should be provided. Flood resilience measures should also be incorporated above the maximum predicted flood depth to minimise the risk of damage to the property.

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

5.6 Cambridgeshire County Council Highways (22/5/2023)

While the Local Highway Authority has no objections to the principle of a 9-dwelling development in this location the following points require attention to make the development acceptable in highway terms:

Junction visibility.

The applicant should be invited to demonstrate that visibility appropriate to the posted speed of the road (2.4m by 120m) can be achieved at the junction.

A reduced visibility splay requirement (y-distance) would be acceptable in the event that an 85%ile speed from a week-long survey demonstrates a speed lower than the posted speed limit. The speed survey will need to comply with the Design Manual for Roads and Bridges document CA185 – Vehicle Speed Measurement.

Should it not be possible to achieve the visibility splay requirements above, then it would not be appropriate to intensify the use of the existing access. The applicant should instead be invited to provide a comparison of traffic flows between existing and proposed uses to justify this.

Form of access

A simple footway crossing is unsuitable for a development of this scale (more than 5 dwellings) and the applicant should instead provide a junction bell mouth with footways either side entering the site. This can be extended into the site as a standard carriageway or transition with a ramp into a shared surface.

Should it be intended that the internal roads be offered for adoption as public highway, then the proposals must accord with Cambridgeshire County Councils 'General Principle of Development' and 'Housing Estate Roads Construction Specification' (HERCS), details of which can be found on the county Councils website at: <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-andpathways/highways-development>

Turning and parking within the site appears workable although the position of the driveway to plot 1 should ideally be located further from the junction to mitigate the risk of conflict between vehicles entering the site and those leaving (and possibly reversing) from the driveway.

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

5.7 Cambridgeshire County Council Highways (31/5/2023)

Further comments were provided following clarification of the application type:

The observations regarding the form of access and proximity of internal driveways should therefore be for information only.

The point regarding junction visibility is however fundamental to the safe use of any future access to the site and the applicant should still therefore be invited to demonstrate this can be achieved.

5.8 Local Residents/Interested Parties

9 supporting comments have been received (7 comments from 3 addresses in Station Road, 1 from Fallow Corner Drove and 1 from School Lane, all Manea) in relation to the following:

- Site currently has agricultural buildings which until recently operated as an intensive pig farm which resulted in odour and noise, concerns this use will return if this development does not go ahead.
- Site is already built up with agricultural buildings, proposed development would have limited impact on street scene or wider landscape
- Would encourage commuters to the village and associated investment
- Sustainable location
- Would improve visual amenity/entrance to the village

1 objection has been received from Station Road, Manea, in relation to the following:

- Trees not shown on the plans, well established trees that should remain
- Concerns water supply will not cope with additional housing

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)

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

Cambridgeshire Flood and Water SPD 2016

Emerging Local Plan

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

extremely limited weight in decision making. Of relevance to this application are policies:

LP1 - Settlement Hierarchy
LP2 - Spatial Strategy for the Location of Residential Development
LP5 - Health and Wellbeing
LP7 - Design
LP8 - Amenity Provision
LP12 - Meeting Housing Needs
LP18 – Development in the countryside
LP20 - Accessibility and Transport
LP22 - Parking Provision
LP24 - Natural Environment
LP25 - Biodiversity Net Gain
LP28 - Landscape
LP32 - Flood and Water Management
LP33 – Development on land affected by contamination
LP49 – Residential site allocations in Manea

8 KEY ISSUES

- **Location and Use**
- **Amount of Development Proposed**
- **Other Matters**

9 ASSESSMENT

- 9.1 The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, which came into force on 1st June 2018. This amends the Town and Country Planning (Permission in Principle) Order 2017 to allow local planning authorities to grant permission in principle on receipt of a valid application for housing-led development.
- 9.2 The National Planning Practice Guidance (PPG) explains that the Order is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for development, from the technical detail. This consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle, and the second (technical details consent) stage, is when the detailed development proposals are assessed.
- 9.3 There are certain limitations set out in the relevant Order. For the avoidance of doubt the proposed development is not:
- a) Major development.
 - b) Habitats development.
 - c) Householder development.
 - d) Schedule 1 development which is Environmental Impact Assessment (EIA) development that requires an Environmental Statement.
- 9.4 The proposed development is not considered to be Schedule 2 development within the meaning of the EIA Regulations, which would require EIA if the project is likely to give rise to significant environmental effects.
- 9.5 An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the

application. In this instance, permission in principle is sought for the erection of up to 9 dwellings.

- 9.6 The PPG states: "The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. The PPG also advises that applicants may volunteer additional information to support decision making, in particular, to give more certainty about how many dwellings the site is capable of supporting, and whether mitigation of likely impacts is possible.
- 9.7 The Council is therefore tasked with considering whether the location, land use and amount of development are acceptable in accordance with the relevant policies in the development plan, unless there are material considerations, such as those within the NPPF and the PPG, which indicate otherwise.
- 9.8 The Council can inform the applicant what they expect to see at the technical details consent stage, but it cannot impose planning conditions or secure planning obligations at this stage.
- 9.9 Noting the guidance in place regarding Permission in Principle submissions, assessment must be restricted to (a) location, (b) use and (c) amount and these items are considered in turn below:

Location and Use

- 9.10 Policy LP3 of the Fenland Local Plan identifies Manea as a 'growth village' where development within the existing urban area or as small village extensions of a limited scale will be appropriate as part of the strategy for sustainable growth.
- 9.11 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 was formerly in agricultural use.
- 9.12 However, the site is located between and to the rear of existing dwellings on Station Road and could therefore be considered a village extension, however it must also comply with the more detailed policy criteria set out in Policy LP12 as well as Policy LP3.
- 9.13 Policy LP12, Part A states that "*new development will be supported where it contributes towards the sustainability of that settlement and does not harm the wide-open character of the countryside*" and complies the following criteria:
- (a) *The site is in or adjacent to the existing developed footprint of the village;*
and
 - (b) *It would not result in coalescence with any neighbouring village; and*
 - (c) *It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland*
 - (d) *The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance; and*
 - (e) *It would not extend linear features of the settlement or result in ribbon development; and*

- (f) *The site retains and respects natural boundaries such as trees, hedgerows, embankments and drainage ditches; and*
- (g) *The site retains and respects ecological, heritage and biodiversity features; and*
- (h) *It would not result in the loss of important open space within the village; and*
- (i) *It would not result in the loss of high-grade agricultural land, or if so, comprehensive evidence is provided to justify the loss. This should include an assessment of all alternative reasonable opportunities in the locality to develop on lower grades of agricultural land; and*
- (j) *It would not put people or property in danger from identified risks; and*
- (k) *It can be served by sustainable infrastructure provision, such as surface water and wastewater drainage and highways.*

9.14 The character of this area of the village is predominantly frontage development, however this site is the exception to this, with an in-depth built form encompassing large agricultural buildings, which are not considered to have a positive impact on the visual amenity of the area. As such, the redevelopment of the site for housing may be appropriate and potentially more compatible with the adjoining residential use.

9.15 Redevelopment would result in the loss of an employment use, which would need to be considered, particularly as agriculture plays a significant role in the economy of the District. The site is currently vacant, however no further information has been submitted in this regard.

9.16 The site is within Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in danger from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

9.17 The application is accompanied by a sequential test which limits its search area to the village of Manea. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. As it is considered that the site could be considered a village extension this area of search is agreed.

9.18 However, the Sequential Test is considered to be inadequate as it discounts smaller/larger sites, specifies a type of dwelling (where this application relates only to the principle of development and as such this is unknown) and does not consider whether there are sites in Flood Zone 3 at lesser risk of flooding.

9.19 The PPG (Paragraph: 028 Reference ID: 7-028-20220825) states that: *'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.*

As such insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and as such the development is contrary to the aforementioned policies.

9.20 Whilst the Sequential Test is applicable to ascertaining whether the location of the site for residential development is acceptable in principle, evidence in relation to whether the development and its occupants will be safe from flooding for its lifetime would be a matter for consideration at Technical Details stage. That said the application is accompanied by a Flood Risk Assessment which the Environment Agency consider inadequate. Maximum breach depths at the site are 1m-2m and it is currently unclear whether this could be adequately and appropriately mitigated, further indicating that the location of the site is unsuitable for development proposed.

9.21 The Local Highways Authority (LHA) have advised that it should be demonstrated that the access can achieve visibility appropriate to the posted speed of the road (unless otherwise demonstrated by a speed survey) and that this is fundamental to the safe use of future access to the site. The PPG advises that applicants may volunteer additional information to support decision making; the applicant's agent was made aware of this matter and offered an opportunity to provide further information, however none was forthcoming. Nevertheless, this matter will form part of a Technical Details application should this application be successful, and therefore does not form a reason for refusal at this stage.

9.22 Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

Policy LP1, Part A identifies Manea as a large village; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), the frontage element of this site is within the settlement boundary, however the majority of the site is outside of the defined settlement. Part C would not be applicable as the area outside the settlement boundary would not constitute frontage infill development. LP49 defines residential site allocations in Manea and this site does not have such an allocation.

Amount of Development Proposed

9.23 The proposal is for up to 9 dwellings on a site of approximately 0.87ha, equating to approximately 10 dwellings per hectare, it could therefore be argued that this development does not make an effective use of land. However, policies LP12 (c) and (d) and LP16 (d) require development to respond to the local character in this regard, as does paragraph 130 of the NPPF; densities in the area do vary and as such this is not put forward as a further reason for refusal.

9.24 Other Matters

1	Impact on biodiversity	<p>The site is considered potential habitat for protected species. The LPA duty under Section 40 of the Natural Environment and Rural Communities Act 2006 as amended, has been considered.</p> <p>In other application types such as outline and full applications, an ecological survey</p>
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		<p>and if necessary further species surveys would be needed up front to accompany the application. This application if successful, would not be granting planning permission.</p> <p>Ecological information should be submitted at the Technical Details stage (if this first stage were successful) and taken into account then, consulted upon and the decision, including potential refusal or conditions, should be based upon the findings of said ecological information.</p> <p>If this PiP were successful, it would not prevent proper consideration of ecological issues at the next stage and it would not alter duties of landowners/developers to comply with other legislation such as the Wildlife and Countryside Act in the meantime.</p>
2	Contaminated Land and Construction Environmental Management Plan (CEMP)	The Council's Environmental Health team have requested a full Phase II Contaminated Land Risk Assessment owing to the previous site usage and a CEMP would be required should the application be successful; this could be submitted as part of any Technical Details application or alternatively conditioned thereon, such conditions cannot be imposed on a PiP application.
3	Section 106 Agreement	<p>The Parish Council have requested a Section 106; it is unclear in respect of what, nevertheless it is not possible to secure planning obligations at this stage.</p> <p>Local planning authorities may agree planning obligations at the technical details consent stage where the statutory tests have been met. However, as this would not be a major application it would not be subject to affordable housing provision or development contributions</p>
4	Additional works indicated	The indicative site plan submitted indicates the demolition of buildings and the formation of an additional farm access to the north of the site. These do not form part of the consideration of this application and would require planning permission in their own right.

