



AGENDA

PLANNING COMMITTEE

WEDNESDAY, 20 SEPTEMBER 2023

1.00 PM

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

Committee Officer: Jo Goodrum Tel: 01354 622285 e-mail: memberservices@fenland.gov.uk

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 3 28)

To confirm and sign the minutes from the previous meeting of 23 August 2023.

- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR22/1296/F
 - 14 16 Wenny Road, Chatteris

Erect 9 x dwellings (3 x 2-storey 4-bed and 6 x 3-storey 3-bed) and the formation of a new accesses, involving the demolition of existing dwelling (Pages 29 - 60)

To determine the application.





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6 F/YR23/0155/F

Land South Of Caravan Site, Fenland Way, Chatteris Erect 31 x dwellings (6 x 2-storey 2-bed, 6 x 2-storey 3-bed, 5 x 2-storey 4-bed, 4 x 2-storey 5-bed, 8 x 3-storey 3-bed, 2 x 3-storey 4-bed) (Pages 61 - 92)

To determine the application.

7 F/YR23/0362/O

Land West Of 491, March Road, Turves Erect up to 3 x dwellings with associated accesses and infrastructure (outline application with all matters reserved) (Pages 93 - 106)

To determine the application.

8 F/YR23/0450/F

Land North Of 44 Robingoodfellows Lane, March Erect 1 x dwelling (2-storey, 2-bed) including part demolition of existing single storey element at 44 Robingoodfellows Lane (Pages 107 - 118)

To determine the application.

9 F/YR23/0491/O

Land East Of 137, Upwell Road, March Erect up to 6no dwellings (outline application with all matters reserved) (Pages 119 - 136)

To determine the application.

10 F/YR23/0556/F

Land South Of, 85 - 89 Upwell Road, March Erect 4 x dwellings (single-storey, 4-bed) with associated access and surface water attenuation pond (Pages 137 - 154)

To determine the application.

11 F/YR23/0593/O

Land North Of 15, Badgeney End, March Erect up to 2 x dwellings (outline application with matters committed in respect of access) (Pages 155 - 168)

To determine the application.

12 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,

PLANNING COMMITTEE



WEDNESDAY, 23 AUGUST 2023 - 1.00 PM

PRESENT: Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor S Imafidon, Councillor G Booth (Substitute) and Councillor M Purser (Substitute)

APOLOGIES: Councillor D Connor (Chairman) and Councillor P Hicks.

Officers in attendance: David Rowen (Development Manager), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer).

P38/23 PREVIOUS MINUTES

The minutes of the meetings of the 5 and 26 July 2023 were agreed and signed as an accurate record.

P39/23 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

David Rowen presented the report to members.

Members asked officers the following questions:

- Councillor Benney stated that it is his understanding that if a public house is currently trading and wishes to be converted then there is the requirement for it to be marketed in a certain way and over a period of time, so that it can be demonstrated that there is no use for it and that there is no loss of a community asset. David Rowen confirmed that this is the correct course of action. Councillor Benney asked whether those steps have been taken? David Rowen explained that when the application was submitted, the public house had been marketed as such and evidence had been provided to demonstrate that the marketing exercise had not been successful and, therefore, there was the justification for the conversion to a residential dwelling. He added that since then the premises has been sold and is now operating as a public house.
- Councillor Booth stated that it is his understanding that the policy states that if it is no longer economically viable to run as a business then the owner has to provide a business case and from the officer's report he notes that it has not been provided as part of the application process. David Rowen confirmed that is correct.
- Councillor Imafidon asked how long the marketing timeframe is and Councillor Mrs French explained that it is a two-year period.

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

- Councillor Benney stated that, in his opinion, the officer's recommendation is correct. He
 added that he does not believe that the premises has been marketed correctly and there
 should not be the loss of a community asset.
- Councillor Mrs French stated that she agrees with the points highlighted by Councillor Benney, and she added that the public house should remain as they are few and far between in Whittlesey and facilities such as these should be preserved.
- Councillor Booth expressed the opinion that he does not believe that any action has been taken to demonstrate that the premises is not unviable and as such the community asset

should be protected. He added that there are too many public houses which are closing across the country at an alarming rate and, in his view, the officer's recommendation is appropriate.

• Councillor Imafidon stated that he agrees with the comments made by other members.

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

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

P40/23 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

David Rowen presented the report to members and drew their attention to the update report.

Members received a presentation in accordance with the public participation procedure, from Andrew Hodgson, the agent. Mr Hodgson stated that he is delighted that the officer has recommended the application for approval, and referred to the objection raised by March Town Council, which they have tried to address with them outside the meeting, one of which was overdevelopment but this is an allocated site for viable housing and the proposal has been planned at a scale which he feels is appropriate and will be subject to a review at the detailed stage of the reserved matters part of the application should permission be granted. He stated that March Town Council has also raised the issue of access, however, that has already been approved through the scheme for nine units on the adjacent site which the Highway Authority has already signed off.

Mr Hodgson explained that the site already has an established boundary and, in his opinion, it made sense to plan the proposal in a way that has already been developed and for it not to be part of the wider Broad Concept Plan (BCP) area, but for it to have its own access point and there will be two pedestrian and cycle links only through to the other Persimmon site. He added that those links will flow through to the proposed new school when it is built, and a decision was made not to have any vehicular access as it would have caused a rat run through to the Persimmon estate.

Mr Hodgson stated that with regards to the 25% affordable housing allocation, the applicants Cannon Kirk, are also responsible for the 9 units on the adjacent site and cumulatively the 25% makes up the total amount of affordable units to be provided across both sites.

Members asked Mr Hodgson the following questions:

- Councillor Mrs French expressed the opinion that she is delighted to see that the applicant
 is offering 25% of affordable housing, given the fact that they did only have to offer 20% and
 she congratulated the applicant.
- Councillor Gerstner asked whether the affordable housing mix will be distributed evenly
 across the site? Mr Hodgson explained that the reserved matters layout will be very similar
 to that which is shown on the indicative site plan, which shows two areas for the affordable
 housing.

Members asked officers the following questions:

Councillor Mrs French stated that, in her opinion, she has never seen a condition 21 which
has been applied to this proposal, which refers to removing permitted development rights
on an outline planning application. She stated that she does not agree with the condition as
it is unfair and precludes residents from adding a greenhouse or shed and would mean that
there would be the need for a resident to have to apply for planning permission and she

feels it is an unreasonable condition. Councillor Mrs French asked for an explanation as to why such a condition has been imposed? David Rowen stated that the condition would be required due to the fact that within his presentation he had indicated that some of the dwellings will be quite close together, however, as it is an outline application that condition has been reconsidered and within the update report it has been decided that at this stage that condition can be removed, however, it may be a matter which will need to be reconsidered as part of the reserved matters application.

- Councillor Mrs French asked for an explanation with regards to condition 15? David Rowen explained that condition 15 had been requested by the Highway Authority to prevent residential access being blocked off by gates to the detriment of highway safety and it is a condition which is used for large scale developments on a regular basis and will have been included on most of the large scale residential schemes which have been brought before the committee over the past few years. He added, therefore, that the condition is necessary albeit with a slight amendment to the wording which was detailed in the update report.
- Councillor Booth made reference to the point raised by Councillor Mrs French with regard to the requirement of affordable housing only being 20%, but contained within the March Neighbourhood Plan it states 25% and he asked for clarity? David Rowen stated that the 2014 adopted Local Plan did have a 25% target within it and the Neighbourhood Plan was introduced and was consistent with that. He added that as part of the emerging Local Plan, a viability report was undertaken which concluded that south of the A47, 20% affordable housing delivery was viable which has been consistently treated as a material planning consideration over the last 18 months. He stated that had this proposal come forward with only 20% being offered then officers would be in a position where that would have also been agreeable.
- Councillor Gerstner asked where the nearest play area is situated? David Rowen stated that currently there is a play area further back along The Avenue, however, the proposal does fall within the wider development of the site and as part of the wider development of the strategic allocation and within that there will be play areas included.
- Councillor Purser stated that there is a footpath from Knights End directly to The Avenue where there is a play area.

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

- Councillor Benney stated that he agrees with the officer's recommendation, and he also welcomes the 25% of affordable housing contributions which are in line with the emerging Local Plan. He added that there are no detrimental reasons to refuse this outline application and he will be supporting it.
- Councillor Booth stated that he agrees with Councillor Benney and added that the reason
 the application has come before the committee is due to the comments made by March
 Town Council, one of which is with regards to highways, however, there is a highways
 report which goes against the point raised by the Town Council. He added that other point
 that they have raised is concern with over development, but the proposal is part of the BCP.
 Councillor Booth stated that he will support the application.
- Councillor Mrs French stated that the new members of March Town Council made their decision without realising that the application was part of the BCP allocation.
- Councillor Purser stated that having lived in this area, there is a bungalow on the corner and
 his concern was the entrance being on the right-hand side of the bungalow but it has been
 moved round which allays his concern. He noted that there were terms put to the applicant
 originally and he has agreed to these in writing, which he feels is positive for this
 application.
- Councillor Gerstner stated that he notes that the affordable housing allocation is for 9 x 2-bed units, and he asked whether that is usual as, in his opinion, he feels it is restrictive for families to occupy. David Rowen stated that as the current application is only outline there is no detail on house types or layout and guidance from the housing team will be sought with regards to the appropriate mix that is required. He added that given the Council's success rate in delivering affordable units, he welcomes the 9 proposed units rather than nothing at all.

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

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

P41/23 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)

David Rowen explained to members that the County Council has previously refused an application involving the processing of waste on this site and further correspondence had been received from the County Council earlier today which stated that activity involving waste may still be taking place and this is being investigated by the Environment Agency and also the County Council. He explained that the application in front of members has the potential to allow for activity at the site which could be construed as waste related and, therefore, there is a significant question mark over whether the application should be determined at a District Council level and in order for this to be established it is recommended to members that the application be deferred.

Councillor Mrs French stated that it is her understanding that members should look at what is in front of them today and not what might or might not be.

Stephen Turnbull, the Legal Officer, stated that, in his view, it is more to do with good practice and procedure rather than the merits or demerit of this application as there does seem to be elements of potential waste disposal, which the County Council are investigating and given that the scope of the application is quite broad and might well include dealing with waste he agrees with officers that the sensible way to proceed is to find out exactly what is going on at the moment and what the County's view is and defer the application and deal with the application when the facts are known.

Councillor Benney expressed the view that he cannot see what bearing the waste application has, they are two separate applications, it has been heard at County and was refused, but this application is for a builder's yard and he feels that the committee should determine it today. Stephen Turnbull stated there is no legal reason why committee cannot determine the application today, the view that he and officers took is it is good practice to defer it because members will know more of the factual background and the view of the County as waste disposal authority. Councillor Benney stated that this application is for a builder's yard and if there is illegal activity on that site this will be dealt with by County, this application is live, has been submitted since 2022 and he feels it should be determined today as this is looking at land usage and is this site suitable for a builder's yard.

Members agreed to determine the application.

David Rowen presented the report to members and drew their attention to the update report.

Members received a written representation in accordance with the Public Participation Procedure, from Debbie Fryett, in support of the application, read out by Member Services. Mrs Fryett stated that following her initial letter of support she remains very strongly in favour of this planning application, with the applicants being native to the village of Murrow rather than someone from outside the local area moving in. She finds some of the negative issues raised almost amusing and thinks the Planning Committee and local residents should take into consideration the number of businesses already operating within the vicinity of Hooks Drove, such as:-

- 1. Ostrich Farm
- 2. Doggy Daycare Centre
- 3. Originally ABC Meats now a meat packing factory
- 4. A hot tub business.
- 5. Farming/Agricultural Activity.

Mrs Fryett referred to the point raised regarding Hooks Drove being unsuitable for heavy traffic and Heavy Goods Vehicles, but she has lived in Murrow in excess of 30 years and to her knowledge there is no visible signage anywhere suggesting its unsuitability, with 99% of the time the applicant using Hooks Drove, Long Drove and Cants Drove as their preferred route of travel as do Adapt Bio Gas which is also the Cambridgeshire County Council preferred route. She feels there is already continuous movement of lorries, tractors/general farm machinery and trailers constantly using the very same route between 6am up to and including 10pm, 7 days a week, with there being daily deliveries to the existing businesses in Hooks Drove.

Mrs Fryett expressed the view that one final important point to also consider is if the encroachment of Cambridgeshire County Council land were to be removed, it would greatly improve the situation for all concerned. In summary, she emphatically feels that Fenland District Council should approve this application and allow another local business to develop and prosper, particularly given the current financial climate.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the officer's report states that the application site was previously Grade 1 agricultural land and the applicant has advised him that the site has not been used for agricultural purposes for at least 20 years. He added that the since 2015 there has been a stable block and a menage over part of the site which can be seen on Google maps.

Mr Hall explained that the site was overgrown when the applicant moved in and the menage was overgrown and there was permission in place for eight floodlights which is no longer required as part of the proposal before the committee today. He explained that the applicant was born and has lived in Murrow for the whole of his life, he drives lorries for a living to provide for his family and has purchased grab lorries and other plant equipment for his business.

Mr Hall stated that the site falls within Flood Zone 3, however, the Environment Agency have not raised any objection to the proposal, with the proposal not including any construction or buildings. He made the point that the applicant applied for a lorry operator's licence before moving onto the site three years ago which is still in place and the site does not have members of the public calling to purchase goods as all materials are delivered to site, with the lorries being stored on the site, leave the site to undertake deliveries or to work on sites and any waste is transported to Saxon Pit.

Mr Hall explained that the applicant undertakes emergency utilities work where there may be occurrences of burst mains, private work and work for contractors and homeowners by taking material away and delivering aggregates. He stated that the Highway Authority are now satisfied with the proposed access and position of the gates along with the visibility splays in both directions, following details from their highways consultant, with a speed survey also being undertaken and submitted to the Highway Authority, and made the point that along the same stretch of road the London Halal Meat Company is located, which was originally ABC meats and had been in operation for in the region of 35 years, and it currently has five heavy goods vehicles which visit that site each day.

Mr Hall stated that the application site is surrounded by vegetation which is all to be maintained and the area for the aggregate and the lorry bays will not be visible from the street scene. He made the point that there is local support for the application with 26 letters having been submitted from persons in Murrow, with the applicants living in one of the 5 dwellings in the area which could be seen in the presentation, with three of the other dwellings not objecting to the proposal and the remaining dwelling opposing the proposal but having reviewed its location the nearest point to that

dwelling is at a distance of 50 metres away with the aggregate bays being 90 metres away.

Mr Hall stated that looking at the reasons for refusal the site is located in Flood Zone 3 but it is not proposed to build any buildings and the Environment Agency who have been consulted on the application have no objections. In terms of elsewhere location, he made the point that Murrow is classed as a small village in the Local Plan and normally limited to small business opportunities, which this application is, and people are told that Fenland is Open for Business and this is a business application.

Mr Hall stated that the Highway Authority have confirmed the access and visibility splays are satisfactory but are concerned with regard to a lack of footpath and passing places, however, there are other businesses located down Hooks Drove, Long Drove and Cants Drove so this business would not be in isolation. He expressed the view that the applicant has been running his business since 2016 and has held a lorry operator's licence for 3 years, which he still possesses.

Members asked questions of Mr Hall as follows:

- Councillor Mrs French referred to the applicant running the business since 2016, which is 7
 years, and asked how has this business has just come to light. Mr Hall responded that
 previously he was at a yard in Whittlesey Road, March and he was given notice from there
 and moved to this site.
- Councillor Gerstner referred to external lighting and asked if the applicant has given consideration to lighting in the area? Mr Hall responded that he discussed this with the applicant yesterday and no external lighting has been proposed but they would be happy to accept a condition so that can be agreed with officers.
- Councillor Marks asked how many vehicles does the applicant have on his operator's licence and is it just rigids or artics? Mr Hall responded that he believes the licence is for 5 and he has seen 4 vehicles on site all with rigid axles so he believes the licence is just for rigid axles but he is not 100% sure.

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

Councillor Benney stated that he views this as a solid business application and feels a lot of the reasonings on this have been dealt with on other applications of a similar nature as you cannot put a lorry yard with aggregates in the middle of a town, with this being the place for this to be. He stated that his biggest concern was LP16(e) which is the adverse impact on neighbours but there is only one neighbour complaining, with this neighbour being 100 metres away, making the point that the Travis Perkins yard in Chatteris backs right up to houses, with this being an industrial yard with lorries going in and out and there is 100 metres here which is far more than you would have in a town. Councillor Benney expressed the view that anyone who lives in the middle of the Fens has got to accept noise and dust. with there being a cornfield next door to this site, and anyone who has lived near a farm will know that in the Summer when you want your windows open you Sellotape them up because of the dust that comes from the combine and when you drill into the land you get a Fen blow so anybody who chooses to live in the middle of nowhere cannot really complain about dust and vehicle movements. He expressed the opinion that the anabolic digester which is not too far away, with the one at Chatteris being fed by fast track lorries running on red diesel to provide green energy for residents, is going to be fed by tractors and vehicle movements, with the vehicle movements from this application being dwarfed by the movements that will be made to the digester. Councillor Benney stated that he has visited the site and drove down Hooks Drove and there are passing places along this drove and he passed other businesses in this area and this application is for another business that fits, in his view, very well in the area and he feels members of public must think what is going on with a recommendation of refusal on this application. He reiterated that he views this as a solid business application that employs people and brings jobs, with the neighbour being the only concern but there is a cornfield that will bring dust and noise, and a few more lorries is not going to make a difference. Councillor Benney made the point that the Council is supposed to be Open for Business and looking to drive economic growth and support local

- business and this is a business that needs support.
- Councillor Purser stated that most of the points he was going to make have already been
 mentioned by Councillor Benney. He feels it is creating jobs and in relation to smells from
 industrial burning, it has been mentioned that it was previously an equestrian centre and he
 does know that horses can create a lot of smells so questioned what is the difference and it
 is actually out in the middle of nowhere anyway. Councillor Purser stated that he can
 support this.
- Councillor Gerstner stated that he fully supports Councillor Benney's comments but feels
 that if approved conditions should be placed on it about lighting as per the Police report and
 also in relation to the operating hours because of the amenities of the residents.
- Councillor Mrs French stated that she has visited the site and there are passing places because they did encounter a vehicle coming down the drove and turning into the site. She expressed the view that it is in the middle of nowhere and it took them a long time to find the site, with it being the ideal place for this application to go. Councillor Mrs French expressed the opinion that there would only be 5 lorries a day and she does not see much of a problem, the roads are not wonderful but the County Councils roads in Fenland are not wonderful anywhere. She made the point it is a business, she is glad they moved out of March because that was an eyesore and feels this is the right place for this proposal.
- Councillor Benney referred to Councillor Gerstner's comments regarding opening hours but
 he believes the agent said that they undertake utility work and with utility work that can be in
 the middle of the night if there is a breakdown or when you are called out so to put
 restrictions on this would be limiting the business in terms of utility work. He feels that
 general opening hours would be reasonable but for utilities this needs to be fairly open in a
 condition as this could restrict a business that members are trying to support.
- Councillor Purser agreed with the comments of Councillor Benney.
- Councillor Marks stated that he knows the area and is aware of the lorry movements in this area, with the applicant having an operator's licence for 5 lorries and if they have worked for the past 3 years with no complaints it does not seem there is any issues regarding vehicle movements but he would be very mindful of putting restrictions on operating times as what the committee view as reasonable others may not and there may be horse boxes going up and down this road from neighbouring properties also. He would support the application, but being mindful of any time limits being applied, which he feels are not required.
- David Rowen referred to mention of the site being in the middle of nowhere but from the plan it clearly shows residential dwellings in the immediate vicinity, it is clearly not in the middle of nowhere. He stated that there are 4 letters of objection from address points along Hooks Drove so people who are in the immediate vicinity and with respect to amenity the Council's Environmental Health Team have objected to the application as well so they are flagging up the potential for fairly serious amenity impacts arising from the application. David Rowen stated there are also the Highway Authority concerns about the application and whether this is an appropriate application for this type of activity and the size and nature of vehicles involved. He feels the committee have to question whether they are suitably qualified to go against the professional advice of Environmental Health and Highways.
- Councillor Marks made the point that when a business has an operator's licence this must have had input from Highways regarding number of vehicles and vehicle movements, with it being deemed as suitable so asked why now is it being said that it is not suitable? David Rowen responded that he does not know the ins and outs of vehicle licensing regimes and all he can comment on is land use planning, with a comment from the Highway Authority saying they object to the application and it is not suitable location.
- Councillor Benney referred to the comment about being unqualified but made the point that this is the process, it is the officers job to write reports, answer questions and offer information and members of the committee make the decision, having received training and it is why members are here, whilst members of the committee may not have a degree in Planning they are here to represent the people of Fenland and, therefore, in his view, the committee is qualified. He feels it is a strong term to use that the committee is not qualified as it their job to make the decisions. David Rowen responded that the point that he was making was that the committee has got particular professional advice from specialists in

terms of noise, dust, amenity issues with Environmental Health and also professional experts in terms of highway safety, who have provided the Council and committee with their advice and if members wish to go against this that is members gift to do so but they are the professional experts.