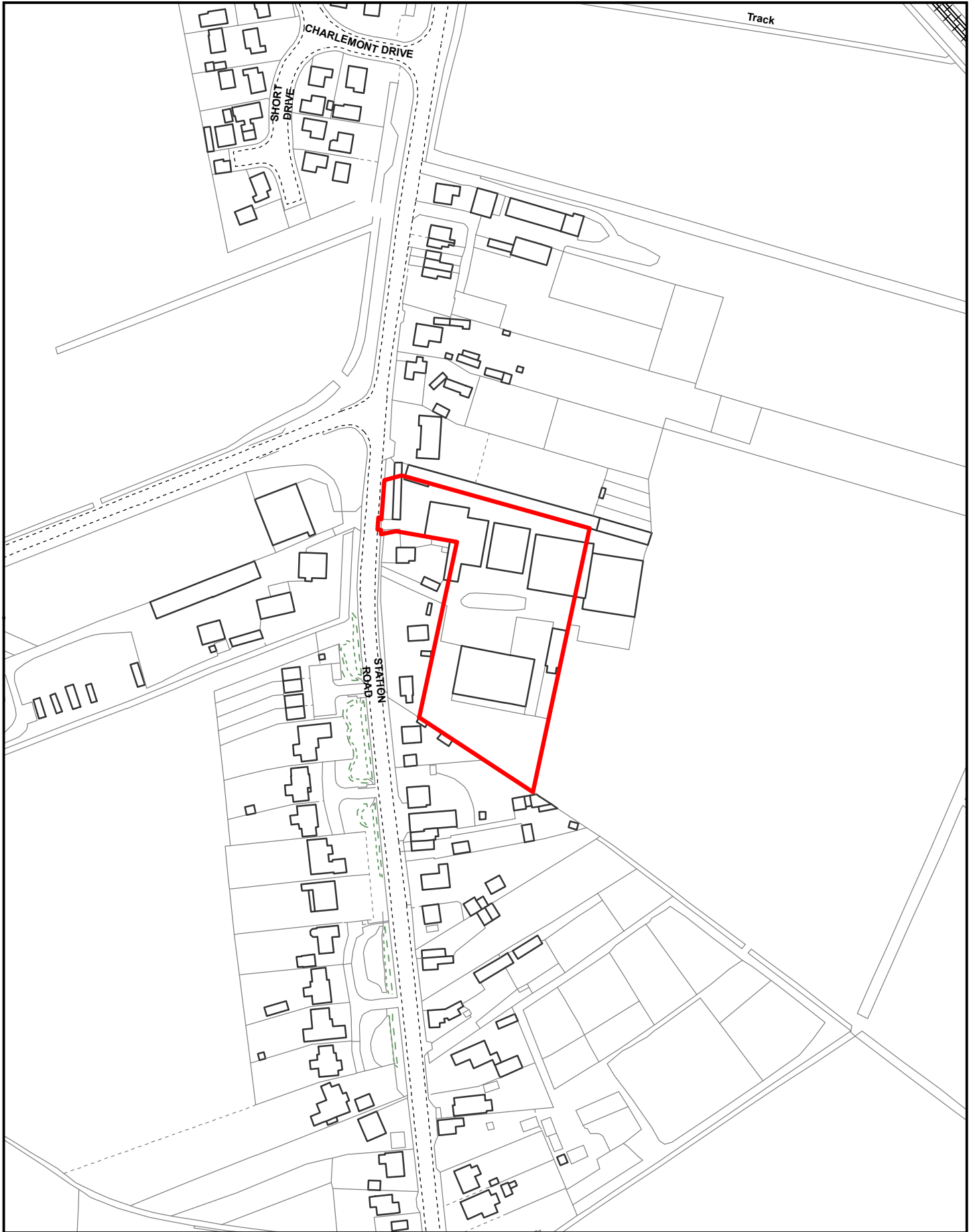
10 CONCLUSIONS

- 10.1 This application seeks 'Permission in Principle' for residential development of up to 9 dwellings, where only in principle issues are assessed, namely the location, use and amount of development proposed.
- 10.2 Policy LP3 of the Fenland Local Plan identifies Manea as a 'growth village' where development within the existing urban area or as small village extensions of a limited scale will be appropriate. The site is located between and to the rear of existing dwellings on Station Road and could therefore be considered a village extension, however it must also comply with the more detailed policy criteria set out in Policy LP12.
- 10.3 The character of this part of the village is predominantly frontage development, however the area of the application site is the exception to this, with an in-depth built form encompassing large agricultural buildings, which are not considered to have a positive impact on the visual amenity of the area. As such, the redevelopment of the site for housing may be appropriate and potentially more compatible with the adjoining residential use.
- 10.4 However, the site is within Flood Zone 3, the highest risk of flooding. National and Local Planning Policy seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower flood risk. The application is accompanied by a Sequential Test; however, this is inadequate and as such the application fails to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding.

11 RECOMMENDATION

Refuse for the following reason:

1.	<p>The site lies within in Flood Zones 3; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and as such the development is contrary to the aforementioned policies.</p>
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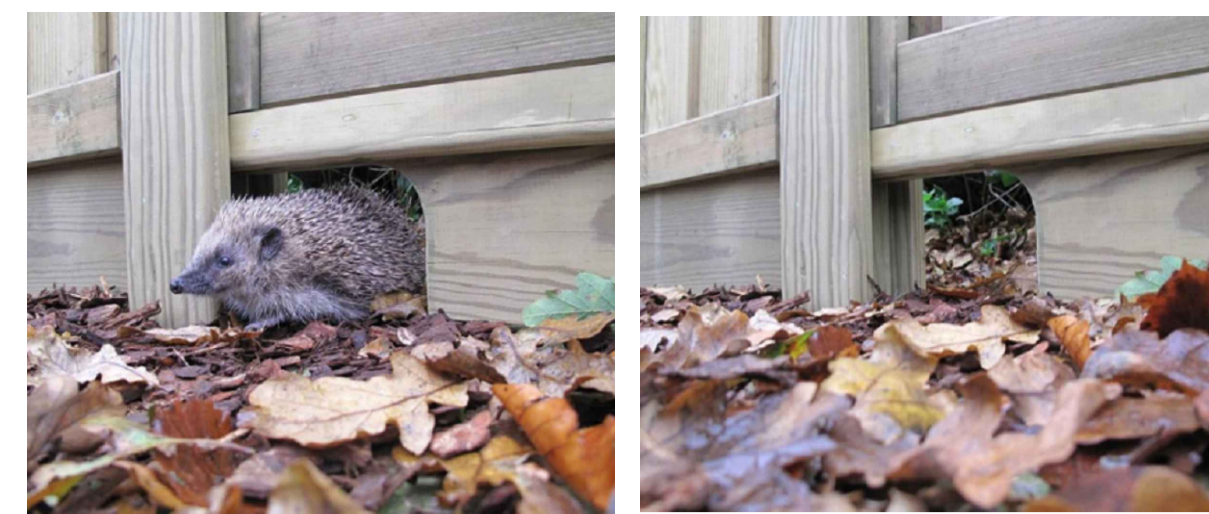
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F/YR23/0373/PIP

Scale = 1:2,500





Boundary fence to have 1 hedgehog gravel board to each boundary



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



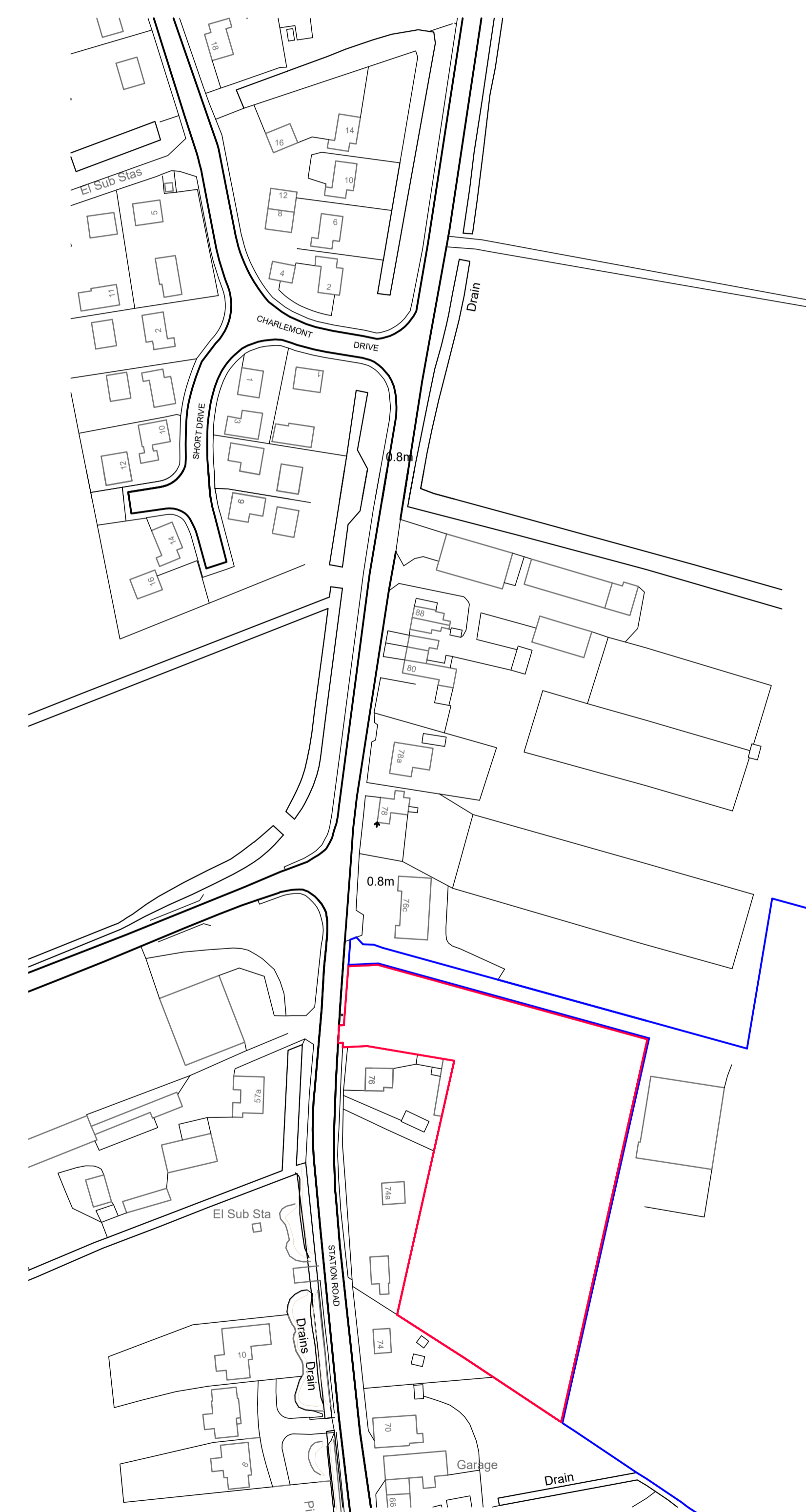
Eco House Martin nest
1 to each East elevation plots 2,4,6



NHBS Habitat bat box
One on each South
Elevation plots
1,5,6,7




Site Layout Indicative only 1:500
0.872Ha



Location Plan 1:1250

A -
REVISIONS



PETER HUMPHREY ASSOCIATES
 ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.
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CLIENT
 Risely Family

PROJECT
 Permission in Principle

SITE
 Land Rear of 76
 Station Road
 Manea
 Cambs
 PE15 0HE

DRAWING
 PIP 01

JOB NO.	PAPER SIZE	DATE
6760	A1	MARCH 2023

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

F/YR23/0430/F

Applicant: Mr Brian Hinson

**Agent : Mr Ian Gowler
Gowler Architectural**

Land South Of 66, Wimblington Road, March, Cambridgeshire

Erect a dwelling (single storey, 3-bed) and detached store building including the demolition of existing outbuilding and the widening of existing vehicular access, and the formation of a new vehicular access to 66 Wimblington Road

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application seeks to erect a single storey dwelling on land south of 66 Wimblington Road, March. The site currently hosts a detached outbuilding associated with No. 66.
- 1.2 The proposed dwelling would be situated in close proximity to the neighbouring properties to the north and south of the application site, creating a cramped form of development with limited clearance between the host dwelling and neighbouring properties. The development would therefore result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and therefore would be contrary to Policy LP16(d) of the Local Plan.
- 1.3 Subsequently, the recommendation is to refuse this application.

2 SITE DESCRIPTION

- 2.1 The application site is situated on the eastern side of Wimblington Road within the market town of March. A detached outbuilding and parking space is currently situated on site which is associated with No 66 Wimblington Road. A hedgerow runs along the frontage of 66 Wimblington Road.
- 2.2 66 Wimblington Road sits immediately north of the application site, and is a 2-storey dwelling with accommodation situated within the dormer. There is a single-storey detached dwelling situated immediately south of the site also. To the east of the site is agricultural land.
- 2.3 The application site is situated within Flood Zone 1 and a Green Great Crested Newts zone.

3 PROPOSAL

- 3.1 This application proposes to erect a single-storey, 3-bed dwelling with detached store building which will include the formation of a new vehicular access to 66 Wimblington Road and the widening of the existing access to serve the development.
- 3.2 The dwelling would have a depth of 14.5 metres and a greatest width of 6.6 metres which narrows to 5.9 metres in the lounge/kitchen/diner area to the rear. The roof proposed would be dual pitched with an eaves height of 2.3 metres and a ridge height of 4.1 metres. The off-shoot to the rear would have a ridge height of 4 metres.
- 3.3 The fenestration at ground floor includes 1 north facing obscure glazed window, east facing window/door, 1 obscure window and 1 window and 1 door facing south and 2 windows facing west.
- 3.4 The materials proposed include Vandersanden Corum bricks and Cedral Cladding in Beige (to front dormer only) and Sandtoft Calderdale Dark Grey roof tiles. The windows and doors would be Dark Grey uPVC.
- 3.5 A detached store building is proposed within the rear garden, adjacent to the east boundary of the site. The outbuilding would have a depth of 5.5 metres and a width of 5 metres. The roof to the store would be dual pitched with an eaves height of 2.1 metres and a ridge height of 3.6 metres.
- 3.6 2 parking spaces and turning space would be situated to the front of the dwelling, with private amenity space situated to the rear. A 1.2 metre high fence is proposed on the northern boundary of the site with a 0.6 metre high fence proposed on the western boundary adjacent to the footpath.
- 3.7 Bin storage is proposed to the south of the dwelling within the rear garden.
- 3.8 Full plans and associated documents for this application can be found at: [F/YR23/0430/F | Erect a dwelling \(single storey, 3-bed\) and detached store building including the demolition of existing outbuilding and the widening of existing vehicular access, and the formation of a new vehicular access to 66 Wimblington Road | Land South Of 66 Wimblington Road March Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0430/F)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR22/0843/F	Erect a dwelling (2-storey 3-bed) and detached store building including the formation of a new vehicular access to 66 Wimblington Road and the widening of existing vehicular access	Refused 10/02/2023
F/0692/78/O	Erection of a detached bungalow	Refused 14/11/1978

5 CONSULTATIONS

5.1 March Town Council

Recommendation; Approval subject to concerns that the new design is detrimental to the street scene compared to the previous design (CP16).

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.

Due to the demolition of an existing structure and close proximity of noise sensitive receptors, it is recommended that the following conditions are 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 Local Planning Authority (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.

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.

5.3 Cambridgeshire County Council Highways Authority

I do not object to the proposed development. In highway terms, it is materially consistent with that submitted for the application F/YR22/0843/F and while the application was refused, there was no highway reason for refusal.

In any case, appropriate measures have been incorporated into the proposals to safeguard the public highway. In the event that the LPA permit the application, please append the following Conditions and Informatives:

Conditions

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

Gates: Prior to the commencement of the use hereby approved any gate or gates to the vehicular access shall be set back 5 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter.

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).

Visibility Splays: Prior to 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 metres x 2 metres measured along respectively the back of the footway.

5.4 Local Residents/Interested Parties

8 letters of support were received with regard to the above application. 6 (2 from Wimblington Road and 1 each from Millfield Close, Elwyn Road, Burrowmoor Road and Oxbow Crescent) were received from within the ward area/adjacent ward area.

One of the letters received was from Brewery Close, Parson Drove and one from an address in Lakenheath, outside the district.

The reasons for support are as follows:

- Proposed reductions offer a positive response to the prior reasons for refusal
- Direct keeping with adjacent properties
- Significant improvement on the existing concrete garage
- Well proportioned and considerate design
- Obscure glazing to side elevations
- March Town is an identified area of growth
- Bespoke design preferable to generic new housing
- Bungalow fits perfectly with current mixed style housing along Wimblington Road
- Visibly benefit the area and neighbours nearby
- Attractive new property
- Access to the site is improved
- Single-storey design typical of nearby homes
- Much needed new housing
- Materials blend in with existing properties

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para 2 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 11 – A presumption in favour of sustainable development

Para 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para 110 – Safe and suitable access

Para 130 – Achieving well-designed places

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

Context

Identity

Built Form

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan.

Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1 – Settlement Hierarchy

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provisions

LP22 – Parking Provision

LP32 – Flood and Water Management

7.6 March Neighbourhood Plan 2017

8 KEY ISSUES

- **Principle of Development**
- **Design Considerations and Visual Amenity of the Area**
- **Residential Amenity**
- **Access and Parking**
- **Flood Risk, Site Constraints and Servicing**

9 BACKGROUND

- 9.1 A previous application on site, planning reference F/YR22/0843/F, was heard at Planning Committee on 08th February 2023. Members resolved to refuse the application as per officer recommendation. The reasons for refusal were as follows:

1. Policies LP2 and LP16(e) of the Fenland Local Plan seek to ensure that the development does not adversely affect the amenity of neighbouring users. Due to the proximity of the proposed dwelling to the neighbouring property to the north, there is potential for overbearing and overshadowing to the neighbouring property to the detriment of residential amenity. The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to the above policies.

2. Policy LP16 part (d) of the Fenland Local Plan 2014 and Paragraph 127 of the National Planning Policy Framework 2019 seek to ensure that proposals make a positive contribution to the local distinctiveness and character of the area and that the character of the local built environment informs the layout and features of proposed development. The proposed 2-storey dwelling would be situated in close proximity to the neighbouring properties to the north and south of the application site, creating a cramped form of development with limited clearance between the host dwelling and neighbouring properties. The development would therefore result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and therefore would be contrary to the aforementioned policy.

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 housing growth, accordingly there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways or flood risk.

Design Considerations and Visual Amenity of the Area

- 10.2 Policy LP16 supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance and seeks for development proposals to respond to existing character and reinforce local identity.

- 10.3 Given the location of the site, the dwelling will be highly visible from Wimblington Road. The principal elevation of the dwelling will be situated approximately 10.9 metres from the footway and therefore will sit in line with the neighbouring property to the south. There will be a clearance of approximately 2 metres between the proposed dwelling and the property to the north and approximately 2.4 metres between the proposed dwelling and property to the south. The subdivision of the plot will result in a development that is out of keeping with the rear of the site as it will create a cramped form of development with limited separation between the proposed dwelling and neighbouring properties. If permitted, the development would result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and thus would be contrary to Policy LP16 of the Local Plan.
- 10.4 It is noted that the dwellings along Wimblington Road vary in terms of design and character. Notwithstanding this however, given the size constraint of the site, the dwelling has been designed in a way that appears contrived, with the proposed dwelling having a ridge height of 4.1 metres, which is significantly lower than the neighbouring properties to the north and south of the application site. The dwelling proposed will therefore create an unsympathetic addition to the street scene and the resulting visual impact of the proposed dwelling is considered to introduce adverse impacts upon the street scene given that it will appear out of character with the surrounding dwellings.
- 10.5 The proposed outbuilding will not be visible from the street scene and therefore will not introduce any adverse visual impacts upon the character of the area.

Residential Amenity

- 10.6 Policy LP2 seeks to ensure that the development does not result in harm to the amenity of the area or the environment in general. Policy LP16 (e) requires that development does not adversely impact on the amenity of neighbouring users due to matters such as noise, light pollution, loss of privacy or loss of light.
- 10.7 Neighbouring properties are situated to the north and south of the application site. Given the proximity of the proposed dwelling to both neighbouring properties, the dwelling will be somewhat visible to both properties, with the northern property being situated 2 metres from the proposed dwelling and the southern property being situated 2.4 metres from the proposed dwelling.
- 10.8 The ridge height of the proposed dwelling has been reduced by 2.4 metres in comparison to the previously refused application on site. As such, it is unlikely that the scheme will introduce any adverse overlooking, overshadowing or overbearing impacts upon either north or south neighbouring property.
- 10.9 The proposed dwelling will also be visible to the neighbouring property to the south, however given the direction of sun travel from east to west, it is unlikely that the scheme will introduce any overshadowing impacts upon the neighbouring property to the south.

Access and Parking

- 10.10 The application includes the widening of the existing access which will serve the proposed dwelling, as well as the inclusion of a new access to serve No. 66. 2

parking spaces and associated turning space are detailed for the new dwelling and similar arrangements are also proposed for the existing dwelling. In order for vehicles to be able to turn on site and exit the site in a forward gear, the site frontage should have a width of 11 metres (roughly split approximately 5 metres for the two parking bays and 6 metres to allow for a car to reverse fully and pull forward). The site frontage for the new dwelling however measures only 9.7 metres. The clearance between the northern parking space and the north boundary of the site is 4.1 metres.

- 10.11 Upon consultation with CCC Highways, no objections were raised with regard to the access arrangements. As such, it is considered that the scheme is compliant with Policy LP15.

Flood Risk, Site Constraints and Servicing

- 10.12 The site lies within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations; accordingly, there are no issues to address with regard to Policy LP14.
- 10.13 The scheme has no implications with regard to private amenity space associated with the dwelling as it remains in excess of a third of the overall plot.

11 CONCLUSIONS

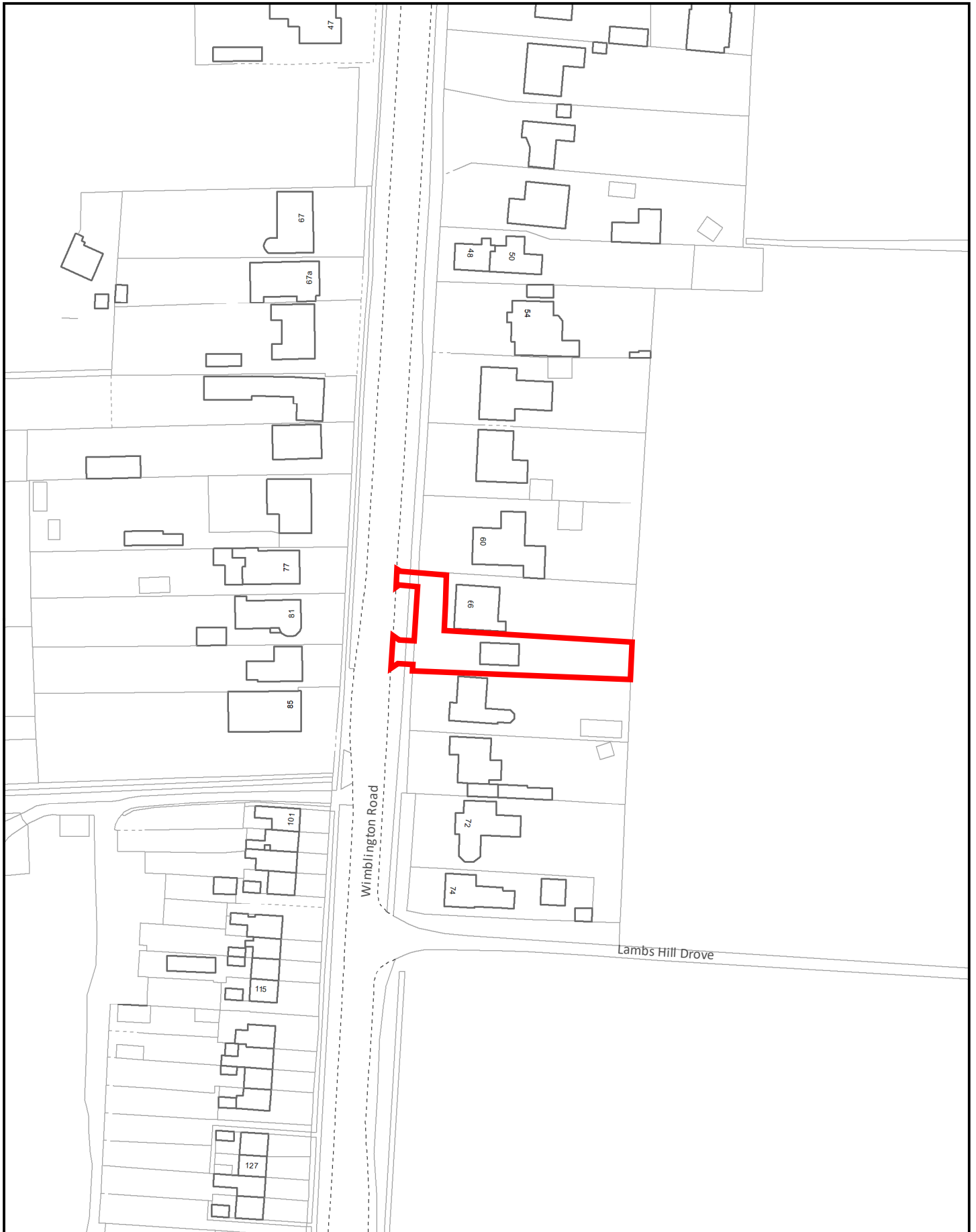
- 11.1 The proposed single-storey dwelling would be situated in close proximity to the neighbouring properties to the north and south of the application site, creating a cramped form of development with limited clearance between the host dwelling and neighbouring properties.
- 11.2 Also, given the size constraint of the site, the dwelling has been designed in a way that appears contrived, with the proposed dwelling having a ridge height of 4.1 metres, which is significantly lower than the neighbouring properties to the north and south of the application site. The dwelling proposed will therefore create an unsympathetic addition to the street scene.
- 11.3 The development would therefore result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and therefore would be contrary to Policy LP16(d) of the Local Plan.