Councillor Mrs French referred to the comments of Environmental Health and asked what
does it mean as land is not being taken away from the residents? David Rowen responded
that loss of amenity refers to the introduction of an industrial process in close proximity in a
rural location with low background noise levels so Environmental Health have got concerns
about the noise that would be generated by the development and the resultant loss of
amenity of nearby residents when enjoying their property. Councillor Mrs French made the
point that this is 100 metres away.

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

Members did not support officer's recommendation of refusal of planning permission as they feel under Policy LP3 no building is taking place in the open countryside, that the proposal would not lead to an unreasonable loss of amenity to nearby residential properties under Policy LP16 (e) as the distance between the working part of this site and the neighbouring property is sufficient, in relation to Policy LP15 and LP16 the site is in a rural location and a sustainable transport network cannot be created in location such as these, with the business having been in operation in this area since 2016 and under Policy LP14 whilst the site lies in Flood Zone 3 nothing is being built in this proposal as it is a lorry yard. Members feels that the reasons for refusal can be mitigated against or the benefits of the proposal override the reasons.

(Councillor Booth registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Wisbech St Mary Parish Council and when the waste application came before the Parish Council and it was recommended for refusal he was involved in that discussion but the Parish Council did not discuss this application as it was when the Queen passed away so the meeting did not take place where it would have been discussed and on that basis given the similarity between the applications and what the officers have said, he retired from the meeting for the duration of the discussion and 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)

P42/23 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

David Rowen presented the report to members.

Members received a written presentation, in accordance with the public participation procedure, from Jodie Chittock, a supporter, read out by Member Services. Mrs Chittock stated that she is the direct neighbour and only neighbour to 84b, living at 84a, and understands that planning permission keeps getting denied for her neighbours but feels that the impact this is having on her family is not being understood as she suffers from extreme anxiety and panic attacks, with her property being perfect for her as it is out of the way. She explained that her anxiety has been worst this last year and she feels unsettled in her home because if Mr and Mrs Steer are not granted approval they will sell the land and it will come with no planning permission so, in her view, the person who buys it will probably use it as a dumping ground or scrap yard or something undesirable.

Mrs Chittock expressed the view that whoever buys the site will almost certainly not be respectful to her family and will keep going up and down at great speed to get to their land putting her children who play at risk, which is a massive worry to her and her husband, and whoever buys the land is most certainly to use it for their own pleasure and not have any cares for the surrounding properties. She expressed the opinion that it is a lovely family that currently own the land who just want to settle there and have a place to call home, who are respectful and typically park on the road so there is rarely any cars driven past her property so her children can be out the gate playing on their bikes.

Mrs Chittock expressed the view that she cannot ask for better people to be her neighbours, with her children and their children playing together and have become really good friends. She does not think what they are asking for is at all unreasonable so asked that the decision takes her family into consideration because it is affecting them also, with her fully supporting the application as a direct neighbour.

Members received a presentation, in accordance with the public participation procedure, from Nat Green, the agent. Mr Green made the point that the committee is here to decide the matter on planning issues only and this application is for the siting of a mobile home for residential use and the siting of an ancillary day room. He referred to the application being recommended for refusal, however, the officer's report in its recommendation has, in his view, deep flaws, firstly being the dismissal of his clients gypsy status and despite a comprehensive family history and personal circumstances being provided the Local Planning Authority claims that a Barrister's opinion was sought and it concluded that they were not gypsies, asking where is this Barrister's opinion as at the very least it should have been released to his clients as if a report was written about you, you would want to see it and further questioned where is report from the Gypsy and Traveller Liaison Officer.

Mr Green expressed the view that the Council cannot demonstrate a five-year land supply of traveller pitches and has a shortfall of five pitches to 2026, therefore, personal circumstances are irrelevant to the application as gypsy pitches are needed and this application is one of them being very sustainable and if it subsequently turns out the residents are not gypsies that is a second order problem as this is an application for the use of the land and not an application about the residents. He referred to the reasons for refusal, one being access and stated that he submitted a 51 page report by the Hurlstone Partnership 10 months ago, which is on the Council's Planning Portal, and clearly supports their case and the Highway Authority were invited through the Case Officer to comment on it and they refused so that is why there is no reference to it in the officer's report. He stated that members might wish to read that report, it is one thing to have a professional difference of opinion but another to demonstrate a cavalier dismissal of a thoroughly argued report, which, in his view, amounts to a material consideration that has not been addressed and it would not look good at appeal.

Mr Green referred to the historic environment reason for refusal, which is recommended because it would build across two medieval burgage plots, in his view, that might be a valid reason but last year just 8 doors up 6 houses were approved to be built across the burgage plots and in that application the Case Officer states "the development would result in the loss of the burgage plots in this location which would amount to less than substantial harm to the historic environment, however, the benefits of introducing 6 dwellings in this highly sustainable location which is well connected to the town centre and nearby services and facilities coupled with the improvement the development would make to the area both in terms of visual impacts through the reuse of a currently disused and unkept area of land are considered to outweigh this harm" so he feels that this applies to this development also, again reiterating this would not look good at appeal either. He referred to the third reason for refusal, bin storage, and expressed the opinion that officers want committee to refuse this application because bins would have to be dragged an extra 15 metres beyond the recommended distance of 30 metres but the bins for the application site are already collected by a Council refuse vehicle every week along with everyone else's as it travels up and down the lane and this was confirmed in an e-mail to the Case Officer on 21 October 2022.

Mr Green stated that it is understandable for committee to generally follow officer's recommendation but no one has a monopoly over being right and in this instance he feels there are sufficient flaws in the report suggesting that members should approve the application subject to the usual gypsy and traveller site conditions, with his client happy to comply with any reasonable conditions.

Members asked questions of Mr Green as follows:

- Councillor Booth referred to the gypsy and traveller status and that he has not seen the
 report but he assumes that evidence was provided as part of the application and was he
 asked for additional evidence to support the claim? Mr Green responded that they
 submitted a family history and full personal circumstances to the Case Officer. Councillor
 Booth asked for clarification on whether additional information was provided or asked for?
 Mr Green stated that no additional information was requested.
- Councillor Imafidon asked for clarification that he said that the Council already collects the bin from the property? Mr Green confirmed this to be correct. Councillor Imafidon asked how long the applicants have lived at the property and do they live there already? Mr Green responded that the applicants do live there already but he cannot say precisely how many years but it is some years.
- Councillor Marks referred to the access, he has looked at it and it is a concern to him, with last week or the week before there being a vehicle that had been hit and there have been at least two other accidents along this stretch of road, whilst he recognises there is nothing that can be done about making the access better which is his concern, he asked how many vehicles will there be on this site? Mr Green responded a maximum of 2. Councillor Marks asked what type of vehicles, would they be vans or a standard car? Mr Green responded that a standard gypsy and traveller condition assuming it was imposed would be a maximum of 3.5 tonnes so this would be nothing more than a transit van. Councillor Marks asked if a business would be run from the site? Mr Green responded that it would not but this could be conditioned too.
- Councillor Booth stated that he assumes the applicants are using the access as a vehicular access currently so it is not really going to be any increase in vehicles. Mr Green agreed.

Members asked officers questions as follows:

- Councillor Mrs French stated that she has listened to what Mr Green has said and asked for an explanation about the report and why committee has not seen it. She also referred to Planning Policy for Traveller Sites - Policies and Criteria and asked why is there not some kind of information from the Council's own Gypsy Officer making the point that the issue keeps getting raised about the lack of a policy and asked if the Council is ever going to get one? David Rowen confirmed that the Council still does not have a specific Gypsy and Traveller assessment in place so there is an acknowledged position that the Council has an unknown need for such sites and he is not aware when this assessment is going to be available. He stated that the information submitted with the application around personal circumstances does contain personal information, which raises an issue in terms of confidentiality as there would be in relation to the Barrister's advice in respect of this but the information submitted with the application has been assessed by the Barrister and their conclusion was that this did not demonstrate that the applicant met the definition. Councillor Mrs French stated that personal circumstances has been raised on previous applications and it has been provided confidentially to members so she is surprised that it has not been provided this time but she is more concerned about not seeing the Barrister document.
- Councillor Booth referred to the Gypsy and Traveller Housing Needs Assessment and he was told some time ago as part of the Local Plan Working Party it would be available on or around the second public consultation but it is not there and there have been further delays to the Local Plan so it does not seem it is being delivered very quickly. He referred to Councillor Mrs French asking why members have not got the report from the Council's officer and why did the Council have to go to a Barrister and from reading the report it says there is not sufficient evidence so if there is not sufficient evidence does that mean to say it

- could be rectified if further evidence was provided? David Rowen responded that the reason that Barrister advice was sought was so that the Council could deal with this in as a robust manner as possible to get a legal opinion to fully address this matter.
- Councillor Mrs French made the point in that David saying robust the application was submitted in 2022 so she does not think 10 months down the line is very robust for determining a planning application. She stated that she does have concerns about this application, she can see both sides and sympathises with the applicant, but members do not have this report and she believes as decision makers committee should have the report and she does have concern with regard to highways and the access and feels the application should be deferred so members can see the confidential information. David Rowen stated that if members wish to defer the application to receive the confidential report that is a course of action that can be taken and he would have to revisit the report and advice received to consider what is or is not disclosable. Councillor Mrs French stated to be fair to the applicant and the committee a deferment is, in her view, the correct course of action as if it is refused the applicant has the right to appeal and that takes months.
- Councillor Marks asked if it was deferred and the report was provided to committee would it be given in its entirety with the agreement of the applicant as opposed to having a cut document. David Rowen responded that he would not be able to answer this at this point in time. Stephen Turnbull added that this document is legal advice to the Council, it is not an external report which informs the public planning process and there are very sound reasons why normally those are confidential because the Freedom of Information Act recognises that public bodies need to have their own legal advice and not have to go public on that advice every time they obtain such advice. He stated that it may well be that it should not be disclosed other than to members on a confidential basis, with the applicant free to get their own legal advice and they may possibly have done this so it is a matter of confidential legal advice to the Council not a document that is public and the law recognises that such documents should be confidential. Councillor Marks stated that he understands that what is being asked for is the committee only to be able to see this document. Councillor Mrs French stated that she is more concerned that if information has been passed on regarding the gypsy status and that has not been clarified so it would be wrong for committee to make a decision today without having further information and especially from the Council's own Gypsy and Traveller Liaison Officer.
- Councillor Booth added that it is the way the report is worded about sufficient advice and is there further evidence that can be provided that will clarify the situation, it does not appear to be from what has been said that there has been much engagement with the applicant regarding this issue and as Councillor Mrs French has said the Council does have its own officer who should be able to give members an opinion. He expressed concern regarding other matters around the bins and vehicular access which are already in situ but are being used as reasons to refuse so how can these be reasons if the use is already established? David Rowen responded that the issue of the bins would need to be reviewed as he does not have that information to hand to give members any advice on this, however, with regard to the issue of the access if the site is being occupied without planning permission which seems to be the case then it is an unauthorised situation and the advice of the Highway Authority within the application report would be relevant as it would be an intensification of the use of a substandard access, it is a key issue on whether this is already taking place or it is a future occurrence, and whether the lack of visibility is acceptable or not as the Highway Authority do not think it is.
- Councillor Imafidon stated that there are other properties as can be seen from the photos in the vicinity and some of them he believes use the same access, if it not an issue for them why should it be an issue for this site? David Rowen responded that as indicated it is the intensification of the use of that access which is a substandard access which has arisen as an historic quirk and whether that can accommodate any further vehicle movements and would having more vehicle movements up and down utilising that substandard visibility poses a risk to highway safety, which the Highway Authority think it would. Councillor Imafidon stated that he understands this but asked what difference it would make if the current users of that access just increase the number of vehicles they have, it will be same

result? David Rowen responded that it potentially would but members need to remember that if you then have a third residential unit using this access and those properties also further intensify their own vehicle movements that cumulatively results in intensification to the detriment of safety.

Councillor Booth made the point that there is much talk about intensification but members
have heard also this site is being used, although without the appropriate consent, for some
time so is it intensification if it is currently being used and these are the answers that are
needed together with how long the applicant has been on the site, which will give
committee a clear indication of, particularly in relation to highway safety, about how much
of a risk it poses if they have been living there for quite some time then that would indicate
that the risk is probably minimal.

Proposed by Councillor Mrs French, seconded by Councillor Purser and agreed that the application be DEFERRED for members to receive the information on personal circumstances and the Barrister's opinion on gypsy status together with a report from the Council's Gypsy and Traveller Liaison Officer, whether there is further evidence that substantiates the applicant's claim, to resolve the issue around the bins, whether there will be intensification of the access and how long the applicant has lived on site to assess potential risk and clarification on where the applicant is currently living on site.

(Councillor Benney declared, that the applicant is the relative of a fellow member of Chatteris Town Council, and retired from the meeting for the duration of the discussion and voting thereon)

P43/23 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)

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

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that the application has the support of all the standard consultees including Highways and the Parish Council, with the Parish Council having an approved Neighbourhood Plan which this proposal is consistent with which has led to the support of the Parish Council. He advised that the drawings have been revised to show the required visibility splays that have been set out by the Highway Authority and the access road proposed is to be controlled by a management company which will enter into an agreement with the Council's refuse collection service to allow access to all properties so it is consistent with the requirements of Recap.

Mr Edwards stated that they have provided a full turning head for both refuse vehicles and fire appliance vehicles which will allow all vehicles to enter and exit the site in a forward gear. He expressed the view that the form and character is consistent with this part of the village and there are a number of in depth developments on this side of Main Road, such as Springfield Gardens, Ingham Hall Gardens, Brewery Close, John Bends Way, Lakeside and Newlands Road, all being off Main Road and on the proposals side of the road, with there being further comprehensive developments after Silvers Lane on this side of the road heading out of the village, such as Patricks Way and John Pecks Close.

Mr Edwards expressed the opinion that this shows the development will not undermine the prevailing form of development in the village but is consistent with it and this can also be seen with the adjacent property known as The Silverings, 114 Main Road, which as his site plan shows sits further back than the new properties that have been built on Main Road either side of it. He made the point that Parson Drove is a limited growth village under LP3 where a small amount of

development and new service provision will be encouraged and permitted in order to support their continued sustainability but less than what would normally be in a growth village, with such development being appropriate as a small village extension and he would argue that this is exactly what this site will be and in an email from the former planning officer in March 2023 it was stated that they were overall happy with the scheme subject to the additional requirements that were set out by Highways so this was forwarded to the applicant so when it was not going to be a delegated approval but coming to committee with a recommendation of refusal they were somewhat shocked.

Mr Edwards stated that this is an outline application with only access reserved, with the indicative layout showing a single point of access which will allow two vehicles to pass along its entire length so it should not add to vehicles having to wait at the junction on Main Road. He feels the plots are likely to be purchased by self-builders which has happened largely to the plots at the front of the site and as the sequential test they have produced states there are no other sites in the village which can accommodate this number of dwellings and a quick check on Right Move this morning showed there were only two individual plots available in the village, one of which is set behind the village Church in a tandem form of development.

Mr Edwards expressed the opinion that the proposal will look to use all existing main services including the foul sewer and surface water will be contained on the site with soakaways designed to BRE365 following a soakage test and will be approved as part of the Building Regulations application. He feels the reasons for refusal have been addressed in that the form of development is consistent with the prevailing form of development in this part of the village and on this side of the road where there are a number of comprehensive developments, the visibility splays have been shown on the drawings these are either within the footpath that has been constructed as part of the application at the front of the site or the highway verge, the roadway proposed will provide for access to all properties to overcome Recap concerns and an agreement will be made between the management company and the Council's refuse collection, it also comes with the support of the Parish Council and is consistent with the approved village plan. He requested approval of the proposal with the conditions deemed appropriate.

Members asked questions of Mr Edwards as follows:

 Councillor Benney referred to Mr Edwards mentioning that the proposal was going to be approved and then it was not and asked if this is correct? Mr Edwards responded that there was an email from the officer who stated that she was happy with the proposal subject to the changes to the visibility splays at the request of Highways. Councillor Benney asked if those amendments were submitted and accepted? Mr Edwards stated the amendments were submitted providing the visibility splay that Highways required and he had not received anything to say that it was not acceptable.