12 RECOMMENDATION

Refuse; for the following reason:

1	Policy LP16 part (d) of the Fenland Local Plan 2014 and Paragraph 127 of the National Planning Policy Framework 2019 seek to ensure that proposals make a positive contribution to the local distinctiveness and character of the area and that the character of the local built environment informs the layout and features of proposed development. The proposed dwelling would be situated in close proximity to the neighbouring properties to the north and south of the application site, creating a cramped form of development with limited clearance between the host dwelling and neighbouring properties. Also, given the size constraint of the site, the dwelling has been designed in a way that appears contrived being significantly lower than either of the
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	<p>neighbouring dwellings. The development would therefore result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and therefore would be contrary to the aforementioned policy.</p>
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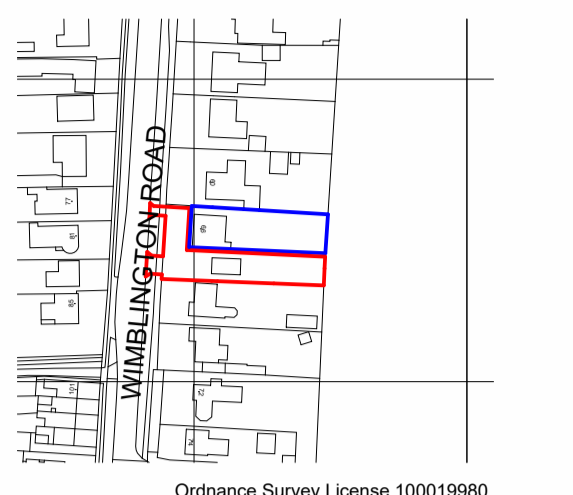
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Notes
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 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



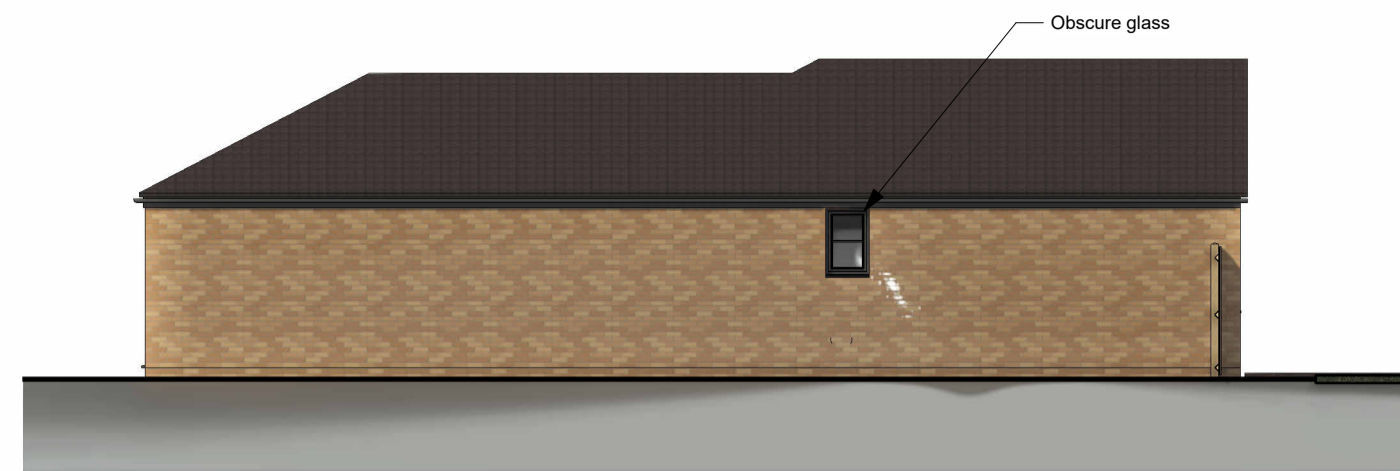
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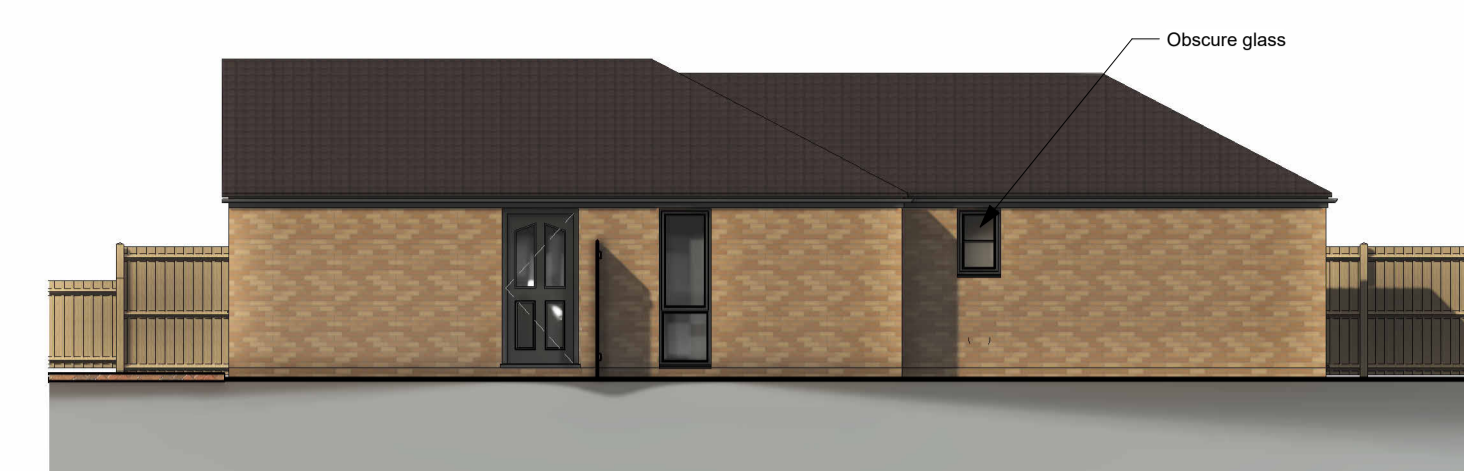
Planning Proposed Front
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Planning Proposed Rear
1 : 100



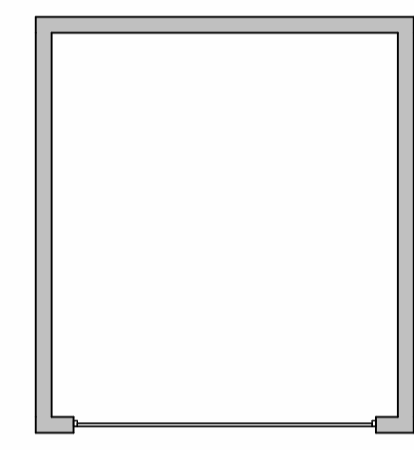
Planning Proposed Side (north)
1 : 100



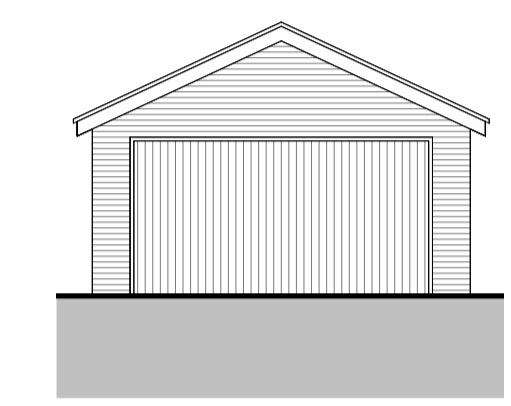
Planning Proposed Side (south)
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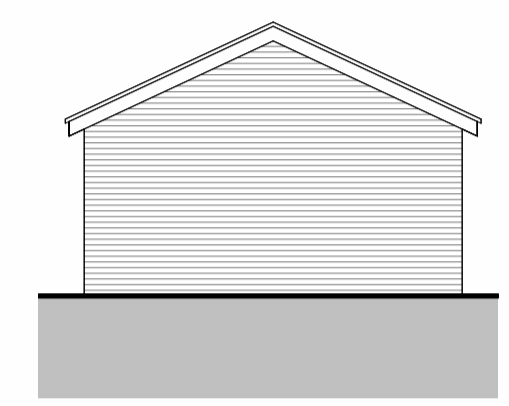
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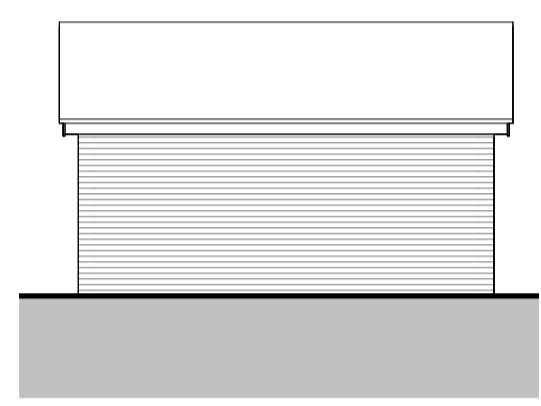
Plan
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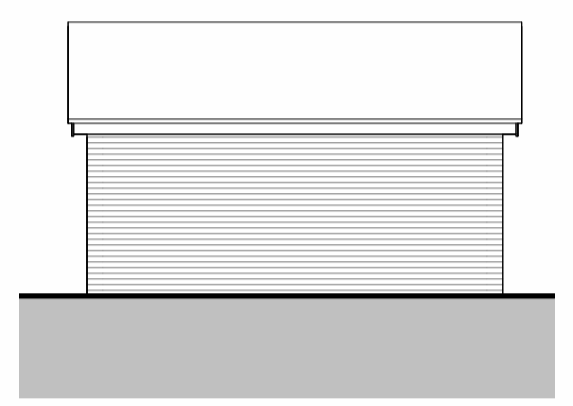
Store Front
1 : 100



Store Rear
1 : 100

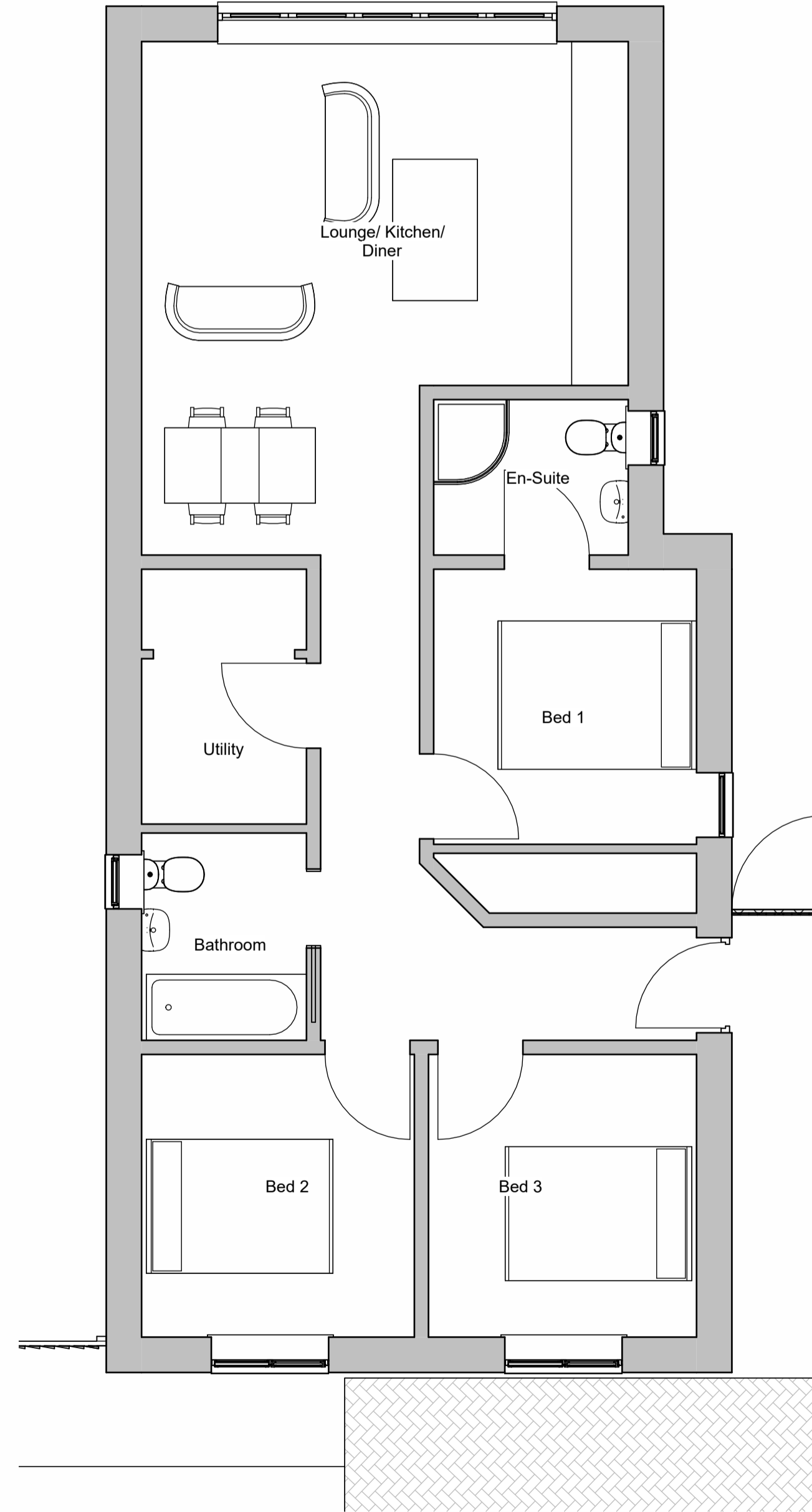


Store Side (north)
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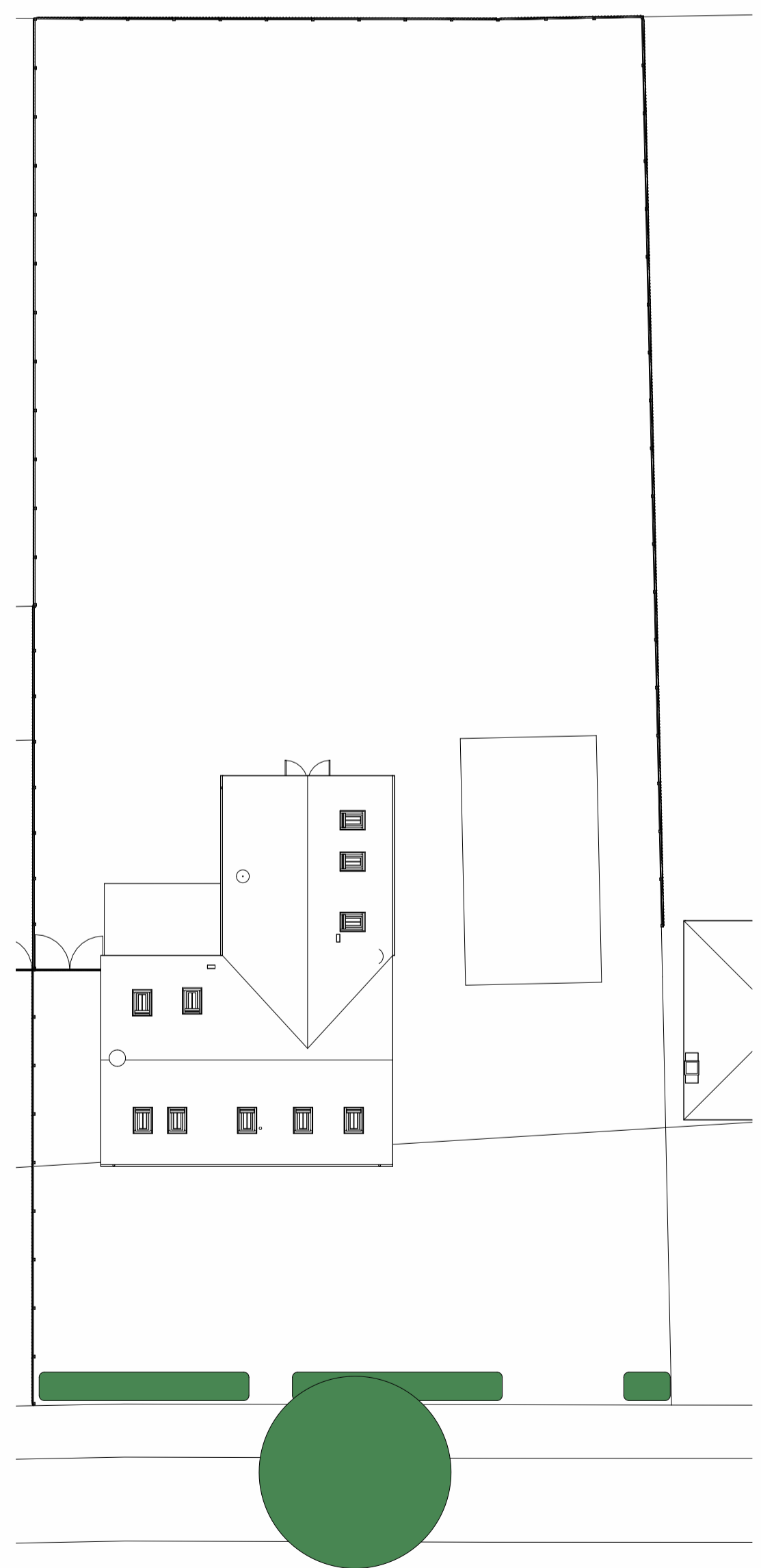


Store Side (south)
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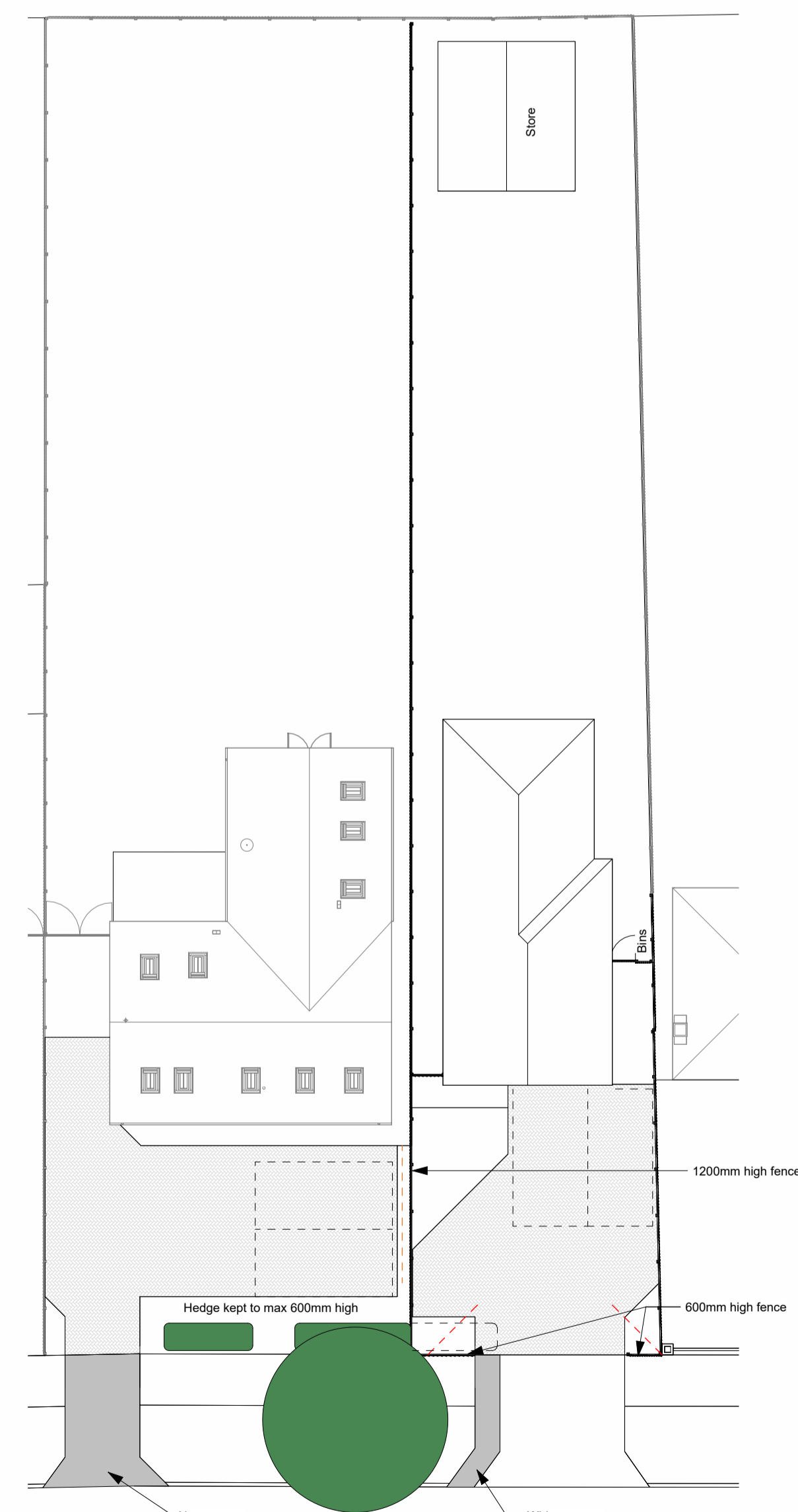
MATERIALS
 Walls -
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 Cream brickwork - Vandersanden Corum
 Roof - Concrete Interlocking Tiles Sandtoft Calderdale Dark grey
 Windows and Doors - Dark uPVC
 Rainwater Goods - Dark uPVC



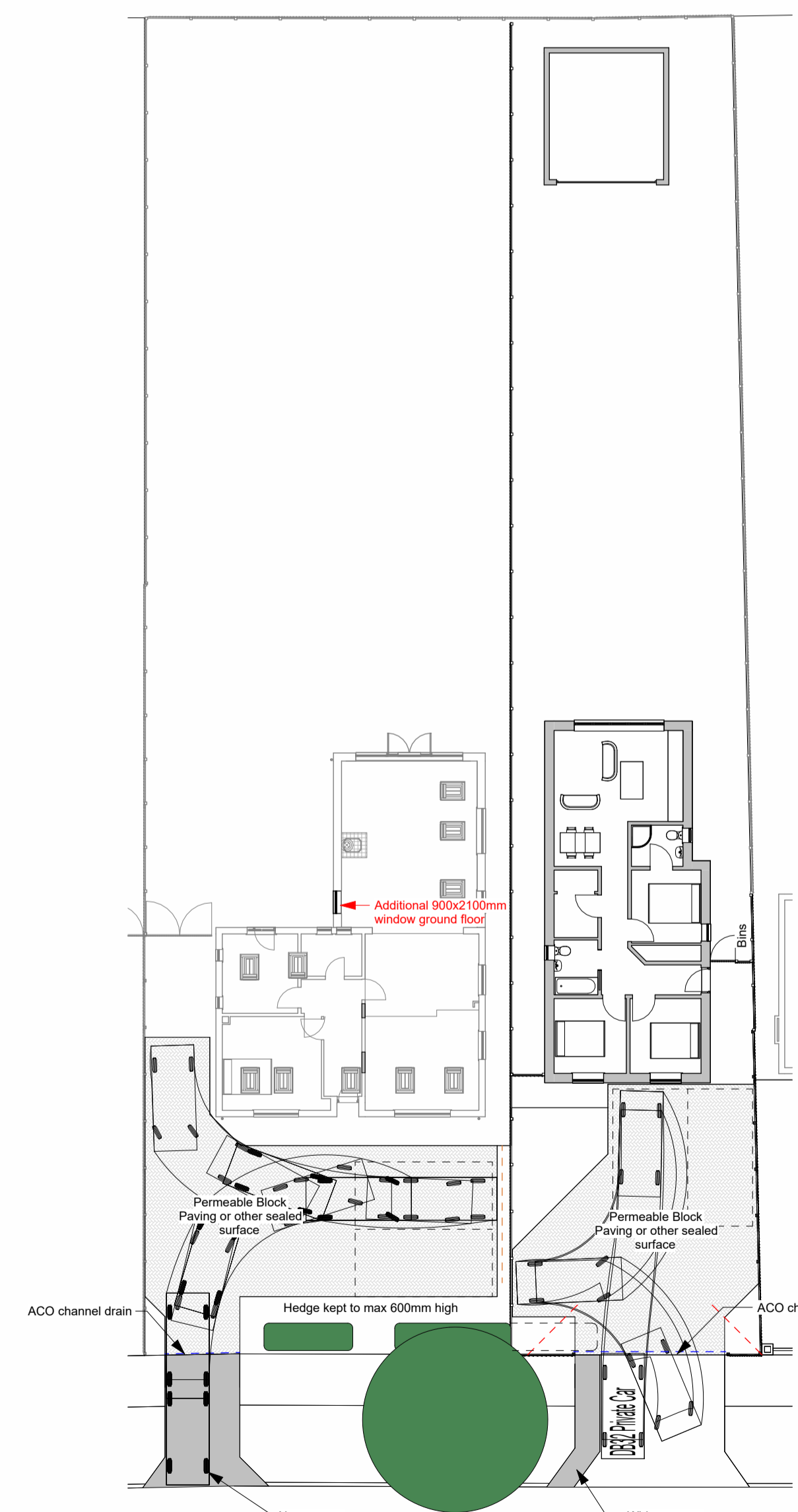
Proposed Ground Floor
1 : 50



Existing Site Plan
1 : 200



Proposed Site Plan
1 : 200



Proposed Block Plan
1 : 200

A Note added for additional window to existing bungalow 16-05-23

Ian Gowler Consulting Ltd
 Architectural and Domestic Energy Consultant
 Grove House, 22 Primrose Hill, Duddington, Cambs, PE15 0SU
 tel. 01354 667005 email. ian@gowler-architectural.co.uk

Proposed New Dwelling at Land South 66 Wimblington Road, March for Mr Hinson

Planning

date created	scale	drawing no.	rev
23/06/22	As indicated @ A1	530 - P03	A

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F/YR23/0548/O

**Applicant: McDermott Residential
Property Ltd**

**Agent : Mrs Angela Watson
Swann Edwards Architecture Limited**

Land West Of, 176 High Road, Gorefield, Cambridgeshire

Erect up to 5 x dwellings (outline application with all matters reserved) and the formation of 5 x accesses

Officer recommendation: Refuse

Reason for Committee: Number of letters of support contrary to officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. This scheme proposes the erection of 5 dwellings on the edge of Gorefield which has been identified as a small village within the settlement hierarchy outlined in Policy LP3 of the Fenland Local Plan where only limited development, normally residential infill or small business opportunities, would be supported. The scheme is not 'infill' and is therefore contrary to Policy LP3.
- 1.2. Notwithstanding the settlement hierarchy conflict of the scheme, it is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and with associated Policy LP16 impacts.
- 1.3. The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 1.4. 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 to the north of High Road, Gorefield and comprises an agricultural field with open boundaries, excepting for post and wire fence to the frontage immediately rear of the wide grass highway verge which contains toward its more western end the 30mph speed signs and the village sign 'gateway' features. The post and wire fence extends along the Hassock Hill Drive, frontage.
- 2.2. The site is located immediately before the two-storey dwelling known as 176 High Road, which is set back from High Road with a detached outbuilding which has the frontage appearance of a smaller 'bungalow' type unit with infilled front openings.