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

- Councillor Gerstner stated that he very adverse to using Grade 1 and 2 agricultural land as
 this country should be feeding itself and not relying on other countries, with there already
 being some erosion on this field already and it looks like the proposed plan would further
 erode away very good arable land.
- Councillor Mrs French referred to the Neighbourhood Plan which was agreed in 2019 and seems to conform with their policies and is something the Parish Council want to support so expressed concern on what has been heard from the applicant's agent that the Neighbourhood Plan is not being looked at as well.
- Councillor Purser expressed concern over the entrance as Main Road in Parson Drove is a
 very fast road, although it is not meant to be, and a bit of a rat run and there used to be lots
 of high hedges in that area so coming out of roadways could be guite dangerous.
- David Rowen referred to the Neighbourhood Plan and made the point that the site is not allocated in the plan, with the Neighbourhood Plan effectively conforming with the Local Plan in that village extensions in Parson Drove will be acceptable where there is not a detrimental impact on the character of the area, which has been identified here with the officer view that because of the tandem nature there would be detrimental impact on the

- character of the area. He stated that the recommendation is entirely consistent with the policies of the Neighbourhood Plan.
- Councillor Mrs French expressed concern over the agent stating that he was under the impression that this application was going to be approved subject to further information on the access and the opposite has happened. David Rowen responded that most agents are aware that if they get advice from an officer that is the officer opinion and can be subject to change when more senior officers view the proposals, it is regrettable but it does happen but officers try to be as consistent as possible with the advice given. He stated that there has been a transient nature in terms of staffing in the last 6-12 months and interpretation of Fenland policies some officers are not as familiar with but there is a recommendation in front of members on the basis of the assessment contained within the report.
- Councillor Gerstner referred to the report conclusions which states that insufficient information is provided to demonstrate suitable visibility splays can be provided for the required access to the Main Road. David Rowen responded that the update report that has been circulated does pick up on highway safety and the agent has submitted a further plan with demonstrated visibility splays to address the concerns raised by the Highway Authority, however, the Highway Authority commented on 18 August, at the end of last week, saying that the 2.4 metre by 120 metre visibility splay has been shown but does not appear to be fully contained within the application boundary so there is still question marks over whether the appropriate visibility can be achieved.
- Councillor Benney questioned that what is being said is the visibility cannot be achieved because of land ownership issues? David Rowen responded that Highways are saying that it involves third-party land so it is not within the applicant's control and not within the highway boundary. Councillor Benney stated that this has come before the committee previously where land ownership is not a planning consideration so, therefore, if this is approved and the visibility splay could not be achieved through negotiations with third parties it could not be developed. David Rowen responded that land ownership is not a planning consideration but there is no indication that the third party would be willing to enter into any agreement, the land is presumably not contained within the red line boundary and if members were minded to grant the application today then something is being granted that members do not know can be delivered which is not really the way to be dealing with applications notwithstanding that the officer report says there are in principle fundamental character issues arising from the application and as such the visibility issue has not been pursued any further. Councillor Benney expressed the view that character is a subjective opinion and applications have been passed previously where the applicant has not been in control of the land because land ownership is not a planning consideration and if the agreement does not come forward the development just does not get built. David Rowen responded that an application could be made to build on someone else's land but a red line would have to be placed around the application site and the appropriate notice would need to be served, which has not happened in this instance.
- Councillor Mrs French expressed the view that more information is required. David Rowen
 responded that as indicated earlier given the fundamental concerns that there is from a
 character point of view the visibility issue has not been pursued and if members wish to look
 more favourably on the application from a character perspective that is a matter that can
 potentially be deferred to resolve this situation bringing the application back to committee.

Proposed by Councillor Mrs French, seconded by Councillor Purser and agreed that the application be DEFERRED to resolve only the access issue. Members do not feel that the proposal would be detrimental to the character and appearance of the area.

(Councillor Booth registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Parson Drove Parish Council and was present when this application was discussed, and retired from the meeting for the duration of the discussion and voting thereon)

P44/23 F/YR23/0373/PIP

LAND SOUTH EAST OF 76 STATION ROAD, MANEA
RESIDENTIAL DEVELOPMENT OF UP TO 9 DWELLINGS (APPLICATION FOR PERMISSION IN PRINCIPLE)

David Rowen 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 for Permission in Principle (PIP) for nine dwellings on a former pig farm, he has had numerous meetings with his clients' representative which is Ed Tabner from Chefins who is acting on behalf of the Risely family and he has made enquiries independently to relet the buildings and the Risely family contacted him so he had a meeting with them, Mr Tabner and an accountant and he suggested that a residential use would be better than reletting it so they left him to make the planning application. He stated that the site is currently covered with old pig sheds and the principle of development in depth or where there has been agricultural has already been set on the site.

Mr Humphrey expressed the view that the application is supported by most of those living next to the site, referring to the smells in the height of Summer from pigs, which are not particularly pleasant, although he appreciates that this is not a reason for approval. He expressed the opinion that the site is at a crossroads, it can be developed for residential or it can go back to its former use and since Mr Risely senior died the site has been unused but it clearly needs something doing with it.

Mr Humphrey made the point that the Parish Council agree in principle with the proposal, Environmental Health support the application having no objection, the Environment Agency ask for a Flood Risk Assessment at the technical stage submission but in principle it has no objection and Highways have no objections, with the development being in walking distance to Manea train station and all facilities in the village. He stated that Manea is a growth village where development in the existing urban area or as a small village extension of limited scale as appropriate is supported.

Mr Humphrey referred to Paragraph 120 of the NPPF 2021, which states that substantial weight should be given to the value of using suitable Brownfield land and whilst the site is not Brownfield in the true term as it is agricultural a planning application could be made to convert the barns to residential and then they could apply to have it redeveloped as a Brownfield site. He feels the development would contribute towards the sustainability of the settlement and not harm the wide open character of the countryside as it is already developed.

Mr Humphrey confirmed that if approved there will be wheel washing facilities and reading the letters of support for the application he suggested the community benefit of not having smells and associated problems with a pig farm outweigh those of the site being in Flood Zone 3, with there being mitigation measures for this. He stated that the application has been a long time coming and the Parish Council and others have said to him when was this application going to be submitted so he welcomes the committee's support.

Members asked questions of Mr Humphrey as follows:

- Councillor Mrs French asked how long has it been since pigs were kept on the site? Mr Humphrey responded that it is five years. Councillor Mrs French made the point that noise, smell and contamination are material planning considerations.
- Councillor Booth asked why the application has been submitted as a PIP rather than an outline application? Mr Humphrey responded that it is cheaper and quicker.
- Councillor Booth referred to the sequential test not being appropriate and asked what the
 response to this was? Mr Humphrey responded that on early PIPs flood risk was not an
 issue but since more applications have been submitted it has been deemed a material
 consideration but there can also be a community benefit which can offset flood risk and he
 believes that the benefit of the removal of the pig farm far outweighs the flood risk harm

that could exist.

- Councillor Booth referred to the officers saying in the report that the proposal results in the
 loss of employment but the site is not active at the moment so he assumes there is no
 employment? Mr Humphrey responded that there used to be one pig farmer but there is no
 employment at present. He stated that there is the opportunity to convert the site to
 employment uses but they feel this would be problematic in its location.
- Councillor Benney asked what other pieces of land in Manea have been looked at for the sequential test and are there many pieces of land in Manea that would be suitable to take this size of development? Mr Humphrey responded that there are not, the flood risk is drafted ready to be submitted if this proposal is approved and no other land can be identified at present but this will have to be undertaken for the technical submission.
- Councillor Marks referred to the aerial photo and asked if there is a reason why the furthest barn has not been included in the application? Mr Humphrey responded that it would exceed 1 hectare which is the maximum size allowed for a PIP. Councillor Marks questioned whether they would be coming back to ask for further development? Mr Humphrey advised that he has no instructions but it is a possibility as once the principle is established he has found that it is sometimes as easy to submit a full application as opposed to a technical application but they are trying to establish if officers/Planning Committee would prefer to see this as residential, if they would he thinks this area may be included in the next application as they would not develop nine and leave one pig shed. Councillor Marks asked if this area is developed how many more houses does he believe this area would accommodate? Mr Humphrey responded one but then the affordable housing threshold would be met.
- Councillor Benney stated that if this is approved he would be pleased to see the subsequent application submitted with contributions and 20% affordable housing which he is sure that Mr Humphrey will be very willing to offer as he was very generous on a previous application before committee. Mr Humphrey advised that he takes this on board but if this is approved and another application is submitted it will come to committee with a recommendation of refusal as it is a new application, not the technical support of this one if approved, so a balanced view will be required on what the decision is today and then there is the risk of there being different committee members with different opinions so it has to be weighed up but the chances are they would come back with an application for a slightly larger site to include all the buildings and a contribution.
- Councillor Purser expressed concern about a lack of footpath going from this site into the village and asked if this is correct? Mr Humphrey responded that he believes there is a footpath but there is one the other side of the road.
- Councillor Purser referred to the possibility of contaminated land. Mr Humphrey advised that there could well be and they will have to produce a contamination report as pigs will have produced ammonia that will have leached into the soil.

Members asked questions of officers as follows:

Councillor Booth referred to the sequential test and that would normally be covered under the technical guidance so on that basis what are the concerns, is it because it cannot at this moment prove that there are no other more suitable sites? David Rowen responded that national planning policy states that sequential tests should be applied to developments in Flood Zone 3, which is not a discretionary policy, and a sequential test has been submitted with the application which incorrectly rules out a number of sites which would be deemed as being alternately available of approximately 60 plots which would be sequentially preferable and the officer view notwithstanding the other issues of the application recommends the application should be refused. Councillor Booth questioned whether these other sites where for 9 plus properties? David Rowen advised that the adopted Supplementary Planning Document in relation to flood and water states that a comparable site is any site which can individually or cumulatively take the development. He stated that one of the applications that has been discounted is for 29 dwellings, there are several that are single plots or two plots that have also been discounted so there is a range of plots that are available within a range of developments which would be sequentially preferable.

- Councillor Marks referred to the David visiting the village when flooding occurred two years ago and they went around the village where the flooding was in Flood Zone 3 and it was nowhere near this site, it was almost \(^3\)4 of a mile away as the crow flies and there has been another application at the end of Westfield Road where members were told Flood Zone 3 and it cannot be built on and the property is so far out of the ground as they have undertaken mitigation but again it is on a hill and if the water ever floods everyone is going to have problems. He asked if officers are not being a bit harsh on this application for development as it lies in Flood Zone 3? David Rowen responded that this is what national policy says that authorities are supposed to do and there is a legal duty to consider planning policy. He stated that in terms of other sites within the village that may have experienced flooding he is not sure what the source of that flooding was. David Rowen made the point that in terms of mitigation this is a PIP application so it is broad land use that is being looked at and there are no details of flood mitigation nor can they be considered. Councillor Marks asked in his experience could this be mitigated against by raising the land level? David Rowen responded ultimately any site can be mitigated from flooding if you raise it high enough but that is not the thrust of national policy, which is to prevent development in Flood Zone 3 in areas that can flood in the first place irrespective of mitigation.
- Councillor Mrs French stated that she sits on the flood group at Cambridgeshire County Council and was heavily involved with Manea after the December 2020 floods and she assured members that this part of Manea did not flood.
- Councillor Booth made the point that the Environment Agency maps are years out of date and do not reflect the reality. He referred to 1.3 of the officer's report where it is stated that this proposal is out of character for this part of the village being in-depth but about 100 metres further along the road there is Charlemont Drive which is an in-depth development so he has concerns about this observation and looking at properties along Station Road they are not all on the frontage, some are set back, so there is quite a range of different types of architectural styles. David Rowen responded that his reading of Paragraph 1.3 is that while officers acknowledge that the character is predominantly frontage the application site is something of an exception, the buildings are not visually attractive and the paragraph concludes that the redevelopment of the site for housing may be appropriate and potentially more compatible with the adjoining residential use. He stated that in terms of architectural merit there are no architectural designs submitted so it is difficult to comment.

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

- Councillor Benney questioned whether Manea wants a pig farm or does it want some homes, the site is a mess and whilst this is not a reason to approve, do people want a load of derelict buildings or some nice houses. He feels the only reason for refusal is Flood Zone 3, there may be other sites in Manea that would take this development such as two sites in Westfield Road but they are not being developed and why should these sites be sitting there blocking this site as this is what a sequential test does because if those people do not want to bring those sites forward then that could mean until those sites are built out this site would not be acceptable. Councillor Benney feels there is an application in front of members that does bring community benefit, he would not want to live next door to a pig farm and he is sure that the people of Manea deserve better than a pig farm if indeed anybody would take it on as this. He feels that all members are looking at is Flood Zone 3 and whether this brings community benefit and improves Manea and, in his view, it does, therefore, the community benefit does outweigh policy, flooding can be mitigated against, it will be safe to live in and a PIP application just changes the land usage, with residential being a much better use of land than derelict buildings and a potential pig farm.
- Councillor Gerstner agreed with the comments of Councillor Benney, the proposal would be beneficial to Manea but members do have to be mindful of Flood Zone 3 as there has been plenty of instances in Fenland where development has been built on or adjacent to Flood Zone 3 in much worse cases. He requested that if this is approved that the subsequent application includes an element of amenity space.
- Councillor Booth stated that whilst he agrees with the comments made the issue committee
 has is that the NPPF is telling members that it should not be approved until the sequential

test is passed, which officers are saying it has not and it looks like the applicant is ready to move on the development very quickly so it would be this committee going against national policy as officers hands are tied on this but it highlights the issue with the NPPF and the fact the flood maps are out of date and need to be updated.

- Councillor Mrs French stated that she agrees with Councillor Booth but members have to weigh up what is the benefit and the benefit is to get rid of that mess.
- Councillor Marks stated that he lives locally on Charlemont Drive which is in Flood Zone 3 and on a hot summer's day Mr Risely used to clear his pigs out and residents could smell it for about 2 days, with there being in excess of 1500-2000 pigs. He made the point that the site is now standing derelict, there is still a rat infestation and to get rid of those derelict buildings as you come into Manea would be a good thing as this is the first thing you see. Councillor Marks stated that there has not been flooding in this end of the village in the last 18 years and although it is supposed to be Flood Zone 3 he feels the water will go a lot further down the road into the village before it gets anywhere near this site. He stated that he is in full support of this proposal, he sat in the Parish Council meeting and listened to what they had to say and this proposal will tidy this area of Manea.

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

Members did not support officer's recommendation of refusal of planning permission as they feel that the sequential test is being used as a blocking tool due to other land not being brought forward and the community benefit of getting rid of a potential environmental health problem with the rats and untidy site outweigh the potential flood risk issue.

(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Manea Parish Council but takes no part in planning. He further declared that the applicant was known to him via his business but the applicant's business has been closed for five years so is not pre-determined and will approach the application with an open mind)

P45/23 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

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

Members received a presentation, in accordance with the public participation procedure, from Jack Hinson, on behalf of the applicant. Mr Hinson stated that he is at committee on behalf of his grandfather who is the applicant and resident at 66 Wimblington Road, it being a family project with them all living in the area. He feels there are two elements to the proposal, proximity and a low roof height, and made the point that the original application was at the height of the host property but comments were received regarding overbearing so naturally as an applicant they thought they would reduce this to alleviate concerns, however, this application has now had the feedback of being too reduced so there must be a balance to be had between the two proposals.

Mr Hinson expressed the view that they have tried to be proactive by providing the solution and the committee was given a last minute update yesterday but they did offer to adjust the roof height two months ago on the 15 June, which is not new information and they were surprised when it was never accepted. He stated that they believe this fundamentally addresses the refusal by giving a balanced roof height entirely consistent with the neighbour at No.68 and asked that this be given consideration as a balanced and positive outcome, with the refusal saying it is contrived and

significantly lower but this roof height is level with No.68 so he feels this resolves these comments.

Mr Hinson expressed the opinion that in terms of proximity it is a subjective concept but there are ways to measurably show that a site is suitable for a dwelling, typically garden space and parking are unachievable when buildings are too close but both have been demonstrated in this instance and as can be seen by highway and planning officer comments there are large garden spaces provided, with it being an ideal opportunity to facilitate effective use of land. He expressed the view that there is mixed development along Wimblington Road, bungalows, chalets and two-storey properties in a varied pattern and it is not a new estate where you have got house types repeated and he believes the proposal positively reflects the character and street plan as per LP16d.

Mr Hinson stated to be proactive they have made many reductions since the original application to specifically promote separation and accommodate previous concerns, the dwelling is now single-storey with no chalet element, the roof height and building bulk have been reduced, the roof is hipped sympathetically away from neighbouring properties, the internal footprint has been reduced, separation between dwellings has been increased and there are also features such as flush eves and staggered elevations to enhance that feeling of separation. He showed on a slide on the presentation screen the reductions that had been made on this proposal as opposed to the original application.

Mr Hinson showed images of the proposed street scene including the proposal and that directly opposite the site, which has a similar pattern, and, in his view, it could be considered there are negative elements to those dwellings opposite in that there is a two-storey roof section, there is a side facing bay window on the ground floor directly adjacent to a neighbouring property, and their proposal has none of these negative elements, is a considerate solution to the site, a positive contribution to the street scene and a perfect opportunity to offer a new home which complements the area and is sustainable in a growth area of March. He hoped that members can see the merits of their revisions and reductions and a positive way forward can be achieved, with there being no resident or consultee objections and 8 supportive comments.

Members asked questions of Mr Hinson as follows:

- Councillor Marks asked if the proposed property would be for the family's use or would it be sold? Mr Hinson responded that they are not sure yet but his parents who also live in Wimblington Road have shown a desire to may be move into this property but there are lots of benefits to his family in doing this project. His grandfather is now 80 years old, this process has taken over 12 months and they have tried to be very proactive and it will help to keep his grandfather's mind active and give him a project to undertake.
- Councillor Marks asked if the properties either side were owned by them? Mr Hinson responded that his grandfather is the owner of No.66.

Members asked questions of officers as follows:

- Councillor Mrs French stated that she knows Wimblington Road exceptionally well, it is a tatty old garage at this time, it would improve the area, with Wimblington Road being a mixture of dwellings but asked if the area behind the property is part of the BCP and when were there green Great Crested Newts in this part of March? David Rowen responded that the land to the rear would be part of the BCP and it is an area that is identified as having potential for Great Crested Newts which is a traffic light system of green, amber or red and it is a green zone which indicates that there is lower potential than in a red zone.
- Councillor Booth referred to the March Town Council comments and wondered whether clarification was sought on this as it says approval subject to concerns that the new design is detrimental to the street scene compared to the previous design, which indicates to him that it is worse than the previous design but they are still recommending approval. David Rowen responded that he would interpret those comments in the same way. Councillor Mrs French stated that it needs to be taken into consideration that the comments from March Town Council probably came in before new members received training.

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

- Councillor Mrs French made the point that the only main reason that it is recommended for refusal is the design and the applicant is prepared to look at it and he should be given the opportunity to discuss with officers what will be a suitable design. She made the point that what is there at present is a horrible wooden garage, which does not enhance the street scene so she would want this proposal deferred for the applicant to come up with an acceptable design that will satisfy officers.
- Councillor Booth expressed the view that the applicant is really trying but whatever he is putting forward is not meeting the officer's approval and to him this type of issue is more of a subjective one and about whether the actual design that members have in front of them is adverse or not. He feels having seen the photos of what is there, what is opposite and the different nature of buildings in this part of town that this is not an adverse design, with the applicant attempting to reach a compromise and he would be happy to support the application.
- Councillor Imafidon expressed the view that the original design submitted was more in keeping with other properties on the street than the new design. He feels it is not good if applicants are being told to alter their designs and then if a different officer or someone has a different point of view keep being told to amend the design so he is happy to support the application as it is.
- Councillor Gerstner referred to the application being refused previously on the design but going back to that initial design would be going back to square one again and he feels the applicants have made significant changes and to go back to a chalet would be a retrospective move.
- Councillor Imafidon made the point that the applicant has been told to change the design to suit what the officers want and it is still being refused, he is not a planning expert but he would have thought a two-storey design would have been safer in an area that is prone to flooding as people could go upstairs for safety. He is not saying go back to the original design but tell the applicants what is required and stick to it, do not let them change it and recommend it for refusal again.
- Councillor Benney made the point that irrespective of what the previous design is, committee is not looking at that, it is looking at this proposal and applicants put their application in and committee looks at what is proposed, with members having to decide whether they like this application or not.
- Councillor Booth referred to a slide referring to a new application but that is not the amended version that committee has got as the ridge line is in keeping with the neighbouring property. David Rowen stated that the lower image is the one in front of members and is for consideration today, a further iteration of the plan has been submitted, however, that has not been accepted as part of the application given the minor changes and it does not really address the fundamental concerns officers have. He feels sometimes there are sites that whatever you propose on them will not be acceptable, with the original application which officers had concerns about and committee agreed with in terms of the design, the constrained nature of the site and the fact that it would appear as a cramped development combined with the impact on the neighbouring properties and to the best of his knowledge there was no subsequent discussion with the applicant, they have sought to address those issues by coming in with the further iteration which he feels compounds the slightly contrived design to effectively squeeze something onto the site.
- Councillor Marks asked to see the slides where the roof line was at the same level, which states amended proposal and asked is this not what is in front of members today? David Rowen responded that this slide is part of the applicant's presentation.
- Councillor Booth asked why this amended plan has not been accepted? David Rowen responded that it is not considered to address the fundamental issues that officers have with the application, which is that there are two properties either side of it which have a width of around about 10 metres between them and this is a far narrower property sandwiched in the middle, which is going to create a different aspect and appear out of character.

- Councillor Booth stated that in the planning process if an applicant submits a revised application it has to be looked at and asked why this plan is not in front of members? David Rowen responded that if an application is submitted there is no requirement to accept amended plans. Councillor Booth asked if this is an officer decision? David Rowen responded in the affirmative.
- Councillor Benney stated that this is not an amended plan this is a new application so what is in the previous application is totally irrelevant and agreed that some sites do not lend themselves to development.
- Councillor Marks expressed the view that the confusion is having just seen the drawing shown by the applicant's representative which he believes was submitted some time ago as looking at the current proposal the dwelling looks squat whereas looking at the amended plan it does look better. David Rowen stated that the explanation is provided in the update report and read out the wording to members.
- Councillor Mrs French made the point that Wimblington Road is hotch potch of dwelling types and a mixture of detached, semi-detached and bungalows. She feels the applicant has tried to address issues, the proposal looks better than the tatty wooden garage currently on site and would enhance the street scene.
- Councillor Booth expressed concern that the applicant is trying to address the issues, submitted a revised plan and it has not been accepted so what sort of message does this send out that the Council is willing to work with applicants to get designs that are appropriate. He feels it is probably an improvement from what is there and it is not going to be out of character, with it being a subjective assessment as opposed to policies as to what fits in from members viewpoint.
- Councillor Imafidon queried that there are sites that whatever alterations are made are just not acceptable? David Rowen responded in the affirmative and unfortunately sometimes there are sites that are so narrow or how the houses either side are orientated that whatever is done solves one problem but creates another. Councillor Imafidon asked if this applies to this site and if it does why was this not communicated to the applicant? David Rowen stated that this is his view with this site and at no point to his knowledge has any amendments been sought to the application by the case officer and any amendments that have been submitted is because this is what the applicant has decided to build. Councillor Imafidon asked if the applicant knew this was officer's view? David Rowen responded that he is not sure this is relevant but he is not aware there has been any discussion with the case officer to discuss what may or may not be acceptable on the site and there is an application in front of committee and it is a case of making a decision as to whether committee feels it is acceptable or not.
- Councillor Benney stated that slides have been shown indicating what else is in Wimblington Road but when you see the three on this site it is very much narrower than the other sites where there are three properties in a row and what does it do to the house on the left it blocks the light out. He feels that whilst there is a rickety shed there it could be taken down and a garage put in its place which would enhance No.66 and the area. Councillor Benney questioned whether this proposal fits as there are all nice houses in this area and this proposal is being shoehorned into a very tight space and in terms of street scene what does this do to all the houses along here.

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

Members do not support officer's recommendation of refusal of this proposal as they do not feel that it would be to the detriment of the character or the appearance of the area, it is a suitable development for this plot of land and it will not cause any residential loss of amenity to neighbouring properties.

(Councillor Benney abstained from voting on this application)

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

P46/23 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

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

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that the application has the support of most of the standard consultees and a number of businesses from the village. He expressed the view that the proposal will provide for 5 individual plots which are likely to be purchased by self-builders or small developers which do not have the financial capacity to purchase the larger sections of development land in the District, with these parcels being massively important for Fenland to provide a diverse housing mix.

Mr Edwards stated that Gorefield is a small village under LP3 where development will be considered on its merits but will normally be of a very limited nature and limited to a scale of residential infilling or a small business opportunity but he would argue that as the site is the continuation of the constant built form on this side of the road of High Road and the natural boundary to the village built form is that of Hassock Hill Drove, which is to the west of the site, this is infilling from the existing built form to the natural end of the village. He made the point that there are further properties and businesses down Hassock Hill Drove but he would suggest that these are in open countryside whereas this development is a continuation of the built form and will provide a natural break between the village and the open countryside beyond.

Mr Edwards referred to in the description of LP3 the mention of "normally" a couple of times and questioned what is normal arguing that the site is similar to many that have been approved in the District and within the village itself especially the frontage plots that were approved on High Road at the other end of the village where there was a dyke seen as the end of the village for new development, with works taking place on the dwellings on this development. He stated that this is an outline application with all matters reserved, with the indicative layout showing how the site could easily accommodate 5 large dwellings but should committee feel that a single point of access should be provided they are happy to accept this as a condition of the approval.

Mr Edwards stated that the points made by North Level are noted and any development will look to put surface water from the site into the North Level main drain which is the other side of High Road and the relevant applications will be made to both North Level and Cambridgeshire County Council. He expressed the opinion that the site has not been maintained for a number of years other than for a bit of grazing and any proposal would look to clean out the dykes to improve the drainage for the site and surrounding properties and the land has not been commercially farmed for many years and viewing images from Google Earth it was in its current use in 1999 so there would be no loss of commercially farmed land.

Mr Edwards stated that a sequential test has been carried out on the land as part of Gorefield and not an elsewhere location, this has shown that there are no available sites in the village that can accommodate the number of dwellings proposed and he also checked Rightmove this morning and there are no plots for sale in the village. He feels they have addressed the reasons for refusal in that the development is infill between the existing constant built form of High Road and that of Hassock Hill Drove, which is the natural boundary to the village and from this point it becomes open countryside, the sequential test carried out on Gorefield which shows there are no available plots, the site is consistent with other developments that have been approved both within the

village and the District as a whole and he requested that committee approve the application with the conditions deemed appropriate.

Members asked questions of Mr Edwards as follows:

- Councillor Gerstner referred to the mention that the land had not been commercially used since 1999 but feels the photographs show a cornfield. Mr Edwards responded that the site is just a grass field there are no crops. Councillor Marks added that his first thought was the land has been set aside so is still commercial property, still being used and getting paid a grant on it. Mr Edwards advised that his client has owned it for a long while it has never been farmed. Councillor Gerstner reiterated that the photos make it look like a cornfield. Mr Edwards responded that it is scrubland it has never been farmed as far as he is aware.
- Councillor Benney stated that he has visited the site with Councillor Mrs French and it is not
 a cornfield it is just scrubland. Councillor Mrs French added that this is the benefit of going
 out on site rather than looking at photographs.
- Councillor Gerstner requested clarification that it was arable land in its past and it has not been commercially used for a long time? Mr Edwards responded that at some point in time every part of Fenland has been arable land but this site has not been farmed for many, many years.
- Councillor Benney referred to 10.17 of the officer's report in that the application is accompanied by a sequential exception test which advises that the area of search is Gorefield rather than the whole rural area and officers disagree with this as a site it is considered to be outside the settlement of Gorefield and as such the sequential test is considered to fail and asked from this was the sequential test undertaken area wide rather than specific to Gorefield, when the test was undertaken was it looking for sites within Gorefield only and what is his opinion about undertaking it over a bigger area, with the bigger the area the more likely it is to fail? Mr Edwards responded that they concentrated on Gorefield alone as they are touching the built form of the village, with the village sign being in front of the site so it is clearly Gorefield and not an elsewhere location in his opinion. Councillor Benney asked what was found in Gorefield that would be an alternative site? Mr Edwards advised that there was no land available that is not already being developed.

Members asked questions of officers as follows:

- Councillor Gerstner acknowledged that committee is looking at the application in front of it today, however, an application was considered by the committee in January 2022 and was refused on three grounds and asked if anything has changed since the previous application and this one? David Rowen responded that the previous decision was a delegated decision so it was not a committee decision and the application is essentially the same as previously refused by the Council.
- Councillor Booth stated that reading the report the reason that it is before committee is because there are 5 letters of support from Gorefield and 2 from the neighbouring ward of Leverington, which takes it over the 6 letter threshold and asked if this is correct? David Rowen confirmed that this is correct.

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

• Councillor Booth stated that this site is within his ward and he was present, although he did not take part in the discussion, at the Gorefield Parish Council meeting when they discussed this application, being refused previously under delegated powers and he feels the main reason to consider is whether this is in the village of Gorefield or whether it is extending the boundary and he feels, living quite near here, that the boundary is where the two speed limit signs and this would be extending the boundary so it would be going against policy. He stated that he finds it difficult to support this application on this basis and also the Parish Council have recommended refusal so members should listen to the Parish Council where it can as they know what is happening locally and have local knowledge.

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

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

- Stephen Turnbull, the Legal Officer, drew members attention to the Planning Code of Practice, which says members are advised that a serious risk of challenge is imposed by failure to give and record clear and convincing planning reasons for the approval of planning applications where there is a history of refusals by the council and in this case there is a very recent refusal. He added that the Code of Practice also says that if the council is minded to approve an application previously refused the proposer of the motion must state what significant change in planning circumstances has occurred since the previous decision.
- Councillor Marks asked if this is planning circumstances or as it is a new committee there
 are different people who have different perceptions? Stephen Turnbull responded that
 Paragraph 10 of the Code of Practice says that the fact there has been a significant change
 in the membership of the Planning Committee does not justify inconsistency between
 current and previous decisions.
- Councillor Benney stated that here the committee is again in a situation where the proposal to refuse it has been rejected and they are now in a position where another proposal is going to be put on the table and reasons are required. He made the point that it is another committee, people's opinions change and the opinion of the decision makers has changed although the development may not have so how is this rectified as if the committee has voted that they do not want to refuse this application and they do want to approve it, it cannot be a situation where things cannot change as does this mean for the next 200 years this site will never be built on. Councillor Benney expressed the view that in relation to the Code of Conduct who is going to challenge it and put money up for judicial review on this application, with no councillor having been sent to prison for making a wrong decision and it will be the Council who picks the bill up. He feels if it becomes an approved decision that may not sit right with the Code of Conduct but it may be this position if members vote that way. Stephen Turnbull responded that things do change and the answer from the Council's constitutional point of view is policy can change, with the site possibly becoming part of the settlement or allocated in the Local Plan which would be a legitimate change that might justify changing the decision but it is right that the Council has to be consistent in its decision making so if this came before a Planning Inspector who looked at the Council's approval now having refused it last year with no change in circumstances it would be seen as a fairly eccentric decision and not consistent with previous decisions. He stated that he is not saying that committee must refuse this application but he has to draw members' attention to their Code of Practice which was written by members and if it came before an ombudsman rather than a judicial review, an ombudsman has powers to order payment of compensation and publicly declare the Council is guilty of maladministration.
- Councillor Benney stated that this does not change that the situation is as it is and a proposal is going to come to the table for something else and members are going to vote a certain way, with the consequences being later on if members go with another proposal but members could still change their mind and decide they do not want another proposal and go back to the first proposal but it needs to run its democratic process. He made the point that there are 4 new members of the Planning Committee who were not here last time and they are entitled to have a totally different interpretation of policy. Stephen Turnbull responded that the reason why the Code of Practice says what it says is to try and encourage consistency in planning decisions so it cannot be right that new members of a committee take contrary decisions to previous historic decisions that have been made.
- Councillor Booth stated that the Code of Practice is there to try and ensure consistency and
 make sure that this Council looks like it is acting appropriately and consistently in relation to
 planning applications, it is one of the big criticisms the Council has that it does not have a
 consistent approach and drew members attention to Page 171 where it was refused on 4
 August 2022 for three main reasons; policies LP3, LP12 and LP14 and, in his view, there
 has not been a material change in policy, with the opportunity to change policy during the
 Local Plan review process.

- Councillor Mrs French made the point that what officers interpret and what members interpret is different. She fully understands the point about the Code of Practice but if this had come to Planning Committee last year and the committee refused it committee would have to be consistent and refuse it but members do interpret policies differently which has been seen today right across this meeting so she thinks it can be justified in members having a different view to officers, which does not take anything away from the professionalism of officers.
- Councillor Gerstner stated that this is why we are a democracy as everybody has their own views on this and all he is looking for is an element of consistency and if members decide to vote against officer's recommendation that they come up with valid planning reasons to go against the recommendation.

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

Members did not support officer's refusal of planning permission as they feel that the proposal is not building in the open countryside, there are buildings opposite and it is squaring the end of the village providing quality development on the entrance to the village and a sequential test has been undertaken in Gorefield which shows no other sites are available and the mitigation can be undertaken on the flood risk of this site.

(Councillor Booth declared, that he is a District Councillor for Parson Drove and Wisbech St Mary Ward and attended the meeting of Gorefield Parish Council where this application was discussed, but took no part and will consider the application with an open-mind)

4.36 pm Chairman



F/YR22/1296/F

Applicant: Mr Tony Farrant Agent : Mr Jon Sidey
Hawthorne Properties Sidey Design Architecture

14 - 16 Wenny Road, Chatteris, Cambridgeshire, PE16 6UT

Erect 9 x dwellings (3 x 2-storey 4-bed and 6 x 3-storey 3-bed) and the formation of a new accesses, involving the demolition of existing dwelling

Officer recommendation: Grant

Reason for Committee: Number of representations received contrary to Officer

recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application seeks planning permission for the erection of 9 dwellings (6 x 3 bed units with accommodation within the roof and 3 x 4 bed units) and erection of a single garage with associated access, landscaping, storage and external alterations following demolition of existing dwelling.
- 1.2 The principle of development is acceptable, and has been established by virtue of previous planning consents for residential on this brownfield site which is situated within the existing settlement of Chatteris. Please see section 4 of this report.
- 1.3 The site is within the setting of Chatteris Conservation Area and a number of listed buildings, however the revised scheme has been carefully considered to address each of its respective streetscenes and the wider character and visual amenity of the area and also the setting of the listed buildings and the conservation area. Therefore, the proposal would be considered to enhance the setting of the conservation area and nearby listed buildings and replace this existing unattractive site with a high quality designed scheme that would be aesthetically in keeping with the area.
- 1.4 The revised scheme and the reduction in scale from 10 to 9 units along with their reorientation would ensure that the residential amenity of neighbouring occupiers is safeguarded. In addition, a CMP condition would protect neighbours during construction.
- 1.5 Concerns have also been raised regarding access of the development from Ellingham Gardens but the application site boundary has been revised as requested by CCC Highways to overcome their concern and a condition will be imposed to secure highway improvements that will enhance the quality of Ellingham Gardens to the benefit of existing and future occupiers. This proposal would be considered to take the opportunity to address existing concerns raised by local residents about the quality of this road and the proposal would be considered now to meet the aspirations of Chatterris Town Council. Subject to conditions, the proposal would improve transport and the highway network and not raise any safety concerns.

- 1.6 The proposal delivers a better more efficient use of this brownfield site for the delivery of 9 good quality homes.
- 1.7 Overall, the scheme is considered acceptable and consistent with those policies of Fenland Local Plan as set out in section 7 of this report and NPPF. Therefore, the proposal is welcomed and recommended for approval, subject to conditions.

2 SITE DESCRIPTION

- 2.1 The application site is located on the southwest side of Wenny Road, Chatteris, at the corner of its junction with Ellingham Gardens. It has a gated access from Wenny Road and it is a roughly rectangular site with Ellingham Gardens running along its eastern boundary. The site is topographically slightly higher than the surrounding land and it falls towards Ellingham Gardens.
- 2.2 The site contained a vacant detached dwelling which was situated abutting the front of the site. Originally this building was the remains of a terrace of cottages. From the planning records, it would suggest that this dwelling was converted from 2 terraced cottages, but it had been modified extensively and was concrete rendered and had been in a dilapidated condition prior to its demolition.
- 2.3 The site has been largely cleared, though some outbuildings and hardstanding remain when the site was last visited. The plot is partially overgrown, but remains clearly an underutilised brownfield piece of land in the settlement.
- 2.4 The northern section of the site adjoins Chatteris Conservation Area and onsite there remains a relatively distinctive old wall that adjoins the neighbouring property to the North.
- 2.5 The site is in Flood Zone 1, which is the lowest risk of flooding.

3 PROPOSAL

3.1 The proposal consists of erection of 9 dwellings (6 x 3 bed units with accommodation within the roof and 3 x 4 bed units) and erection of a single garage with associated access, landscaping, storage and external alterations following demolition of existing dwelling.

4 SITE PLANNING HISTORY

F/YR21/0642/O Erection of up to 4no dwellings Granted involving the demolition of existing 25/08/2022

involving the demolition of existing dwelling and associated outbuildings (outline application with all matters

reserved)

F/YR17/1195/O Erection of up to 4 x dwellings

involving the demolition of existing dwelling and associated outbuildings (Outline application with all matters

reserved)

Granted 28/11/2017

5 CONSULTATIONS

5.1 Anglian Water

Section 1 - Assets Affected

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

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Chatteris-Nightlayer Fen Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: application form, site location plan, design and access statement Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information, the applicant has not identified a drainage strategy, which details the point of connection and discharge regime. We therefore request a condition requiring an on-site drainage strategy INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991.

Contact Development Services Team 0345 606 6087. INFORMATIVE -Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to no drainage strategy being included within the planning documents. We would therefore recommend that the applicant consults with Anglian Water and the Environment Agency. We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to draw substantially on the public sewerage network capacity and capacity at the receiving Water Recycling Centre. If developers can avoid new surface water flows entering the public sewerage, the impact of developments on wastewater infrastructure and the risk and impact of sewer flooding can be managed effectively, in accordance with paragraph 163 of the NPPF, minimise the risk of flooding. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process. As our powers under the Water Industry Act are limited it is important to ensure appropriate control over the surface water drainage approach is dealt with via a planning condition, ensuring that evidence is provided that the hierarchy has been followed and any adverse impacts and mitigation required can be planned for effectively.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3) We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding

Surface Water Disposal (Section 4)

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy

5.2 Archaeology (CCC)

<u>25/08/2023 03/05/2023</u>

Thank you for your consultation in regards to the amendments made to the above referenced planning application.