- 2.3. As indicated above to the immediate east of the site is no 176 High Road a detached two-storey dwelling, with the first-floor windows contained within the roof scape. No 176 is viewed as the first property of the 'built settlement' with further residential development running in an easterly direction along High Road. To the west is Hassock Hill Drove and west of this drove is open countryside with the residential property known as Sunview beyond this land.
- 2.4. There is approximately 185 metres between the eastern boundary of Sunview to the western boundary of the application site with intervening agricultural land forming a further visual break between Sunview and its neighbour Lynton in Decoy Road.
- 2.5. Immediately opposite the site (south) is the fruit packing business premises known as Newling Fruitgrowers Ltd, with sporadic and interspersed dwellings to the west of these premises. The main settlement, as defined under LP12 is clearly evident as being to the east of 176 High Road to both sides of this road frontage.
- 2.6. The site is within a flood zone 3 location.

3 PROPOSAL

- 3.1. This application seeks outline planning approval for up to 5 dwellings, an illustrative site plan accompanies the submission which details 5 large detached dwellings each with their own access however the 4 western most plots shown have their accesses grouped in pairs.
- 3.2. The existing grass verge is shown as being retained, except where affected by the access points. No provision is made for any footway to serve these properties.
- 3.3. The dwellings are shown in linear form addressing the carriageway and adopting a similar set back to the outbuilding associated with the No 176 to the east. The illustrative streetscene which accompanies the submission details the central three units as being traditional two storey dwellings with the dwellings shown to either side of the site (Plots 1 & 5) featuring dormer windows; a slightly lower ridge height indicated for these units.
- 3.4. Full plans and associated documents for this application can be found at: [F/YR23/0548/O | Erect up to 5 x dwellings \(outline application with all matters reserved\) and the formation of 5 x accesses | Land West Of 176 High Road Gorefield Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0548/O)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR22/0181/O	Erect up to 5no dwellings (outline application with all matters reserved)	Refused	04/08/2022

5 CONSULTATIONS

- 5.1. **Gorefield Parish Council (05/07/2023)**
'Gorefield Parish Council does not support this application it is development in the open countryside, the site has flooding problems and one of the accesses is

directly next to the junction with Hassockhill Drove. Gorefield is a small growth village and already has many building plots being developed.'

5.2. North Level District Internal Drainage Board (18/07/2023)

'No objection in principle to the application, however, do question the use of soakaways for surface water disposal

The area has suffered from surface water flooding during wet winters and it may be beneficial to look at discharging surface water under High Road into the Boards Gorefield Main Drain.

Any new outfalls will require formal consent under the Land Drainage Act, and a development levy would be payable in accordance with the enclosed, for dealing with the additional run-off from the site.'

5.3. FDC Environmental Health (20/07/2023)

'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 existing site use and the close proximity of noise sensitive receptors, it is recommended that the following conditions are 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 Local Planning Authority (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.

WORKING TIMES

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

5.4. Local Residents/Interested Parties

1 letter neither objecting to or supporting the application from a neighbouring property at Decoy Road has been received, it is summarised as follows:

- The access to the houses are dangerously close to a blind crossroad
- Vehicles speed along the High Road
- Trees and unkempt roadside verges totally obscure the view when turning out of Hassock Hill
- The water level in the main drain that runs through Gorefield often appears to be above the surface level of the site of the proposed development
- Extensive drainage works through several agricultural fields and tunnelling under Goredyke Bank will be necessary to carry the surface water away northwards if the neighbouring properties are to be protected from flooding
- From the submitted plans it appears that more houses will be proposed on the land ringed in blue, so a contribution to the local infrastructure should be sought if the planning officer recommends this application for approval

Objectors

6 letters of objection have been received from 4 addresses located along High Road, Gorefield which raised the following summarised concerns:

- Same plans submitted as per a previous application that was refused
- The proposed houses are in a dangerous place, there is no safety, no pavement, already busy with it being a turning circle for the local bus route; for Turners lorries going to Newling's Fruit Packers and the fact that people use the road as a race track
- Infrastructure cannot cope
- Land is liable to flooding during heavy rainfall
- Increase strain on the local primary school
- Disrupting the quieter end of the village and potentially forcing people to sell because they moved to this end of the village for a reason
- Site has had a huge increase in wildlife over the last 8 years, Gorefield is surrounded by growing i.e. orchards of many fruits, grains for both human and animal consumption but there are few areas which are left entirely to nature such as this green field
- Allowing building would cause massive disturbance to our own adjoining rewilded area of our garden
- Green belt land isn't just to prevent urban sprawl but also to ensure that our wildlife and natural habitats remain protected
- Brown field sites are the better option as proven using Dennicks Yard in Gorefield
- Would not be infill and would not accord with Policy LP3 of the Local Plan
- Risk of flooding increases if only using soakaways i.e. ground pollution
- 5 driveways, no mention of installing pavements, lights, street furniture, gates moved (at village cost)
- Would mean under construction a considerable amount of vehicles using the road reducing it's width and HGVs might find themselves unable to negotiate on the wrong side of the road with the approaching blind bend going West to East. Usually two passing is only a hair's width apart in this portion of the road
- Will any new amenities be run to these properties, such as Gas, High-Speed Internet that are not particularly prevalent in this end of the village
- Surrounding residents were not notified of the planning application
- Accesses to the houses are dangerously close to a blind corner
- Impact on neighbouring residential amenity and loss of countryside views

Supporters

10 letters of support have been received from 8 addresses within Gorefield (x5), Leverington (x2) and Upwell (x1) which made the following summarised comments:

- Would welcome more houses to support my business and other local business
- Would welcome more houses to support amenities in the village
- More houses needed to support local businesses
- The development would provide much-needed housing for local residents, which is especially important given the current housing crisis

- The proposed site is conveniently located near local amenities, making it an ideal location for families and individuals alike
- The development would create new jobs and stimulate economic growth in the area
- Generous plot for 5 houses
- Good for the future of the village and will look in place with current buildings

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para. 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

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

Para. 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

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

Para. 79 - To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Para. 80 - 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.

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

change

Para. 159 - Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Para. 162 - The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

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

7.3. **National Design Guide 2021**

Context C1 - Relationship with local and wider context;

Identity I1 - Respond to existing local character and identity

Built Form B2 - Appropriate building types and forms

Movement M1 – An integrated network of routes for all modes of transport

Uses U2 - A mix of home tenures, types and sizes

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

Lifespan L3 - A sense of ownership

7.4. **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

7.5. **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan.

Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP4 – Securing Fenland's Future

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP12 – Meeting Housing Needs

LP19 – Strategic Infrastructure

LP20 – Accessibility and Transport

LP22 – Parking Provision
LP24 – Natural Environment
LP28 – Landscape
LP32 – Flood and Water Management

7.6. **Supplementary Planning Documents/Guidance**

Delivering & Protecting High Quality Environments in Fenland SPD (2014)
Cambridgeshire Flood & Water SPD (2016)

8 **KEY ISSUES**

- **Principle of Development**
- **Policy LP3 – Settlement Considerations**
- **Character and Visual Amenity**
- **Residential Amenity**
- **Highway Safety and Sustainability**
- **Flood Risk and the Application of the Sequential Test**
- **Biodiversity**
- **Other Matters**

9 **BACKGROUND**

9.1. In January 2022 an application at the site was submitted F/YR22/0181/O for the 'Erection of up to 5 no. dwellings (outline application with all matters reserved)' this application was refused under delegated powers on the 4th August 2022 with three reasons for refusal, these are as follows:

1. Policy LP3 of the Fenland Local Plan (2014) identifies that Gorefield is a 'small village' where development will normally be limited in scale to residential infilling or a small business opportunity. The location of the site is such that it fails to satisfy this requirement and by default Policy LP12 (a), noting the absence of any development immediately to west of the application site. This is the clearly at odds with Policy LP3 and LP12 of the Fenland Local Plan and the proposal must be resisted on these grounds.
2. Policy LP12 identifies that only infill developments will be considered favourably within settlements that have been identified as 'small villages' such as Gorefield and does not allow for the usual acceptance of development where a site adjoins the existing built form. Real and actual character harm would arise through the consolidation of the built form in this location which would also serve to extend existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly contrary to Policy LP12 of the Fenland Local Plan (2014).
3. Policy LP14 of the Fenland Local Plan (2014) and the National Planning Policy Framework (20121) require applications within Flood Zone 3 locations to satisfy the sequential and exception test, with further guidance regarding the application of the sequential test being given in Cambridgeshire Flood and Water SPD and the Fenland District Council 'Approach to the Sequential Test for Housing'. Whilst a Sequential Test has been submitted in respect of this application this focuses solely on the settlement of Gorefield however noting that the site fails to accord with the Settlement Hierarchy outlined in Policy LP3 of the Fenland Local Plan (2014) and relates to the open countryside the Sequential Test is required to be applied on a district-wide basis and in this

respect the proposal fails to comply with Policy LP14 of the Fenland Local Plan (2014) and the NPPF (2021).

- 9.2. The proposed development submitted within this application is exactly the same as the previous application F/YR22/0181/O refused on the 4th August 2022. Therefore, this application is a key material consideration in the decision of this application.

10 ASSESSMENT

Principle of Development

- 10.1. The scheme falls to be assessed under Local Plan Policies LP3, LP12, LP14, LP15 and LP16. As noted in the evaluation below the scheme does not comply with Policy LP3 or LP14, and also represents character issues with regard to Policies LP12 and LP16.

Policy LP3 – Settlement Considerations

- 10.2. Policy LP3 clearly indicates that Gorefield is a small village which is capable of residential infilling. Case law identifies that ‘infilling’ is the development of a site that is between existing buildings. It is clear the site in question may not be deemed as infill and that the scheme is contrary to the settlement hierarchy and for this reason alone should be resisted.
- 10.3. It is also acknowledged that the village threshold for Gorefield of 33 units has been breached, noting that there from April 2011 (as per the Village Thresholds Position Statement 27 July 2023) 71 units have either been built/or are committed to be built. Policy LP12 identifies that in such scenarios demonstrable evidence of ‘local support’ should be presented, in this regard it is noted that the Parish Council and three Gorefield households have raised objection to the scheme with five Gorefield, two Leverington and one Upwell households writing in support. Albeit it is accepted that Policy LP12 of the Fenland Local Plan 2014 states that the proposal should have demonstrable evidence of clear local community support for the scheme (with such support generated via a thorough and proportionate pre-application community consultation exercise or a Neighbourhood Plan exercise) which has not been undertaken by the applicant.

Character and Visual Amenity

- 10.4. The transition from countryside to village is clearly marked by the current built form; with sporadic development beyond the site to the west and the two intervening fields, separated by Hassock Hill Drove. The ‘built footprint’ of the village occurs beyond the village sign, notwithstanding the presence of the Newling Fruitgrowers to the north.
- 10.5. It is considered that the development of this site with 5 substantial dwellings would consolidate the built form to an extent that the character of the location is eroded in terms of the gentle transition into the village.
- 10.6. Furthermore, Policy LP12 clearly states that development should not extend existing linear features and again this development is contrary to this outlined aim.
- 10.7. For the reasons outlined above the scheme should be resisted as contrary to Policies LP12 and LP16.

Residential Amenity

- 10.8. The site could be developed in such a manner as to provide appropriate levels of residential amenity for the intended householders in terms of private amenity space and servicing arrangements.
- 10.9. Furthermore, given the relationship of the most easterly plot to the dwelling known as 176 High Road which is circa 20 metres distant from the common boundary with the site (excluding its associated outbuilding) no issues are highlighted in securing an appropriate scheme which does not compromise existing residential amenity.
- 10.10. It is considered that the scheme has the potential to comply with Policies LP2 and LP16 of the FLP, subject to detailed layout and design which would be secured under the reserved matters for the site.