We have reviewed the amendments and can confirm they do not alter the advice given by CHET previously (See attached).

Namely that we do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation, including archaeological historic building recording, secured through the inclusion of a negative condition, such as the example condition approved by DLUHC:

Archaeology Condition

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

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

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

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges

Please let me know if you require anything further.

28/11/2022

Our records indicate that the property and subsidiary outbuildings proposed for demolition occupy a plot within the historic core of Chatteris, in close proximity to the 18th century Manor House complex (Cambridgeshire Historic Environment Record reference MCB14174, DCB1744) and within 90m of the precinct boundary of the medieval Chatteris Abbey (CHER ref 03832), delineated on its southeastern side by South Park Street and East Park Street. The 1st edition Ordnance Survey map of 1885 suggests that the property on the frontage to Wenny Road was a single dwelling by this time, although it could represent earlier cottages amalgamated into a larger dwelling, and likely dates to the second quarter of the 19th century. The majority of the outbuildings to the rear are more modern, however the 1st edition OS also indicates that structures were also present to the north-western boundary of the site in 1885 and could represent those still present, with subsequent additions and alterations. A detailed analysis of the surviving fabric would undoubtedly further our understanding of the development of this site over the last two centuries.

The heritage statement submitted in support of this application uses out-of-date references to the NPPF throughout, referring to section 12 for heritage (now section 16) and incorrect paragraph references, as a result of copying verbatim from the heritage statement for the previous application (by Swann Edwards Architecture) which was itself identified as out-of-date by the Conservation Officer in July 2021. This document should be revised and updated to show current legislation and current site plan and re-submitted before the application can be said to meet the requirements of paragraph 194.

We have commented on this site previously. We would make the same recommendation as for prior applications F/YR17/1195/O and F/YR21/0642/O within the same bounds, that is:

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation, including archaeological historic building recording, secured through the inclusion of a negative condition, such as the example condition approved by DLUHC:

Archaeology Condition

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

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

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

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for <u>CHET service charges</u>

5.3 Cambridgeshire Fire and Rescue

29/08/2023

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

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

Water & Planning Manager Community Fire Safety Group Hinchingbrooke Cottage Brampton Road Huntingdon Cambs PE29 2NA Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

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

I trust you feel this is reasonable and apply our request to any consent given. Should you require any further information or assistance I will be pleased to advise.

29/11/2022

We have looked at the proposed planning consultation and can currently state that as long as there are no changes to the quantity of proposed dwellings (10) we do not require any additional Fire Hydrants installed. Should the planning proposal change and increase in the number of dwellings more than 10 we will need to have the developer install Fire Hydrants.

5.4 Designing Out Crime Team

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering the above location and ward for the last 2 years. At present, I would consider this to be an area of low risk to medium to the vulnerability to crime.

Timescale: 28/11/20 - 27/11/22

Wenneye Ward	All crime - 331
Criminal Damage	51 (Wenny Rd – 5)
Robbery	1
Bicycle Theft	4 (Wenny Rd – 4)
Theft from a vehicle	7 (Wenny Rd – 1)
Theft of a vehicle	4 (Wenny Rd – 2)
Public Order	49 (Wenny Rd – 10)
Burglary Dwelling	6 (Wenny Rd – 2)
Burglary Business	10 (Wenny Rd – 3)
Trafficking of drugs	3 (Wenny Rd – 1)
Possession of drugs	3 (Wenny Rd – 1)
Violence	144 (Wenny Rd – 40)

Rowdy or inconsiderate	70	(Wenny Rd - 16)
incidents		

Overall, the layout and design appear to be acceptable, I also note the Designing Out Crime section on page 6 of the Design and Access statement. With your proposed security measures in mind, I have the following recommendations for your consideration.

Boundary Treatment (Gates & Fencing) – All private gates require and self-closer and be lockable from both sides. Plot 2 – drop fence to 1.5m and add 300mm trellis to allow for some surveillance over the parking area. This will help to reduce the vulnerability to the risk of crime. All boundary fencing should be close boarded and 1.8m in height.

Footpath (plot 1) – There is a footpath to the rear of plot 2 allowing plot 1 to move bins. The gate should be moved to the opening of that footpath to remove the risk of attracting unwanted attention. The method of entry for most of the dwelling burglaries are via rear gardens, especially where there is little surveillance from neighbouring properties.

External lighting - Whilst our usual recommendation for parking courts is that they are lit by column lighting, meeting standard BS5489-1:2020, I understand this is perhaps not feasible for the parking area for plots 1 & 2. It is very important that the external house security lights are all LED dusk to dawn, especially for plots 3 & 4 to allow for some lighting at the front to illuminate the parking spaces.

5.5 Environmental Health (FDC)

Given the scale of the proposal and close proximity to existing residents, the applicant needs to consider the potential for adversely impacting on their amenity during the development stage. We therefore ask the applicant to produce a construction management plan (CMP) that sets out how adverse impacts such as noise and dust will be mitigated in order to protect those existing sensitive uses in the area.

An effective CMP should include the following elements as a minimum:

- Notices to be posted on site to keep residents & other neighbours advised of anticipated events
- Letters to be hand delivered to residents in advance of noisy or other work being undertaken that may cause a disturbance
- No noisy work before 8am or after 5pm weekdays, or before 8am or after
 1pm Saturdays or at any time on a Sunday or Bank Holiday
- Water suppression techniques to control dust during development
- Loads delivered / collected from site to be covered including use of skips
- Constructor to describe how noise will be minimised to prevent disruption to nearby occupiers
- A complaints / contact book to be kept on site & used to record details of complaints

As with the previous outline application submitted for this site, reference F/YR21/0642/O, it would be appropriate to put the full suite of contaminated land conditions on this decision in the event planning permission is granted in the interest of both human health and the environment. In the first instance a desk study / phase 1 contaminated land risk assessment should be submitted to

determine whether previous activities have impacted on the ground condition which may later be put to residential use.

Consequently, there are no objections to the granting of consent to this proposal as long as the above conditions are attached.

5.6 Highways Development Management (CCC)

23/06/2023

As per my previous comments, the applicant has expanded the application boundary to encompass Ellingham Gardens which is a private street. However, the boundary does not yet include the entire extent of the proposed development. In particular the shared access to Plots 1,2 and 3 is outside the application boundary as is the dropped kerb uncontrolled pedestrian crossing on the east side of the carriageway opposite Plot 3 (included in response to prior comments). The application boundary needs to encompass the full street and the proposed works, and the LPA should be satisfied that sufficient notice has been served.

CCC have received neighbour complaints about the poor condition of Ellingham Gardens but as it is a private street, we are unable to intervene. However, the LPA may wish to consider the existing defects which may be exacerbated by the inclusion of additional direct accesses. These are:

- It is unknown where the street's surface water drains to, but visual inspection has indicated that it may discharge to soakaways (or similar) which would clash with the proposed new driveways and should therefore be investigated by the applicant. There is a risk that the applicant will introduce a surface water drainage issue, exacerbated by the additional water from the proposed footway.
- The carriageway construction has not been completed as there is no wearing / surface course.
- There are various defects which are in need of repair.

I note that no inter-vehicular visibility has been provided for the shared parking court which serves Plots 1, 2 & 3. I recommend that a visibility splay of 2.4m x 25m be included, but as the street is private, this is an advisory comment only.

Subject to the above comments regarding the application boundary, I do not object to the principle of development on the basis that the street is private. However, the LPA may wish to consider if it would be appropriate to condition that the applicant remedy the existing defects along Ellingham Gardens in response to the proposed intensification.

19/12/2022

The application is not acceptable in the current form as the proposed means of access for Plots 5-10 is neither within the public highway nor the application redline boundary. Ellingham Gardens is a private street, so the street - carriageway plus footway(s) — will need to be included in the redline and notice served on the owner. It is presumed that the applicant is not the owner as the street is not shown in a blue boundary.

The application red boundary must include all pedestrian visibility splays, noting that the splay for Plot 10 crosses into the title of no. 20 Ellingham Gardens and is therefore outside the applicant's control.

Irrespective of the boundary issue, it is unclear how safe pedestrian access will be gained for Plots 5-10 as there is no opportunity to provide a continuous footway link on the west side of Ellingham Gardens to the public highway past no. 24 Wenny Road.

CCC have received neighbour complaints about the poor condition of Ellingham Gardens but as it is a private street, we are unable to intervene. However, the LPA may wish to consider the existing defects which may be exacerbated by the inclusion of additional direct accesses. These are:

- It is unknown where the street's surface water drains to, but visual inspection has indicated that it may discharge to soakaways (or similar) which would
- clash with the proposed new driveways and should therefore be investigated by the applicant.
- The carriageway construction has not been completed as there is no wearing / surface course.
- There are various defects which are in need of repair.
- Changes are needed to the existing construction to bring the carriageway to an adoptable standard.

I would also highlight that single driveway crossovers should be between 3.1m and 3.6m, it the road were to be considered adoptable.

I have no objection to the proposed shared access onto Wenny Road, provided that the inter-vehicle visibility splay and pedestrian splay are within the application boundary. Due to the scale of the location plan, it is difficult to determine if this is the case.

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, possibly of refusal.

5.7 Lead Local Flood Authority (CCC)

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

Paragraph 167 of the National Planning Policy Framework requires planning applications to be supported by a site-specific flood risk assessment. Such an assessment should include a surface water strategy and must demonstrate that the proposed development incorporates sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate. The SuDS should:

- a) Take account of advice from the Lead Local Flood Authority;
- b) Have appropriate minimum operational standards;
- c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) Where possible, provide multifunctional benefits

As a surface water strategy containing the above information has not been submitted there is insufficient information in order for us to determine the impacts of the proposal.

5.8 NHS - Premises and Estates Team, Primary Care

30/08/2023

Thank you for the re-consult letter in regards to the above referenced planning application. We note the number of dwellings has been reduced to 9.

I refer to the above planning application and advise that, further to a review of the applicants' submission, the following comments are with regard to the primary healthcare provision on behalf of CAPICS, and are further to our previous consultation response on this application, sent to you by e-mail on 05/12/2022.

The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application Wisbech Practices: George Clare Surgery. This practice supports a list size of 12,114 patients (w.e.f 01/04/2022) and this development of 9 dwellings would see an increase patient pressure of 21 new residents which would require additional GP/Nurse / (Admin support) workforce to support potential increase in appointments: GP = 0.01 / Nurse = 0.01 and Admin = 0.02 with a resulting increased demand on physical estate of 1.41 sqm net internal area (NIA) using standard planning formula 1,750 patients = 120sqm of space (NIA)

A developer contribution will be required to mitigate the impacts of this proposal.

The ICB has recently sought advice from its NHS partner, NHS Property Services Ltd, on recent costs benchmarks for healthcare developments for a single storey extension to an existing premises and refurbishment. This equates to £5,224 per m^2 (once adjusted for professional fees, fit out and contingency). Having rebased this cost to Fenland using BCIS Tender Price Index, the cost remains the same at £5,224 per m^2 .

CAPICS therefore advises that the level of contribution required in regards to this development is £7,382.86.

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

In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, CAPICS would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that CAPICS deem appropriate having regard to the formulated needs arising from the development. CAPICS are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

05/12/2022

Cambridgeshire & Peterborough Integrated Care System (ICS)
The proposed development is likely to have an impact on the services of the GP
Practice operating within the vicinity of the application Wisbech Practices: George
Clare Surgery. This practice supports a list size of 12,114 patients (w.e.f
01/04/2022) and this development of 10 dwellings would see an increase patient

pressure of 24 new residents which would require additional GP/Nurse / (Admin support) workforce to support potential increase in appointments: GP = 0.01 / Nurse = 0.01 and Admin = 0.02 with a resulting increased demand on physical estate of 1.65 sqm net internal area (NIA) using standard planning formula 1,750 patients = 120sqm of space (NIA)

A developer contribution will be required to mitigate the impacts of this proposal. CAPICS advises that the level of contribution required - calculated using the East Anglia Region figures from the BCIS Public Sector Q1 2020 price & cost Index, adjusted for professional fees, fit out and contingencies budget of £3,652/m² - to be £6,010.15.

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

In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, CAPICS would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that CAPICS deem appropriate having regard to the formulated needs arising from the development. CAPICS are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

5.9 Town Council

30/08/2023

Support the proposal.

23/11/2022

Support on the condition that the roadway in Ellingham Gardens is made up to an adoptable standard because at present it is not suitable for more vehicular movements.

5.10 Local Residents/Interested Parties

Objectors

A total of 7 objections were received to previous consultations (three from Wenny Road, two from Ellingham Gardens and one each from Wenny Court and Wood Street). They raised the following summarised concerns below, however no further objections have been raised following reconsultation of the revised scheme from 10 to 9 units and proposals that would include improvements to Ellingham Gardens:

Inadequate access and use of unadopted road

- Overdevelopment of the site
- Drainage issues
- Local infrastructure unable to cope with the demand
- Noise
- Overlooking/loss of privacy and outlook to neigbours
- Poor relationship with neighbouring properties
- Proximity to property
- Shadowing/loss of light
- Visual impact on the character of the area and dominance
- Parking arrangements
- Impact on trees and in particular affect on their roots
- General environmental concerns
- Devaluing of property
- Construction methods
- Impact on traffic in the area
- Loss of a view

Officer's response: The comments by neighbours have been noted and considered in more detail in the main body of this report. However, it is important to appreciate that the proposal has been revised since these comments were received and many of the concerns have been addressed. Specifically, the relationship with neighbouring properties and how the proposal would sit within the plot. The development has been reduced by 1 unit and that has made a significant difference to the density and character of the overall proposal. In addition, the current revised scheme would include enhancements to Ellingham Gardens to be secured by condition. For more details, see below in this report.

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.
- 6.4 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.
- 6.5 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

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

LP10 - Chatteris

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 - Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received are being 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.

8 KEY ISSUES

- Principle of Development
- Heritage, design considerations and impact on the visual amenity of the area
- Residential Amenity/Health and Wellbeing
- Transport
- Flooding and Drainage
- Ecology, Biodiversity, Tree and Landscaping
- Other matters

9 BACKGROUND

9.1 This site has a number of applications for residential development granted on it. There is an extant outline application for 4 houses under permission ref: F/YR21/0642/O. However, it would appear that there could be a more efficient use of the site, subject to finding an acceptable design. This application initially sought to provide 10 new homes, however the layout was contrived and it simply represented a cramped form of development that was overdevelopment. The scheme has been revised taking account of the consultee responses and the latest proposal for 9 dwellings is considered to sit comfortably within the site and its design would ensure that it would respect the character and appearance of the area and residential amenity of neighbours. For more consideration of its acceptability in terms of planning policy, please see below within the assessment section.

10 ASSESSMENT

Principle of Development

- 10.1 The adopted Fenland Local Plan (2014) sets out the Council's objectives for the development of housing within the district during the Local Plan period of 20 years. In respect of Chatteris which is one of the four principal market towns in Fenland three broad locations for growth have been identified to the north, south and east.
- 10.2 Chatteris is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 of the Fenland Local Plan 2014 as the focus for housing growth. As such the principle of development is acceptable, this is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, heritage, design, parking, highways, flood risk, drainage or ecology.
- 10.3 As indicated above in the background section of this report, the principle of redevelopment of this site for up to 4 dwellings has already been established.
- 10.4 Subject to an acceptable design, making more efficient use of this residential brownfield site for the delivery of residential dwellings is acceptable in principle and supported by adopted polices LP1, LP2, LP3, LP4, LP5, LP10, and LP13 of the Fenland Local Plan and the National Planning Policy Framework.

Heritage, design considerations and visual amenity of area

10.5 Cambridgeshire County Council Archaeology have advised that the site lies within the historic core of Chatteris and that structures indicated on the 1st edition of OS maps in 1885 could represent those still present. As such they consider that the site should be subject to a programme of archaeological investigation, including archaeological historic building recording, which can be secured via condition. The site is located immediately adjacent to the Chatteris Conservation Area and in proximity to a number of listed buildings: Nos. 2, 4 and 6 Wenny Road, and No. 19 East Park Street, and No. 1 Wood Street. However, due to subsequent development, the site is not within, or certainly would not affect the setting of those listed buildings identified, except the proposed replacement dwellings at No. 16, and the adjacent dwelling which directly fronts on to Wenny Road. Nevertheless, these dwellings would sit comfortably within the streetscene. Therefore, the further development of this site if well designed and appropriate materials used, will not impact on or detract from the character or appearance of the conservation area.

- 10.6 No. 16 Wenny Road is to be demolished and replaced with 2 replacement dwellings which are approximately located on the old footprint of the original 2 dwellings/cottages on the site.
- 10.7 The property rebuilt on this site and the adjacent house will have the greatest impact on the character and appearance of the conservation area, and would lie within the setting of listed buildings on Wenny Road, as they are viewed together along the line of the road.
- 10.8 However, these dwellings are to be subtly set back from the main building line in order to allow the buildings of significance to be better revealed and appreciated. Yet, they will also fill this gap in the streetscene and their uniformity in appearance will disassociate them from the more eclectic designs found amongst the heritage properties.
- 10.9 The site runs alongside Ellingham Gardens and this scheme unlike previous schemes addresses this streetscene as well which is considered an improvement in design terms. Overall, the proposal is considered to make efficient use of this brownfield sustainable location and deliver 9 well designed new homes that would respect the character of the area and would enhance the setting of the adjacent conservation area.

Residential Amenity/Health and wellbeing

10.10 The Healthy People, Healthy Lives: our strategy for public health in England White Paper published by the coalition government in November 2010, highlights the influence of the environment on people's health. While the White Paper was released by a previous government, it is still useful to consider the objectives it sets out as many of them are still relevant.

10.11 This includes:

- Creating healthy places to grow up and grow older in.
- Seeing active travel and physical activity becoming the norm in communities
- Creating an environment which supports people in making healthy choices and which makes these choices easier.
- 10.12 Also, Chapter 8 of the NPPF refers to *'Promoting healthy and safe communities'*. Paragraph 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
 - a) Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for each pedestrian and cycle connection within and between neighbourhoods, and active street frontages;
 - b) Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and Enable and support healthy lifestyles, especially where this would address identified local health and well being needs for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking cycling.