Highway Safety and Sustainability

- 10.11. Although the comments of local residents are noted in so far as they relate to traffic generation, highway safety and pedestrian safety it is noted that although the Highways Officer has not commented on this application, the Highways Officer raised no objection to the previous identical application that was submitted in January 2022 under planning reference F/YR22/0181/O and it is considered that there can be no grounds to withhold consent in this instance.
- 10.12. As within the previous comments of the Highways Officer for the previous application F/YR22/0181/O, it is noted again that a 'footway; is absent from the illustrative scheme. The absence of a footway would render the scheme unsustainable as it would not afford potential householders a safe route into the village. However, such infrastructure may be conditioned and as such this has not been pursued with the applicants, mindful of the more fundamental 'principle' issues.
- 10.13. Whilst the scheme has the potential to accord with Policy LP15 in terms of the technical details, which would be secured under the reserved matters approval the absence of a footway is of notable concern.

Flood Risk and the Application of the Sequential Test

- 10.14. The site lies in Flood Zone 3, the highest risk of flooding; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.
- 10.15. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. Given that the site is considered outside the settlement, the scope for the sequential test would need to be the whole of the rural area), as set out in the Flood Risk Sequential Test Methodology 2018.
- 10.16. The application has been accompanied by a Flood Risk Assessment which states that if the River Nene defences are considered the site has a low probability of flooding and the site is outside of the area at a residual risk during a breach of the

tidal defences. This is insufficient as both the National Planning Practice guidance and the SPD stipulate that existing defences should not be taken into account. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD clearly sets out the stages that are required; the developer should identify and list reasonably available sites irrespective of land ownership within the search area which could accommodate the proposal, obtain flood risk information for all sites and apply the sequential test by comparing the flood risk from all sources on the sites identified; this has not been done.

- 10.17. The application is accompanied by a Sequential and Exception Test which advises that the area of search is Gorefield rather than the whole rural area, Officers disagree with this as the site is considered to be outside the settlement of Gorefield and as such the Sequential Test is considered to fail.
- 10.18. Notwithstanding this, even if the site was considered part of the settlement and the search area was Gorefield, the Sequential Test is considered to be inadequate as it does not identify and list reasonably available sites irrespective of land ownership, obtain flood risk information for all sites and apply the sequential test by comparing the flood risk from all sources on the sites identified.
- 10.19. Planning Practice Guidance (Paragraph: 028 Reference ID: 7-028-20220825) states that: 'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.
- 10.20. Even if the Sequential Test could be passed the Exception Test would also need to be passed. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site-specific flood risk assessment must demonstrate that the development will be safe from all sources of flooding and will not increase flood risk elsewhere.
- 10.21. Para 4.5.9 of the adopted Cambridgeshire Flood and Water SPD advises that provision of housing by itself would not be considered a wider sustainability benefit. The Exception Test indicates that the proposal would utilise sustainable construction techniques resulting in energy efficient buildings exceeding the current Building Regulation requirements. However, the application is in outline only and as such this is not detailed (though it would be possible to condition a scheme).

Biodiversity

- 10.22. The application has been accompanied by an ecological assessment; this assessment was submitted with the previous submission F/YR22/0181/O after initial consultation responses received in regards to that application. The Wildlife Officer at that time raised no objection to the scheme on biodiversity grounds subject to conditions. Accordingly subject to appropriate safeguarding conditions the proposal has the potential to satisfy the requirements of both the NPPF and Policy LP19 of the Fenland Local Plan (2014).

Other Matters

- 10.23. **Future development** - the field to the rear of the site has been highlighted as a future development site however officers must restrict their considerations to the scheme currently before them.
- 10.24. **Local services/schools - unable to cope** - Gorefield is a small village – again there is nothing to suggest that the delivery of 5 additional units would unduly burden existing services and facilities.
- 10.25. **Noise and construction activity** - There will be a level of noise emanating during the construction phase which is to be expected, but would be controlled by other legislation, the resultant development is unlikely to generate significant noise noting that the scheme is for residential development.
- 10.26. **Lack of consultation** – the scheme was publicised fully in accordance with statutory and local guidelines.

11 CONCLUSIONS

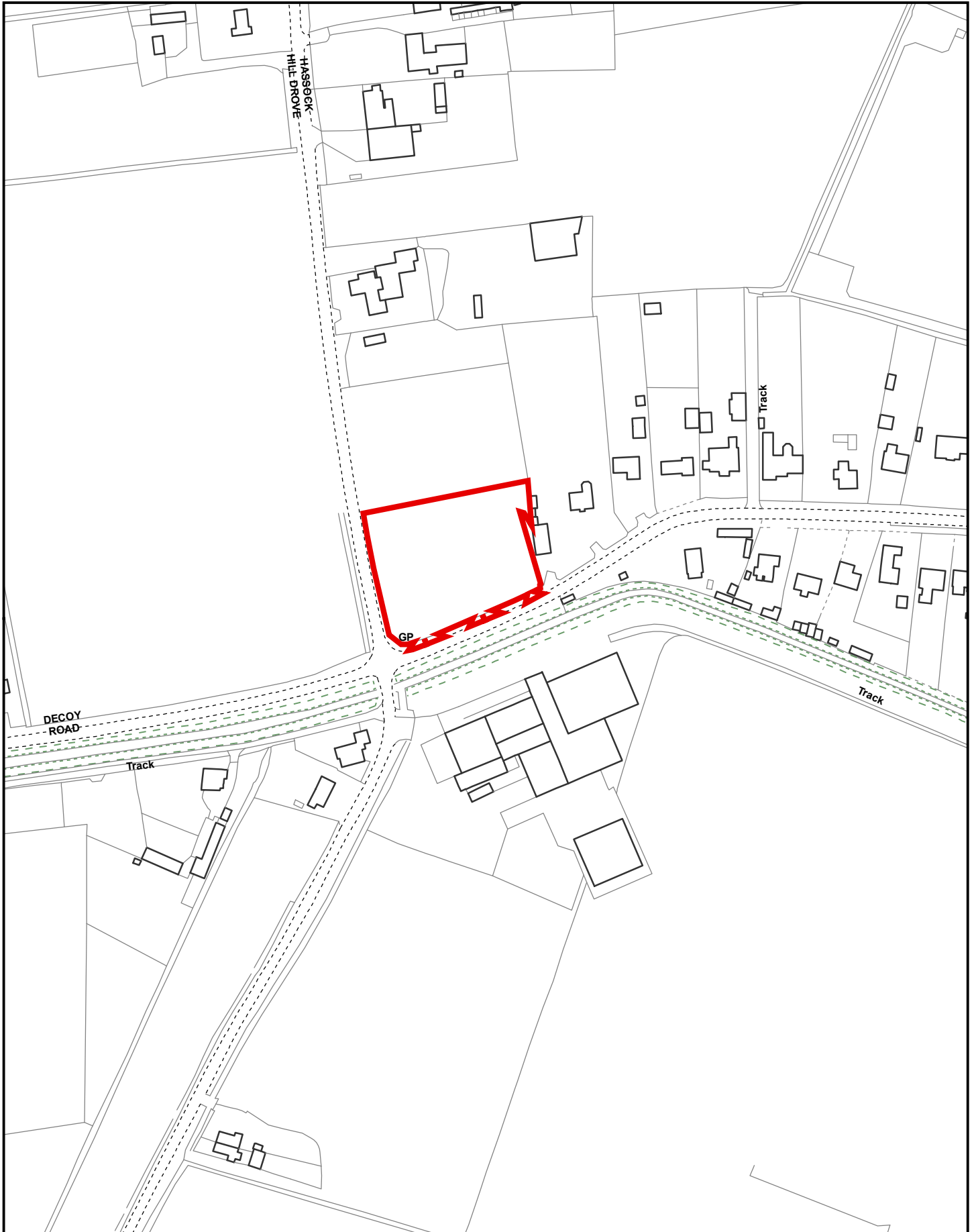
- 11.1. The proposed development is contrary to Policy LP3 in that it exceeds the development thresholds outlined in Policy LP3 of the Fenland Local Plan, whilst it adjoins the main settlement it is not 'infill' and would extend the linear features of the settlement and therefore would be contrary to Policy LP12 (e). It is also evident that the development of this site would consolidate the built form within an area which currently enables a 'soft transition' from the open countryside to the main settlement which again would be at odds with Policy LP12.
- 11.2. Furthermore, the site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.

12 RECOMMENDATION

Refuse; for the following reasons:

1.	Policy LP3 of the Fenland Local Plan (2014) identifies that Gorefield is a 'small village' where development will normally be limited in scale to residential infilling or a small business opportunity. The location of the site is such that it fails to satisfy this requirement and by default Policy LP12 (a), noting the absence of any development immediately to west of the application site. This is the clearly at odds with Policy LP3 and LP12 of the Fenland Local Plan and the proposal must be resisted on these grounds.
2	Policy LP12 identifies that only infill developments will be considered favourably within settlements that have been identified as 'small villages' such as Gorefield and does not allow for the usual acceptance of development where a site adjoins the existing built form. Real and actual character harm would arise through the consolidation of the built form in this location which would also serve to extend existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly contrary to Policy LP12 of the Fenland Local Plan (2014).
2	The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put

	<p>people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.</p>
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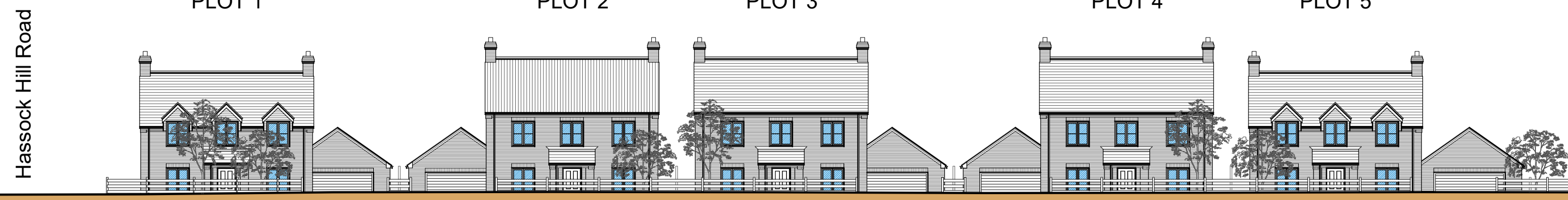
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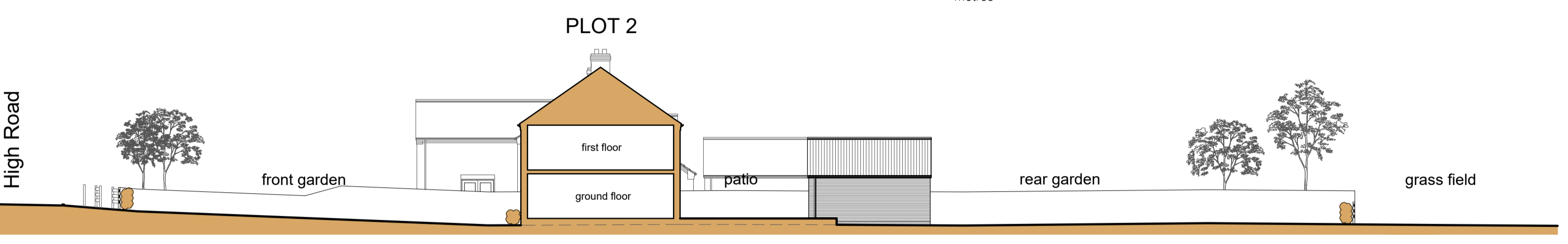
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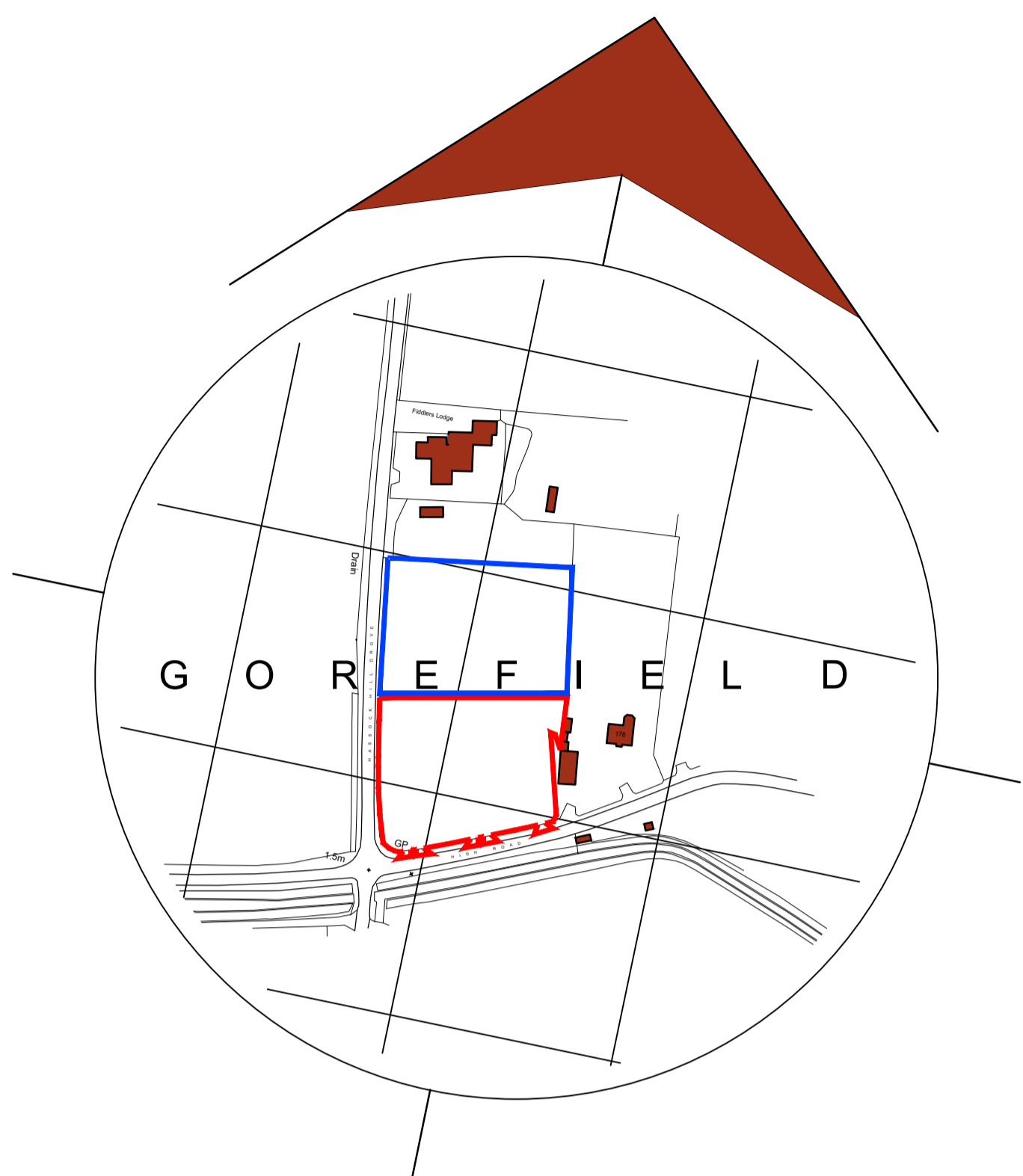




Indicative High Road Street Scene
Scale: 1:200
metres



Indicative Site Section (A-A)
Scale: 1:200
metres



Location Plan
Scale: 1:2500
metres



Indicative Site Plan
Scale: 1:200
metres

SITE PLAN KEY

- Indicates existing site features to be demolished
- Indicates proposed dwellings
- Indicates proposed trees and planting
- Indicates proposed lawned gardens
- Indicates proposed driveways
- Indicates patio areas
- Indicates site entrance to be in accordance with the Cambridge County Council Residential Access Construction Specification.
- Indicates proposed site access point

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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015
 The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants and issued to the Principal Designer.

FLOOD RISK ASSESSMENT RECOMMENDATIONS

The Environment Agency Long Term Flood Risk maps show that:

- The site has a low risk of flooding from rivers or the sea (annual probability between 0.1% and 1.0%)
- The site has a low risk (annual probability between 0.1% and 1.0%) of surface water flooding; and
- The site is not within an area at risk of reservoir flooding.

The Environment Agency have undertaken Tidal Breach Hazard Mapping which considered breaches of the left bank of the River Nene Tidal defences between Wisbech and Sutton Bridge. The area at risk identified during the tidal breach hazard mapping does not extend as far as west Gorefield. The site is therefore not at risk during a tidal breach.

- The development is in Flood Zone 3. The River Nene tidal defences protect the site during the 0.5% annual probability (1 in 200 chance each year) event. During the design life of the development, including an allowance for climate change, it is not anticipated that there would be flooding at the site.
- The site is located within an IDB catchment with a minimum standard of drainage of 2% annual probability (1 in 50 chance each year) which accords with DEFRA guidelines for rural development. The risk of flooding is lowered further due to the North Level IDB main drains incorporating freeboard. This provides storage during events greater than 0.5% annual probability (w in 50 chance each year).

- It is recommended that the finished floor level of the dwellings is 0.3m above the surrounding ground levels with 0.3m of flood resilient construction above finished floor level.
- The development passes the Sequential Test and Exception Test and is therefore suitable for the proposed location.

ENVIRONMENT AGENCY COMMENTS

If the FRA was sent to the LPA to support a planning application we would have no objection and would recommend the following condition:

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

Condition
 The development shall be carried out in accordance with the submitted flood risk assessment (ref ECL0627/SWANN EDWARDS ARCHITECTURE dated October 2021) and the following mitigation measures it details:
 • Finished floor levels shall be set no lower than 0.3m above ground level at the site with 0.3m of flood resilient construction above finished floor level.

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

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

This application has been prepared in accordance with the above guidance from the Environment Agency. Copies of the FRA and EA assessment are shown in the Appendix.

Revisions

D	Jan 2022	Further details added from FRA and Environment Agency comments
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Status
FOR APPROVAL



Proposed Residential Development Land Adjacent 176 High Road, Gorefield, Wisbech, PE13 4PJ McDermott Residential Property Ltd	Job Title Planning Drawing	Date October 2021	Drawn by SHE
	Job No. SE-1702		Checked by G.E.
	Dwg No. PP1000		Revision D
			Sheet Size A1

Drawings should be read in conjunction with the Flood Risk Assessment produced by Ellingham Consulting Ltd



312200

312150

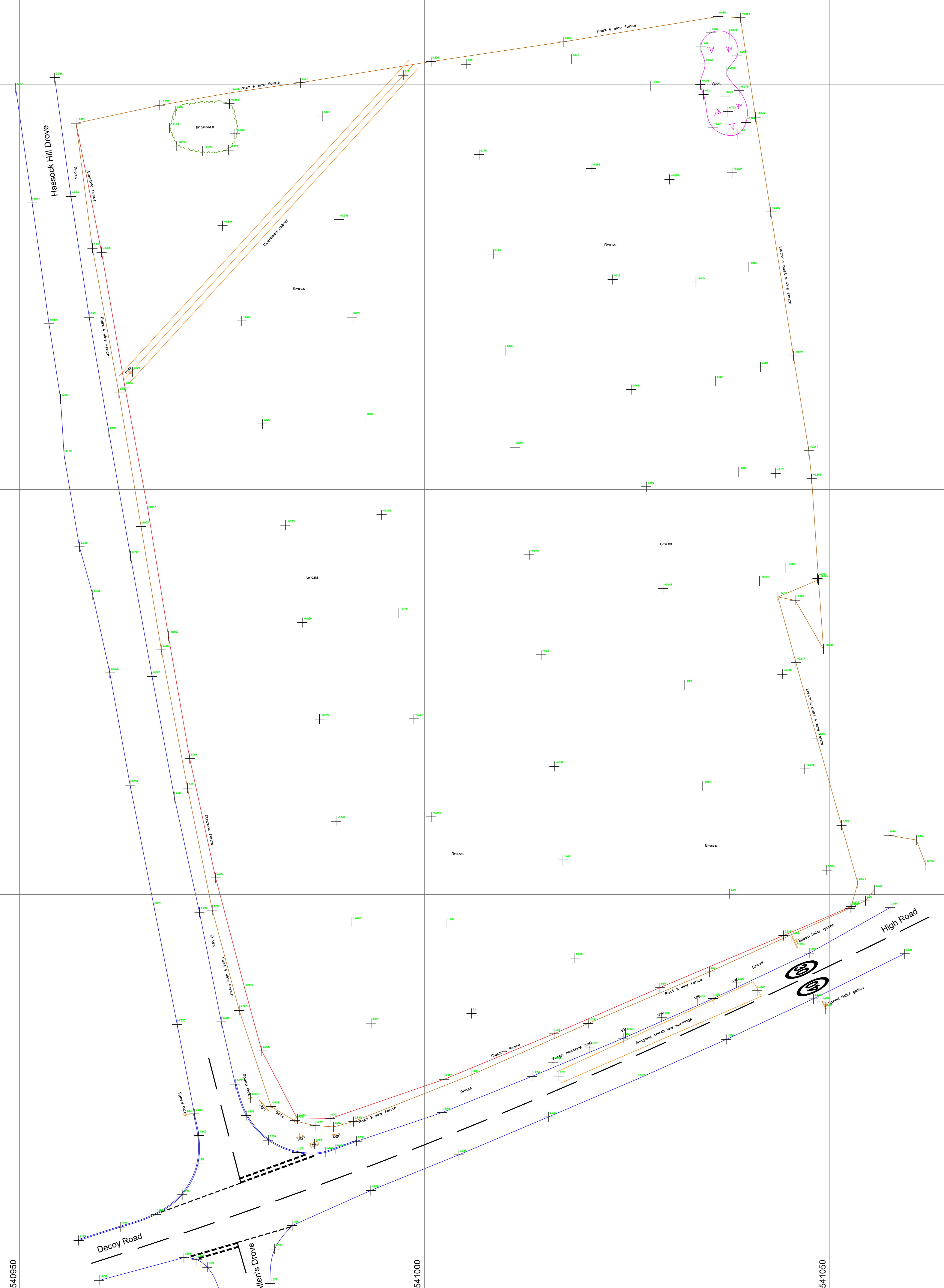
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5410560

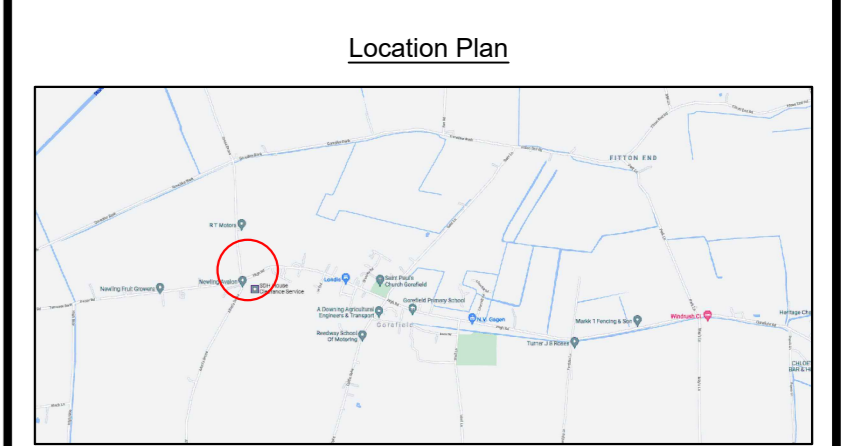
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- Notes**
- All levels and coordinates relate to a GPS derived datum. Control was established using Ordnance Survey's Active GPS Network OSGB32(36). Translated from ETRS89 using OSGM15 and OSTN15 models. Control station information may not be shown on this drawing.
 - All levels shown adjacent to kerb lines have been taken at channel face unless stated otherwise.
 - Not all existing services are necessarily shown on this drawing. All services that could be located at the time of the survey have been positioned but should be taken as approximate and used as a guide to their presence. Clarification of all underground routes should be confirmed by the individual service provider and prior to project construction.
 - Land ownership boundaries and legal title extents have not been identified in this survey. Fences have been surveyed at post positions and changes of direction. Hedges located at face or line of main stem, see drawing note to specify.
 - Not all trees have been surveyed, level relates to ground at base of trunk.
Areas of non surveyed planting, positions shown indicatively only, or perimeter surveyed where level information is present.
 - This survey has been merged with Ordnance Survey Master Map Data. Boundaries and physical objects have only been fixed where level information is present. All Ordnance Survey mapping is subject to their own accuracy and tolerances.
 - The information presented in this survey is a recording of what was present and accessible at the time of survey. Areas of the site not surveyed are represented by Ordnance Survey mapping.
 - Not all boundaries were surveyed due to extensive vegetation.
 - Survey completed 07.08.2021



Date	Ref.	Revisions

Project
**Land NE of High Road/
 Hassock Hill Drove Junction
 Gorefield, Cambridgeshire**

Title
**Topographical
 Survey**

Scale
1:200 @ A0

Drawn
 AC

Checked
 AC

Date
08.08.2021



Drawing number
1358-0000-001

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