- 10.12 National Planning Practice Guidance (NPPG) further strengthens the relationship between health and planning.
- 10.13 Policy LP2 of the adopted Fenland Local Plan (2014), called Facilitating Health & Wellbeing of Fenland Residents, sets out a range of areas and actions where development proposals can contribute to health and wellbeing.
- 10.14 The proposal given its scale will have limited health benefits, however the provision of good quality new homes in itself does provide better living conditions often for residents by providing greater choice. Also, the visual amenity of the site and its surroundings will be improved, which can also have wider benefits.
- 10.15 In terms of the quality of the proposed accommodation, the Government's national space standards contained in the Technical Housing Standards set out the minimum floor areas required for proposed residential units in order to ensure that they provide an adequate standard of living for future occupiers.
- 10.16 The development will exceed the minimum internal floor space standards of Technical Housing Standards.
- 10.17 Given the nature of the proposed dwellings, all of the units would be dual aspect and all of the habitable rooms would have access to adequate outlook and daylight. Building Regulations would ensure accessible level entrances to all of the new homes and the internal spaces are generally spacious.
- 10.18 The proposed internal accommodation is considered to be of a high standard to the benefit of future occupiers, in accordance with Fenland's Local Plan, and national technical housing standards.
- 10.19 With regards to external amenity, all properties benefit from good sized associated private amenity spaces in the form of gardens.
- 10.20 The proposed buildings are now positioned away from neighbouring properties so would not appear dominant or overbearing from their prospective. Their position would also ensure that they would not result in adverse overlooking or loss of privacy to neighbours. The new properties are set appropriately away from neighbours with good separation distances that are consistent with the setting. The properties along Ellingham Gardens would be positioned relatively close to the existing properties on this private road, however this relationship is not unusual or unexpected for housing facing each other on a typical street. Therefore, the proposal would not cause undue harm to the residential amenity of these neighbours.
- 10.21 In terms of the relationship with the existing neighbours to the northwest, the new dwellings would be positioned in a way to ensure there are no new habitable room windows would directly face neighbouring properties.
- 10.22 The Council's Environmental Health team have requested that a contaminated land condition is imposed to establish whether previous activities have had any adverse effects on the ground condition which may later be put to residential use, and if so, how this will be remediated. They have also requested a working hours condition as previously imposed, however given the location and constraints of the site it is considered that a proportionate Construction Management Plan would be required. A suitable refuse collection strategy would also be required, and a condition will be imposed in this regard.

- 10.23 Given the site layout and the use of a small parking court which is reasonably well overlooked, it will also be necessary to condition further details of external lighting to ensure appropriate lighting is provided.
- 10.24 A number of local residents raised concerns regarding the condition of Ellingham Gardens and the impact from new dwellings using it for vehicular access. The scheme has been revised since it was initially submitted. The application site boundary has been revised to incorporate the whole of Ellingham Gardens up to Wenny Road. This ensures that appropriate controls and mitigation measures can be put in place to safeguard and improve this private road. This application will be only acceptable provided highway improvements have been secured and delivered to enhance this access for existing and future residents.
- 10.25 Subject to a range of conditions, the proposal would not harm the residential amenity of existing neighbours and it would provide good quality of accommodation for future occupiers. Therefore, the proposal is considered acceptable in this regard.

Transport

- 10.26 This application has been revised since it was submitted to include changes to the access.
- 10.27 The proposal now seeks to remove the existing vehicular access onto Wenny Road and be served entirely via the existing private road known as Ellingham Gardens.
- 10.28 Firstly, the removal of a vehicular access point onto Wenny Road will likely improve highway safety and improve traffic flow.
- 10.29 In terms of the new accesses, these will be from Ellingham Gardens which is private road and a cul de sac in character. Vehicle speeds are inherently slow given its nature and scale and it is not considered that the use of this road for access would raise significant highway safety concerns.
- 10.30 6 of the new semi detached residential houses will be served by 4 new dropped kerbs whilst a new parking court will be provided with another access to serve the 3 new dwellings at the front of the site.
- 10.31 CCC Highways Team have commented on the application and highlighted that they have received a number of neighbour complaints about the poor condition of Ellingham Gardens. However, as it is private, there is limited opportunity for the Highway Authority to improve its condition. This application provides an opportunity to secure improvements to this private road. Specifically, Highways have stated that:

'the LPA may wish to consider the existing defects which may be exacerbated by the inclusion of additional direct accesses. These are:

• It is unknown where the street's surface water drains to, but visual inspection has indicated that it may discharge to soakaways (or similar) which would clash with the proposed new driveways and should therefore be investigated by the applicant. There is a risk that the applicant will introduce a surface water drainage issue, exacerbated by the additional water from the proposed footway.

- The carriageway construction has not been completed as there is no wearing / surface course.
- There are various defects which are in need of repair.
- 10.32 Highways also confirmed that they would not raise an objection provided the above was addressed and the application boundary was amended to address these issues with regards to the proposed access.
- 10.33 It is worth mentioning that the revised site plan does provide more detail on the existing and proposed drainage of the private road, however, further improvements are considered necessary to overcome the general access concerns raised by Highways and Chatteris Town Council. Therefore, subject to condition to secure a 'Highway Improvement Scheme', the proposal would be considered to provide acceptable accesses in terms of highways.
- 10.34 Given the scale of the development, it not considered to raise any traffic issues on the existing transport network.
- 10.35 In terms of parking, each of the new dwellings would have 2 off street parking spaces. This is considered to be acceptable and in accordance with Fenland Local Plan.
- 10.36 Servicing and refuse collection is expected to take place from Ellingham Gardens and its general layout is considered adequate to allow for safe manoeuvring of a refuse vehicle and allow collection at appropriate drag distances. Nevertheless, a condition to secure more precise details will be imposed to any planning permission.
- 10.37 In transport terms, the proposal would be considered to comply with the Fenland Local Plan and NPPF subject to appropriate safeguarding conditions.

Flood Risk and Drainage

- 10.38 The site falls within Flood Zone 1 (low risk) and is at a low risk of surface water flooding and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of specific mitigation measures. However, a drainage strategy has been provided which will ensure some appropriate measures are taken. This is considered appropriate given there has been known to be issues with surface water flooding on Ellingham Gardens. For that reason, it is also considered appropriate to impose a surface water drainage condition to safeguard against the further risk of flooding.
- 10.39 The LLFA had raised an objection to this proposal however they are not a statutory consultee on this application and for the reasons explained above and appropriate conditions as recommended by Anglian Water, the proposal would appropriately manage flood risk and drainage.

Ecology, Biodiversity, Tree and Landscaping

- 10.40 The Council's Wildlife Officer has not provided any comments on this latest application, but comments have been provided on previous applications and the applicant has submitted an Ecological Impact Assessment.
- 10.41 The Ecological Impact Assessment sets out a range of enhancement measures which will deliver ecological and biodiversity improvements. Previously, the

Council's Wildlife Officer recommended subject to conditions to safeguard ecology and to deliver these benefits, they would have no objection and the proposal would be acceptable in this regard.

- 10.42 In addition, an Arboricultural Impact Assessment has been submitted in support of this application. It sets out how trees of value will be protected during construction. It explains that 6 category C trees would require removal to facilitate this development, as well as some pruning to other trees. These are not considered to be of significant amenity or ecological value and replacement trees could be secured through a landscape strategy and plan to be secured by condition. On this basis, the impact on trees would be considered acceptable.
- 10.43 Subject to these conditions, the proposal would safeguard ecology and trees of amenity value, enhance biodiversity and improve landscaping and the visual amenity of the site, in compliance with the Fenland Local Plan and NPPF.

Other Considerations

- 10.44 The Designing Out Crime Team has recommended external lighting for the parking court. These details can be secured by condition. Subject to this condition and a condition to secure details of refuse/cycle storage, the proposal would be considered to satisfy Secure by Design objectives.
- 10.45 CCC's Senior Archaeologist has commented that their records indicate that the property and subsidiary outbuildings proposed for demolition occupy a plot within the historic core of Chatteris, in close proximity to the 18th century Manor House complex. The 1st edition Ordnance Survey map of 1885 suggests that the property on the frontage to Wenny Road was a single dwelling by this time, although it could represent earlier cottages amalgamated into a larger dwelling, and likely dates to the second quarter of the 19th century. The majority of the outbuildings to the rear are more modern, however the 1st edition OS also indicates that structures were also present to the north-western boundary of the site in 1885 and could represent those still present, with subsequent additions and alterations. A detailed analysis of the surviving fabric would undoubtedly further our understanding of the development of this site over the last two centuries. Therefore, the Archaeologist has recommended that a condition be imposed that would require the submission of a Written Scheme of Investigation which would include a programme of archaeological investigation and historic building recording. Should this application be approved, an appropriately worded condition would be added.
- 10.46 FDC's Environmental Health Team has recommended a full suite of conditions in relation to contamination given the history of the site. The same contamination conditions that were imposed on previous consents will similarly be required should this application be approved in order to protect future occupiers of the development.
- 10.47 The NHS were also consulted as part of this application. They explain that the proposal would lead to an increase in patient pressure of approximately 21 new residents which will add to increased appointments at the George Clare Surgery. They explain that a developer financial contribution will be required to mitigate the impacts of this proposal. They have requested a sum of £7,382.86, however, the scheme has been revised in scale from 10 units to 9 since these comments were received. It is not standard practice to seek financial contributions of this nature from minor planning applications as they are not considered to justify that level of mitigation given their small nature. As such and in this circumstance, it would not

be justifiable in planning terms to request such a contribution and the proposal is not considered to raise any concerns with regards to its impact on health provision locally.

11 CONCLUSIONS

- 11.1 The principle of development is acceptable, and has been established by virtue of previous planning consents for residential on this brownfield site which is situated within the existing settlement of Chatteris.
- 11.2 The site is within the setting of Chatteris Conservation Area and a number of listed buildings, however the revised scheme has been carefully considered to address each of its respective streetscenes and the wider character and visual amenity of the area. Therefore, the proposal would be considered to enhance the setting of the conservation and nearby listed buildings and replace this existing unattractive site with a high quality designed scheme that would be aesthetically in keeping with the area.
- 11.3 A number of objections have been raised, but the revised scheme and the reduction in scale from 10 to 9 units along with their reorientation would ensure that the residential amenity of neighbouring occupiers is safeguarded. In addition, a CMP condition would protect neighbours during construction.
- 11.4 There has been also been concerns raised regarding access of the development from Ellingham Gardens but the application site boundary has been revised as requested by CCC Highways to overcome their concern and a condition will be imposed to secure highway improvements that enhance the quality of Ellingham Gardens to the benefit of existing and future occupiers. This proposal would be considered to take the opportunity to address existing concerns raised by local residents about the quality of this road and the proposal would be considered now to meet the aspirations of Chatterris Town Council. Subject to conditions, the proposal would improve transport and the highway network and not raise any safety concerns.
- 11.5 Technical considerations such as flooding, drainage and ecology have all been considered and the proposal would be acceptable. Given the current contaminated nature of the site, this proposal will see the land remediated and brought back into an environmentally sustainable use with an enhanced level of biodiversity and soft landscaping provided.
- 11.6 The proposal delivers a better more efficient use of this brownfield site for the delivery of 9 good quality homes.
- 11.7 Overall, the scheme is considered acceptable and consistent with the Fenland Local Plan and NPPF. Therefore, the proposal is welcomed and recommended for approval, subject to conditions.

12 RECOMMENDATION

Grant; subject to the following conditions

1	Time limit
2	Prior to the construction above damp proof course, a scheme for on-site

foul water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out and completed in accordance with the approved scheme. Reason: To prevent environmental and amenity issues arising from flooding, in accordance with policy LP 14 of the Fenland Local Plan. 3 No development shall take place above slab level until a Landscape Environmental Management Scheme which includes full hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of levels across the site. Subsequently, these works shall be carried out as approved. The soft landscaping shall be carried out in the first planting season and any loss of plants thereafter shall be replaced within 5 years of first occupation of the development. Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area in accordance with Policy LP16, 18 and 19 of the Fenland Local Plan 2014. 4 Prior to occupation, a lighting plan with full details of external lighting and its management, including to the parking court area shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. Reason: The lighting of this site is required in order to protect and enhance the existing visual character of the area and in the interests of safety and safeguarding wildlife, in accordance with policies LP16, 17, 18, and 19 of the Fenland Local Plan 2014. 5 No development shall take place above slab level until details of external materials for the development have been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. Reason: The external materials are required in order to protect and enhance the existing visual character of the area and setting of the listed buildings in accordance with policies LP16 and 18 of the Fenland Local Plan 2014. 6 Prior to commencement of the development, a construction environmental management plan shall be submitted to and approved in writing by the Local Planning Authority. The details and management arrangements thereby approved shall thereafter be followed and carried out as agreed, unless otherwise agreed by the Local Planning Authority. This plan shall include: An appropriate construction access, Adequate turning and off loading facilities for delivery/construction vehicles, An adequate parking area clear of the highway for those employed in developing the site, Method of prevention of mud and detritus being carried onto the highway, Method of suppressing dust arising from demolition and

construction activities,

- Hours of operation,
- Delivery times,
- Removal and management of material which remains on site following the demolition of the pre-existing building,
- Details of construction hoarding/ screening to protect adjacent neighbouring amenity.

Reason: A construction environmental management plan is required to safeguard the amenity of local residents, in accordance with policy LP14 of the Fenland Local Plan.

A pre-commencement condition is necessary in order to ensure construction would not commence until appropriate management is in place to safeguard amenity.

- Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
 - 1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority. IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:
 - 2. A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until: (i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above. (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and (iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. A report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority. Planning Decision Notice F/YR21/0642/O Town and Country Planning Act 1990 Fenland District Council 6 of 12 Following written LPA approval of the Site Investigation the LPA will require:
 - 3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

4. The provision of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.

Reason - To control pollution of land or water in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy LP16 of the Fenland Local Plan 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full. The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

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 and its management 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.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts, in accordance with policy LP 14 of the Fenland Local Plan.

A pre-commencement condition is necessary in order to ensure appropriate drainage is secured.

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

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts, in accordance with policy LP 14 of the Fenland Local Plan.

A pre-commencement condition is necessary in order to ensure

	appropriate drainage is secured.
10	Prior to the first occupation of the development hereby approved a refuse collection strategy including details of bin stores shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity unless otherwise agreed in writing. Reason: To ensure a satisfactory form of refuse collection and
	compliance with Policy LP16 of the Fenland Local Plan 2014.
11	Prior to first occupation of the development, 2m x 2m pedestrian visibility splays, measured to the back of footway, shall be provided and retained free from at least a height of 0.6m where a private driveway crosses a footway. Such splays need to be retained free in perpetuity.
	Reason: In the interests of highway safety and to ensure compliance with policies LP15 and LP16 of the Fenland Local Plan.
12	The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
	Reason: In the interests of highway safety and to ensure compliance with policies LP15 and LP16 of the Fenland Local Plan.
13	Prior to first occupation of the development, an Ellingham Gardens Road Improvement Scheme with details of how this road will be improved to serve the new accesses shall be submitted to and approved in writing. This shall include details of the surfacing of the complete extent of Ellingham Gardens with the missing wearing course. Thereafter, the approved details shall be carried out prior to first occupation of plots 1 and 2 of the development.
	Reason: In the interests of highway safety and to ensure compliance with policies LP15 and LP16 of the Fenland Local Plan.
14	No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological investigation, including archaeological historic building recording, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
	the statement of significance and research objectives;
	The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
	The timetable for the field investigation as part of the development programme;

 The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

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

A pre-commencement condition is necessary in order to ensure appropriate measures for the protection of archaeology.

Prior to the first occupation of the development hereby permitted, a Biodiversity Enhancement Scheme that includes enhancement measures as prescribed in the Ecological Impact Assessment approved shall be submitted to and approved in writing. These measures will thereafter be delivered and retained in perpetuity prior to first occupation of the development.

Reason - to secure the long-term protection of the nesting bird potential, in accordance with Policy LP19 of the Fenland Local Plan 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full. The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

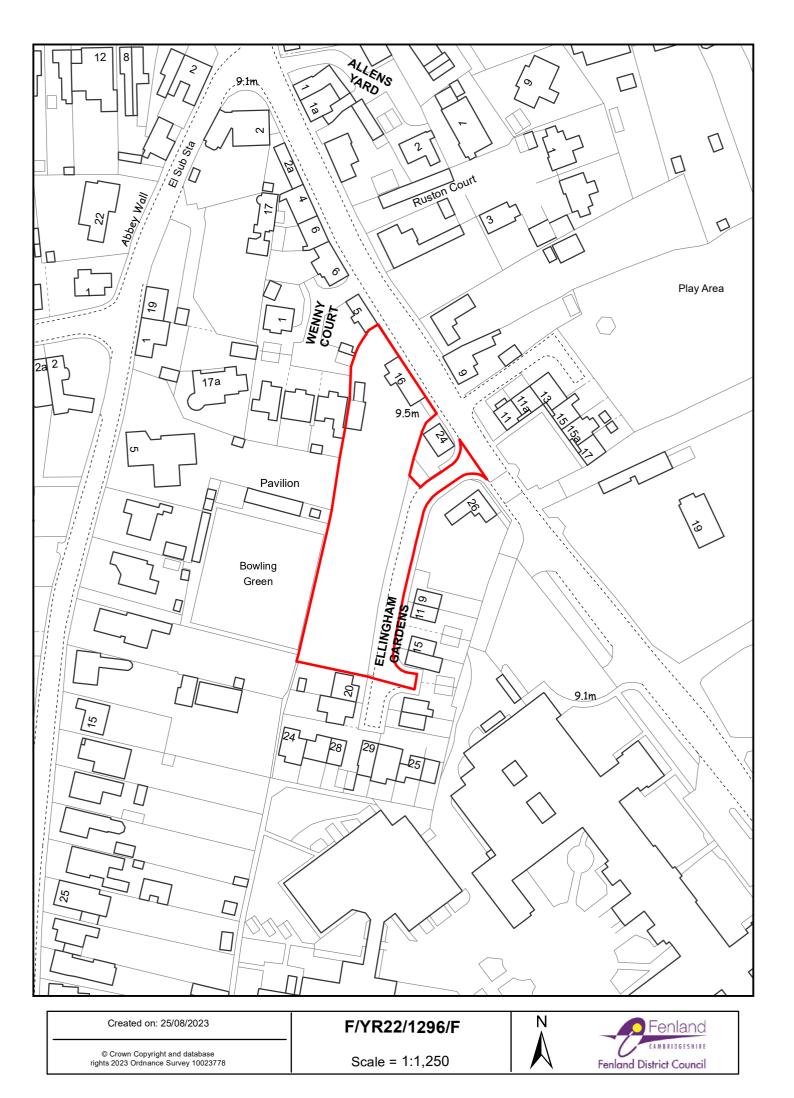
No removal of nest on building, hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or building disturbed and provided written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

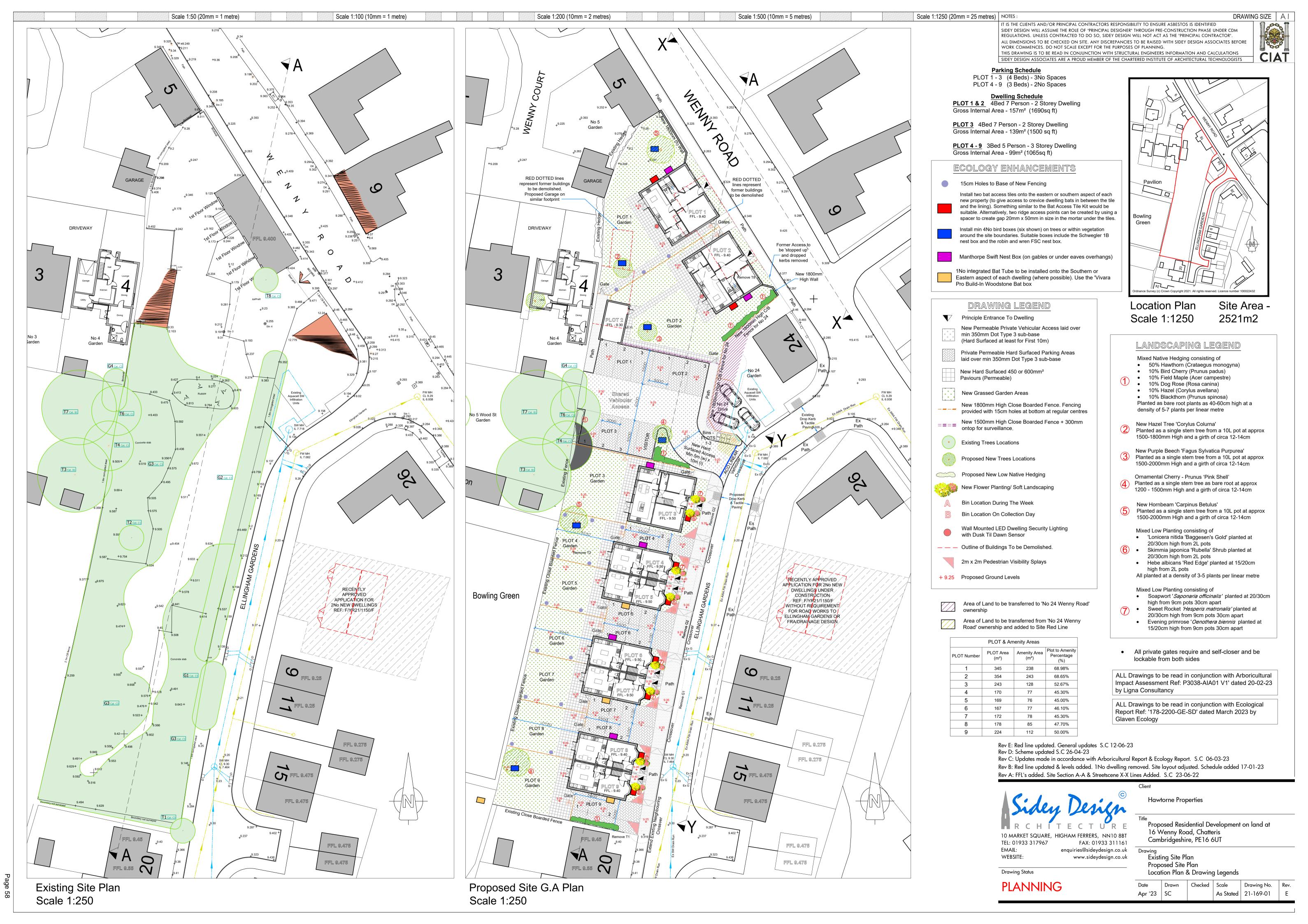
Reason - Protected species are a material concern for Local Planning Authorities as per the National Planning Policy Framework and Fenland Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981.

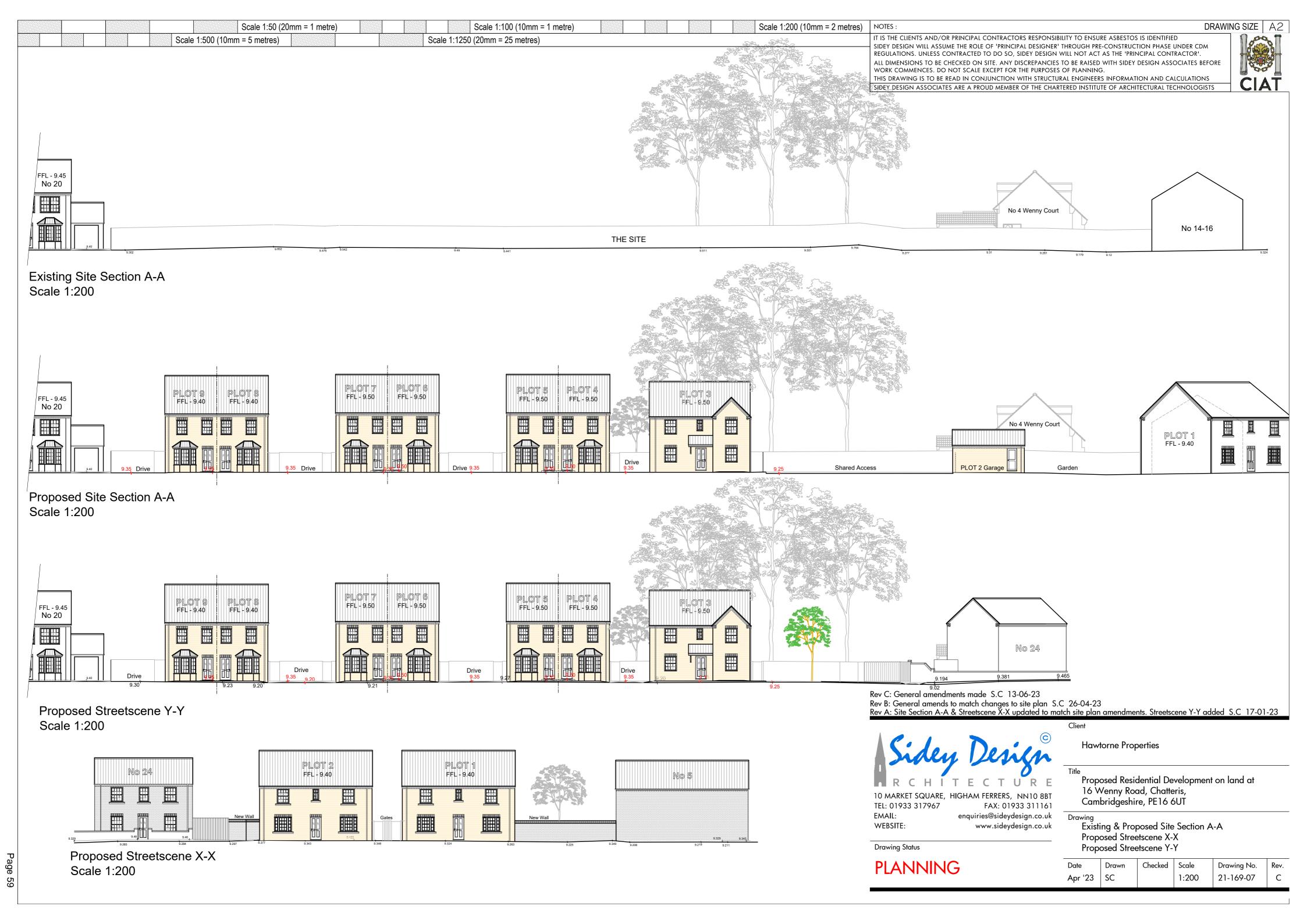
No development shall take place above slab level until details of fire hydrants have been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved.

Reason: To provide adequate security and safety to residents and users of the open space, in accordance with policy LP 17 of the Fenland Local Plan.

18	Prior to first occupation of any dwelling, the car parking as approved for that dwelling shall be provided in accordance with the approved plans and retained for that purpose thereafter.
	Reason: In the interests of highway safety and to ensure compliance with policies LP16 of the Fenland Local Plan.
19	The development shall be carried in accordance with approved drawings:







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F/YR23/0155/F

Applicant: Mrs Katie Dowling
Persimmon Homes East Midlands

Land South Of Caravan Site, Fenland Way, Chatteris, Cambridgeshire

Erect 31 x dwellings (6 x 2-storey 2-bed, 6 x 2-storey 3-bed, 5 x 2-storey 4-bed, 4 x 2-storey 5-bed, 8 x 3-storey 3-bed, 2 x 3-storey 4-bed)

Agent:

Officer recommendation: Grant

Reason for Committee: Objection from statutory consultee (Waste and Minerals

Planning Authority)

1 EXECUTIVE SUMMARY

- 1.1 This application is a re-plan of a phase of the wider 'Womb Farm' development which is currently being constructed under the extant permission for 248 dwellings (F/YR19/0834/O and F/YR21/1224/RM), to increase the number of dwellings from 27 to 31, enabling a mix of homes that are more appropriate to the market conditions of the area.
- 1.2 There are no issues to address in relation to the character and visual amenity of the area, residential amenity, highways and parking, flood risk and drainage and ecology, subject to updated and re-imposed conditions. Affordable housing provision and contributions in line with the Local Plan & CIL Viability Assessment 2019 are to be secured through appropriate legal mechanism
- 1.3 The site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021. The Minerals and Waste Planning Authority do not consider that Policy 5 has been adequately addressed and as such object to this proposal. The extant permission on this site is a material consideration which is afforded significant weight, and, given that the resources would be lost as a result of the extant development, it is not considered reasonable to refuse the current application on this basis.
- 1.4 As such, it is recommended to grant the application with conditions on the original permissions updated and re-imposed accordingly.

2 SITE DESCRIPTION

The application site is located on the western side of Fenland Way (A141), Chatteris, it is part of a wider development site for 248 dwellings off Doddington Road and Fenland Way, which is currently under construction. When the site was visited some works had been undertaken including the formation of a roadway. The site falls within Flood Zone 1.

3 PROPOSAL

3.1 The application seeks full planning permission for 31 dwellings of 2 – 5 bedrooms and 2 – 3 storeys in height, with associated garages, infrastructure and landscaping. House types are as follows:

Alnmouth x 2 (plots 215 and 216)

2-Storey, 2-bed semi-detached measuring 4.5 x 8.2m and 8.1m in height.

Burnham x 3 (plots 223, 231 and 232)

2-storey, 4-bed detached with integral garage measuring 8.15m x 9m and 7.7m in height.

Charnwood CR x 3 (plots 212, 224 and 238)

2-storey, 3-bed detached measuring 9.2m x 6.5m and 8m in height.

Greenwood x 2 (plots 226 and 227)

3-storey, 4-bed detached measuring 6.4m x 9.45m and 9.5m in height.

Haldon x 4 (plots 249-252)

2-storey, 2-bed semi-detached measuring 4.75m x 9.2m and 8.7m in height.

Kielder x 2 (plots 228 and 237)

2-storey, 5-bed detached measuring 9.1m x 9.2m and 8.2m in height.

Marston x 2 (plots 229 and 230)

2-storey, 5-bed detached with integral garage measuring 8.8m x 8.85m and 8.1m in height.

Rendlesham x 2 (plots 217 and 218)

2-storey, 3 bed semi-detached measuring 5.7m x 8.8m and 8.6m in height.

Saunton x 8 (plots 219-222 and 233-236)

3-storey, 3-bed semi-detached measuring 4.5m x 10.6m and 9.7m in height.

Sherwood x 1 (plot 213)

2-storey, 3-bed detached measuring 6.1 x 9.1 x and 7.9m in height.

Whiteleaf x 2 (plots 214 and 225)

2-storey, 4-bed detached measuring 8.85m x 8.3m and 8.65m in height.

- 3.2 Double garages measuring 6.6m x 6.4m and 4.5m in height serve plots 225-226 and 227-228. Single garages measuring 3.4m x 6.4m and 4m in height serve plots 214 and 237. The remaining plots have timber sheds.
- 3.3 This phase (as previously) is reliant on the wider development, including in relation to drainage infrastructure and open space provision.
- 3.4 Full plans and associated documents for this application can be found at:

F/YR23/0155/F | Erect 31 x dwellings (6 x 2-storey 2-bed, 6 x 2-storey 3-bed, 5 x 2-storey 4-bed, 4 x 2-storey 5-bed, 8 x 3-storey 3-bed, 2 x 3-storey 4-bed) | Land South Of Caravan Site Fenland Way Chatteris Cambridgeshire

4 SITE PLANNING HISTORY

In relation to residential development of the site only:

stage

F/YR23/0596/NONMAT Non-material amendment: Amendment to

house type for Plots 129 and 130 and changes to brick type, relating to planning approval F/YR21/1224/RM (Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR19/0834/O to erect 248 dwellings (1-bed; single-storey 2-bed; 2-storey 2-bed, 3-bed, 4-bed and 5-bed and 3-storey 3-bed and 4-bed including garages) and associated open space and infrastructure)

Approved 7/8/2023

F/YR23/0316/PLANOB

Supplementary Agreement for the inclusion of 4 First Homes in addition to the existing affordable housing requirements set out in the S106 dated 13.10.2020 attached to planning permission F/YR19/0834/O

Granted 15/6/2023

F/YR23/0116/ENQDIS

Application to seek confirmation of compliance in relation to the submission element of conditions 9 (finished floor and site levels), 11 (surface water drainage), 14 (tree protection plan) and 16 (noise technical note) of Planning permission F/YR19/0834/O (Erect up to 248 dwellings...) and associated F/YR22/0205/NONMAT which enabled the submission of details at Reserved Matters

Satisfied 20/3/2023

F/YR22/3109/COND

Details reserved by conditions 10 (Welcome travel plan) and 17 parts b and c (Contamination) of Planning permission F/YR19/0834/O (Erect up to 248 dwellings (outline application with matters committed in respect of access) with associated site infrastructure...)

Approved 12/1/2023

F/YR22/3089/COND

Details reserved by conditions 12 (drainage management/maintenance), 15 (fire hydrants) and 20 (open space management/maintenance) of planning permission F/YR19/0834/O (Erect up to 248 dwellings (outline application with matters committed in respect of access) with associated site infrastructure including the creation of new vehicular accesses, internal roads, landscaping, open space (including a new play area), drainage and a new off-site section of footway along the

Approved 24/11/2022

A141 Fenland Way

	A141 Fenland Way	
F/YR22/3088/COND	Details reserved by conditions 5 (phasing plan) of planning approval F/YR21/1224/RM (Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR19/0834/O to erect 248 dwellings (1-bed; single-storey 2-bed; 2-storey 2-bed, 3-bed, 4-bed and 5-bed and 3-storey 3-bed and 4-bed including garages) and associated open space and infrastructure)	Approved 30/3/2023
F/YR22/3087/COND	Details reserved by conditions 3 (refuse), 6 (lighting) and 10 (cycle stores) of planning approval F/YR21/1224/RM (Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR19/0834/O to erect 248 dwellings (1-bed; single-storey 2-bed; 2-storey 2-bed, 3-bed, 4-bed and 5-bed and 3-storey 3-bed and 4-bed including garages) and associated open space and infrastructure)	Approved 12/5/2023
F/YR22/1175/PLANOB	Supplementary Agreement for inclusion of 4 First Homes in addition to the existing affordable housing requirement set out in the S106 dated 13/10/2020 attached to planning permission F/YR19/0834/O	Granted 31/3/2023
F/YR22/0331/NONMAT	Nonmaterial Amendment: Amendment to wording of condition 4 (Highway Works), relating to planning permission F/YR19/0834/O (Erect up to 248 dwellings (outline application with matters committed in respect of access) with associated site infrastructure including the creation of new vehicular accesses, internal roads, landscaping, open space (including a new play area), drainage and a new off-site section of footway along the A141 Fenland Way)	Approved 28/3/2022
F/YR22/0205/NONMAT	Non-material amendment: Amendment of wording to include Conditions 09, 11,14 and 16 within the reserved matters relating to planning permission F/YR19/0834/O (Erect up to 248 dwellings (outline application with matters committed in respect of access) with associated site infrastructure including the creation of new vehicular accesses, internal roads, landscaping, open space (including a new	Approved 21/2/2022

play area), drainage and a new off-site section of footway along the A141 Fenland Way)

F/YR21/3140/COND

Details reserved by condition 19 (foul water drainage) of planning permission F/YR19/0834/O (Erect up to 248 dwellings (outline application with matters committed in respect of access) with associated site infrastructure including the creation of new vehicular accesses, internal roads, landscaping, open space (including a new play area), drainage and a new off-site section of footway along the A141 Fenland Way

Approved 18/3/2022

F/YR21/3139/COND

Details reserved by condition 17 (part a) (contamination) of planning permission F/YR19/0834/O (Erect up to 248 dwellings (outline application with matters committed in respect of access) with associated site infrastructure including the creation of new vehicular accesses, internal roads, landscaping, open space (including a new play area), drainage and a new off-site section of footway along the A141 Fenland Way

Approved 9/2/2022

F/YR21/3138/COND

Details reserved by condition 4 (highway works) of planning permission F/YR19/0834/O (Erect up to 248 dwellings (outline application with matters committed in respect of access) with associated site infrastructure including the creation of new vehicular accesses, internal roads, landscaping, open space (including a new play area), drainage and a new off-site section of footway along the A141 Fenland Way

Withdrawn

F/YR21/3137/COND

Details reserved by conditions 5 (street maintenance), 6 (Construction Environmental Management Plan) and 13 (Landscape and Ecological Management Plan) of planning permission F/YR19/0834/O (Erect up to 248 dwellings (outline application with matters committed in respect of access) with associated site infrastructure including the creation of new vehicular accesses, internal roads, landscaping, open space (including a new play area), drainage and a new off-site section of footway along the A141 Fenland Way

Approved 5/4/2022

F/YR21/1224/RM Reserved Matters application relating to

detailed matters of appearance,

landscaping, layout and scale pursuant to outline permission F/YR19/0834/O to erect 248 dwellings (1-bed; single-storey 2-bed; 2-storey 2-bed, 3-bed, 4-bed and 5-bed and 3-storey 3-bed and 4-bed including garages) and associated open space and

infrastructure

F/YR19/0834/O Erect up to 248 dwellings (outline

application with matters committed in respect of access) with associated site infrastructure including the creation of new vehicular accesses, internal roads,

landscaping, open space (including a new play area), drainage and a new off-site section of footway along the A141 Fenland

Way

F/YR19/0386/SC Screening Opinion:- Residential

Development (Up to 250 dwellings)

Further
Details Not
Required
3/6/2019

Approved

10/3/2022

Granted

15/10/2020

5 CONSULTATIONS

5.1 Town Council

Support but as this is a new application request substantial Section 106 payments for the health authority, education and amenities for the town. Houses on the sister estate are selling for between £223,000 and £350,000 so Section 106 payments are viable. The developers must also honour the condition to put in the missing footpath link along Fenland Way from the caravan site to the Tesco's roundabout.

5.2 Ecology Officer (11/5/2023)

Thank you for your consultation letter received on 13 April 2023 regarding the above planning application.

The application provides insufficient evidence to demonstrate the level of impact of the scheme on biodiversity. It is not possible to determine if the scheme accords with Fenland Local Plan 2014 policy LF-19 which seeks to conserve, enhance and promote the biodiversity interest. We therefore recommend refusal until an Ecological Impact Assessment is submitted.

Please find further details below.

Current planning application

The site already forms part of outline planning permission F/YR19/0834/O. The current full planning application is seeking full planning permission for erection of 31 dwellings.

Ecological Impact Assessment

No Ecological Impact Assessment has been submitted in support of the application.

We note that a number of ecological features were identified as a result of suite of features, notable plants), submitted in support of outline planning application F/YR19/0834/O. And as part of the planning permission, a Landscape and Ecological Management Plan was secured under condition 13 to protect the ecological features, including translocation of rare plant species.

Given the historic notable usage of the current application site and wider development by notable / protected species it is likely that the scheme will impact on biodiversity. The 2019 survey work is considered out of date and doesn't specifically relate to the current application site and therefore, it is not clear as to the impact specifically associated with the proposed full application.

We therefore recommend refusal until an update ecological survey and submission of an Ecological Impact Assessment to determine the current importance of the site and whether/ or not any mitigation or compensation is required.

This information is required to determine whether or not the scheme will adequately protect existing biodiversity features and seek to deliver biodiversity net gain, in accordance with Fenland Local Plan LP-19. And whether any planning conditions are required to conserve biodiversity (e.g. Construction Ecological Management Plan or Landscape and Ecological Management Plan)

5.3 Ecology Officer (1/8/2023)

Thank you for your re-consultation letter received on 31 May 2023 regarding the above planning application. We welcome the submission of the additional ecological information, set out in Dr Robert Buisson's letter report dated 23 May 2023.

We are satisfied that the proposed re-plan will not have any significant adverse impact on the site (when compared to approved planning permission F/YR21/1224/RM). We note consider there are no ecological grounds to refuse the application.

The decision notice for F/YR21/1224/RM states that "reserved Matters permission forms part of the original outline planning permission F/YR19/0834/O and as such conditions imposed upon this original permission should be adhered to". We seek that these conditions also be applied to the current planning application (if permission is granted), including compliance with Condition 13 – Landscape and Ecological management Plan (discharged under F/YR21/3137/COND)

5.4 Arboricultural Officer (FDC)

The applicant has submitted a detailed landscape plan for the proposed development.

I have no objections to the proposed tree and hedge species or locations. There is good use of fastigiate tree forms to allow planting in smaller spaces.

There is sufficient management detail to ensure establishment and long term development of the soft landscaping over time. The use of mixed native hedging is also welcome.

5.5 Cambridgeshire County Council Lead Local Flood Authority *We have reviewed the following documents:*

• DRAINAGE REPORT, Infrastructure Design Limited Consulting Engineers, REF 1090-00-002 Dated: January 2023

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development, provided that an agreement in principle to allow connection to existing Anglian Water surface water sewers is obtained.

The above documents demonstrate that surface water from the proposed development can be managed through the use of a combination of permeable paved surfaces, swales and an attenuation basin, restricting surface water discharge via flow control to 6.6 L/s.

The LLFA is supportive of the use of permeable pacing as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment. The site has no local flood risk and this the proposed method of attenuation suffices with overland flows directed away from the development towards either swales or the attenuation basin.

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

We request the following conditions are imposed:

Condition 1

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Drainage Report prepared by Infrastructure Design Limited Consulting Engineers (ref: 1090-00-002) dated January 2023 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

Reason

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

Condition 2

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

Reason

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

Condition 3

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 resurveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the effective operation of the surface water drainage scheme following construction of the development.

Condition 4

The surface water drainage scheme shall be constructed and maintained in full accordance with the Drainage Report as submitted (ref: 1090-00-002) dated January 2023.

Reason

To prevent an increased risk of flooding and protect water quality.

Informatives

Pollution Control

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

5.6 Cambridgeshire Fire and Rescue

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

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

Water & Planning Manager Community Fire Safety Group Hinchingbrooke Cottage Brampton Road Huntingdon Cambs PE29 2NA

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

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National

Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

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

5.7 Anglian Water (13/3/2023)

ASSETS

Section 1 - Assets Affected

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

This response has been based on the following submitted documents: DRAINAGE REPORT January 2023 reference REF 1090-00-002 Due to lack of information we are unable to make an informed assessment. The applicant indicates that the foul drainage is to be connected into a private network and therefore a full assessment cannot be made. The applicant has not identified a connection point into the Anglian Water network. We would require a drainage strategy to be submitted indicating the point of connection into Anglian Water network. Therefore, the development has the potential to have an unacceptable risk of flooding/or pollution from the network. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring phasing plan and/or on-site drainage strategy INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. INFORMATIVE -Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It

is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers

included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. It is quoted that the private network will be to Anglian Water for adoption of these sewers. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals.

We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information. https://www.anglianwater.co.uk/developers/drainageservices/sustainable-drainage-systems/

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3) .We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website http://www.anglianwater.co.uk/developers/pre-development.aspx

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

Development size

Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)

Connecting manhole discharge location (No connections can be made into a public rising main)

Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information

can be found on our website)

Feasible mitigation strategy in agreement with Anglian Water (if required)

5.8 Anglian Water (21/3/2023)

ASSETS

Section 1 - Assets Affected

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Chatteris-Nightlayer Fen Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: DRAINAGE REPORT January 2023 reference REF 1090-00-002 Based upon the above reference documents, the proposed connection is acceptable.

The submitted foul water drainage proposals are part of the drainage strategy already agreed for the entire development site. We do not require a condition in planning for foul water. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. INFORMATIVE -Building near to a public sewer – No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity.

Sewers intended for adoption should be designed and constructed in accordance with sewer sector guidance, design and construction guidance for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

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

The applicant has indicated on their application form that their method of surface water drainage is via SuDS. It is quoted that the private network will be to Anglian Water for adoption of these sewers. If the developer wishes
Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information. https://www.anglianwater.co.uk/developers/drainageservices/sustainable-drainage-systems/

5.9 Cambridgeshire County Council Highways DM Team (3/4/2023)

The proposed changes to the site layout to accommodate the additional four dwelling are largely immaterial in highway safety terms. The only difference of note relates to the turning head extension at Plot 237-238.

The turning head represents the maximum extent which may be considered for adoption by the highway authority, but its length is excessive. The length should be curtailed to that which is needed to facilitate turning of a refuse vehicle and no more. The applicant should note that BS 5906:2005 recommends that refuse vehicles reverse no more than 12m while the turning head extension measures approximately 25m (measured from the centreline).

I recommend that the applicant propose an alternative design for the turning head, supported by appropriate vehicle tracking. To do otherwise, will not result in a planning objection but may compromise the LHA's ability to adopt the roads in question.

5.10 Cambridgeshire County Council Highways DM Team (27/4/2023)

The revised layout as shown on the drawing WF/CHATT/RPL/001 Revision B as addressed my previous comments. While no refuse vehicle tracking has been provided for the amended turning head, it's size and form are of a standard design.

I have no objection to the application. Please re-append all relevant highway conditions from the original development permissions.

5.11 Cambridgeshire County Council Highways TA Team

I have reviewed the submitted Transport note and would conclude that the 4 additional dwellings over and above that permitted previously would not cause any concerns from a Transport Assessment Team point of view.

5.12 Cambridgeshire & Peterborough Integrated Care System - NHS

Thank you for consulting Cambridgeshire and Peterborough Integrated Care System (CAPICS) on the above referenced, and attached, planning application. I refer to the above planning application and advise that, further to a review of the applicants' submission, the following comments are with regard to the primary healthcare provision on behalf of CAPICS.

The proposed development is likely to have an impact on the services of the 1 x GP Practice operating within the vicinity of the application: George Clare Surgery which has a registered patient list size of 12,114 (as of 01/04/22) and this development of 31 dwellings would see an increase patient pressure of circa 71 new residents which would require additional whole time equivalent GP / Nurse / Admin support workforce to support increase in appointments as follows: GP = 0.04 / Nurse = 0.02 and Admin = 0.07 with a resulting increase on estate demand of 4.87 sqm net internal area.

A developer contribution will be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £17,777.52. Payment should be made before the development commences. CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, CAPICS would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that CAPICS deem appropriate having regard to the formulated needs arising from the development. CAPICS are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

5.13 East of England Ambulance Service NHS Trust (EEAST)

Full comments are available to view on Public Access, the table of contributions requested and concluding comments are provided below:

Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £9,920.

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

Additional Ambulance To	 ntal
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Dwellings	Cost ¹	
31	£320	£9,920

In its capacity as the healthcare provider, EEAST has identified the development will give rise to a need for additional emergency ambulance healthcare provision to mitigate impacts arising from the development.

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

Assuming the above is considered in conjunction with the current application process, EEAST would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that EEAST deem appropriate having regard to the formulated needs arising from the development. This request is in addition to s106/CIL requests from Cambridge and Peterborough Integrated Care System (CAPICS) for GP Practices.

EEAST is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

EEAST looks forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

5.14 Designing Out Crime Team (15/3/2023)

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime and noted my previous comments for the Reserved Matters application dated 9th November 2021 which still stand.

There is still no lighting plan from a qualified lighting engineer with lux levels and calculations – solar bollards have been proposed for the private drives which are not suitable. Please note my previous comments in relation to lighting. I have no further comment at this time.

5.15 Designing Out Crime Team (9/8/2023)

Thank you for the opportunity to comment on this revised planning application with the details of the proposed garden shed/cycle store provided from SB Sheds & fencing LTD, the information listed within the documents that the shed will be 1.8m x 1.2m, with no windows and will be fitted with the addition of

- Coach Bolted Hinges For Security,
- Upgrade Lock To Rimlock ,
- Add A Fitted bike Bracket To HA Plots Only.

N.B. (If space is of a concern within the sheds and to offer residents more flexibility, we are happy for sheds to be fitted with ground anchors to Sold secure standards as listed below).

For reference:

- Sheds for cycle storage residential gardens –
- The issues we are trying to prevent are cycle hoops bolted into the ground; they need to be cemented 300mm into the floor and should be within view of active windows (to make you aware there is now a Sheffield stand that has been SBD accredited)
- Door hinges should be coach-bolted through the shed structure or secured with security/non-return screws.
- Two hasp and staples that meet 'Sold Secure' Silver should be used. One positioned 200mm 300mm down from the top of the door, and one positioned 200mm 300mm up from the bottom of the door. Additionally, hasp and staples should be coach bolted through the shed structure or secured with either security or non-return screws.
- ➤ Both padlocks should meet 'Sold Secure' Gold or LPS 1654 Issue 1.1:2014 Security Rating 1.
- > Shall be securely fixed to a suitable substrate foundation. See "Secured by Design" (SBD) website link. https://www.securedbydesign.com
- Within secure garden sheds care must be taken to ensure that this will be robust and secure enough to protect what is being stored in it, particularly cycles or similar e.g. (gardening equipment).
- There should be No Windows.
- Sold Secure Ground anchors.

I am happy to discharge this condition.

Having read the documentation, I note my colleagues' comments dated 15th March 2023 relating to lighting, this office would like to see the full lighting plan proposals including lux levels and calculations. Please see notes below.

Lighting.

Our recommendation is that access roads and footpaths, car and cycle parking and loading areas/service yards should be lit by 1.6m columns designed to BS5489-1:2020 or BS EN 12464-:2014. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Security lights both to the front and rear should be dusk to dawn bulkhead LED lights. I would like to see the lighting plan when available including lux levels and calculations. 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.

I have no further comments.

5.16 Cambridgeshire County Council Definitive Map Team

Public Byway 16, Chatteris runs to the south-west of the site. To view the location of the byway please view our interactive map online which can be found at http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx.

Whilst the Definitive Map Team has no objection to this proposal, the byway must remain open and unobstructed at all times.

Informatives

Should you be minded to grant planning permission we would be grateful that the following informatives are included:

- Public Byway 16, Chatteris must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
- No alteration to the Byway's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
- Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them
- The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the Byway is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a Byway standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <a href="https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roa

5.17 Cambridgeshire County Council Archaeology

The development area has been subject to archaeological investigation previously. The investigations revealed Roman quarrying potentially associated with rural settlement activity (Cambridgeshire Historic Environment Record reference. ECB3102). However the area covered by the proposed development was found to have been extensively quarried during the post-medieval to modern periods, which would have likely truncated any archaeological remains which were to have survived. Therefore, we have no objections or requirements for this development.

5.18 Housing Strategy (FDC)

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

On sites of	Level of affordable housing
Minor developments (5-9 dwellings)	Nil affordable housing
Major developments (10 or more dwellings)	25% affordable housing (rounded to the nearest whole dwelling)
Tenure Mix	70% affordable housing for rent (affordable rent tenure) and 30% other affordable routes to home ownership tenure (shared ownership housing)

The Fenland Viability Report (March 2020)

To inform the preparation of Fenland's emerging Local Plan, a Viability Assessment was undertaken which looked at the cost of building new homes and the costs associated with the policies in this Local Plan.

This report concluded that viability in Fenland is marginal and varies between localities in the district. The assessment indicates that 20% affordable housing is likely to be the maximum level of provision that can be achieved through planning obligations. In response to the report, the Council has confirmed that finding of the viability assessment will be taken into account when determining planning applications from May 2020 onwards.

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

Since this planning application proposes the provision of 31 number of dwellings, our policy seeks to secure a contribution of 8 affordable dwellings in this instance.

Based on the provision of 20% affordable housing provision we would seek a contribution of 6 affordable dwellings in this instance. I note that the Design & Access Statement submitted with this application proposed 20% affordable housing.

The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 6 affordable rented homes and 2 shared ownership based on the provision of 25% affordable housing or 4 affordable rented homes and 2 shared ownership based on the provision of 20% affordable housing.

I note the house types proposed as part of this application are 4×2 bedroom dwellings and 2×3 bedroom dwellings.

The provision of on-site affordable housing or a financial contribution

Where affordable housing is due, the policy indicates that the affordable housing will be provided on site unless there are exceptional circumstances which necessitate provision on another site or the payment of a financial contribution.

Since 2016 Fenland has had arrangements in place to mitigate the difficulty of implementing an on-site policy for sites with a planning obligation to deliver less than 10 affordable homes. These arrangements are regularly reviewed to ensure that they continue to accurately reflect the challenges of securing small scale on site affordable housing delivery through planning obligations.

This arrangement has been reviewed in response to the findings of the Viability Assessment and the potential for variations in the percentage of affordable housing delivery that is likely to be achievable through planning obligations, depending on the location of the site within the local authority district area.

Accordingly, Fenland's current approach is to agree that sites that yield less than 10 (i.e. 9 or fewer) affordable homes through planning obligations can be discharged by way of a financial contribution rather than on-site provision, in the

event that the owner provides reasonable written evidenced of its attempts to secure on-site affordable housing which will include seeking negotiations with all such local affordable housing providers as the Council may recommend. The application of this arrangement is not dependent on the total number of dwellings seeking consent for delivery, instead, it is triggered by the number of affordable homes that are deliverable.

If the applicant chooses to provide a financial contribution rather than seek an RP partner to deliver the on-site affordable housing, the affordable housing financial contribution will be calculated in accordance with the mechanism provided in the Local Plan policy and as follows:

- The applicant should submit the necessary open market values of homes which would otherwise have been affordable housing to FDC.
- FDC will assume that RPs would usually pay 55% of OMV for a rented dwelling and 65% of OMV for a shared ownership dwelling.
- FDC will assume that 70% of all affordable homes will be rented tenure and 30% will be shared ownership tenure.

5.19 Environmental Health (FDC)

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

In terms of ground contamination, I note the Health Impact Assessment report submitted confirms in section 3.5 that ground contamination condition (17) for this site was discharged by this service, under planning reference F/YR22/3109/COND.

I also note that the Health Impact Assessment report submitted includes a Construction Environmental Management Plan (CEMP) that was approved by this service under planning reference F/YR22/3109/COND (condition 6). I should take this opportunity to advise that should this planning permission be granted, it does not indemnify against action being taken by this service in the event that complaints are received, and subsequent investigation proves the existence of a statutory nuisance relating to excessive noise/dust/smoke during the construction phase.

5.20 Cambridgeshire County Council Waste and Minerals (27/3/2023)

Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application. Having reviewed the available documentation, the MWPA wishes to make the following comments:

The site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. Policy 5 sets out a number of exemptions (criteria (a) - (h)), for when Policy 5 is not applicable, none of which relevant in this case. It then goes on to set out that that development will only be permitted in certain circumstances (criteria (i) - (k)). The application documentation does not appear to make any reference to the safeguarded minerals, or Policy 5. Consequently, compliance with criteria (i) - (k) has not, at this time, been demonstrated.

The MWPA notes that planning permission has been granted on this site in the past for similar uses to that which is proposed above. However, with the adoption of the Cambridgeshire and Peterborough Minerals and Waste Local Plan in July 2021, the mineral safeguarding areas were revised and updated and Policy 5 became relevant to any development proposed on this site. As Policy 5 has not been adequately addressed in the application, the MWPA wishes to object to this proposal.

To establish whether the Policy 5 can be met, the applicant is asked to provide a short statement that includes the following:

- a) Details of the extent, estimated tonnage, and potential value of any mineral resource within the site;
- b) Establish if prior extraction in whole or part of the mineral resource is practicable: and
- c) Identify all opportunities for incidental extraction that may occur through proposed groundworks.

If prior extraction is practicable:

- d) An estimate of type of mineral(s) and tonnage to be extracted;
- e) An estimate of the type of mineral(s) and tonnage that will be sterilised by the development;
 - f) the proposed timescales for extraction;
- g) a scheme detailing how the mineral will be extracted and reused on site or sold to the wider market, and the tonnages proposed for each use;
- h) where prior extraction is to occur: a plan detailing the areas in which extraction is to take place;

For reference, the Cambridgeshire and Peterborough Minerals and Waste Local Plan can be found on our website at:

https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan.

5.21 Cambridgeshire County Council Waste and Minerals (17/4/2023)

The application being made is for planning permission and is not a reserve matter or a variation of condition. Between the determination of the F/YR19/0834/O outline permission and the submission of this application, the Cambridgeshire and Peterborough Minerals and Waste Local Plan was adopted in July 2021. Applications must be considered against the development plan at the time of determination, and whilst an extant permission may be material to the LPAs decision, it does not make a new proposal compliant in circumstances such as this, where policy has changed since the approval of a previous proposal.

The application has not sought to address the policy, and until such time as is adequately does so, the objection is maintained.

5.22 Cambridgeshire County Council Planning and Sustainable Growth ServiceFull comments are available to view on Public Access, the summary is provided below:

We note that this planning application is a re-plan of a development block containing 27 dwellings approved under reserved matters application F/YR21/1224/RM and that the outline planning consent has a s106 signed for 249 dwellings under F/YR19/0834/O.

If F/YR23/0155/F were considered in isolation, table 1 below summarises the contributions requested by the County Council. Subsequent sections of this response provide the detailed explanation as to how these contributions have been calculated. The County Council provides a cost for the proposed education mitigation projects calculated in accordance the standards as set out in Building Bulletin 103. Where there is no project cost available, the most recent Department for Education scorecard costs will be used.

Table 1: s106 Contributions – Summary Table

	Contribution	Project	Indexation date	Payment Trigger
Early Years	£47,468	Additional Early Years Places in Chatteris	1Q2022	100% prior to commencement
Primary	£136,403	Additional Primary School Places in Chatteris	1Q2022	
Secondary	£136,366	Expansion of Cromwell Community College	1Q2022	
Libraries	£4,573	Remodel Chatteris Library to increasing the floorspace available to the community	1Q2021	100% prior to occupation of 50% of the development
Strategic Waste	n/a	n/a	n/a	n/a
Monitoring Fee	£150			
Total	£324,960		_	

5.23 Local Residents/Interested Parties

None Received

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context – C1 Identity – I1, I2 Built Form – B2 Movement – M1, M2, M3 Nature – N1, N2, N3 Public Spaces – P1, P2, P3 Uses- U2, I3 Homes and Buildings – H1, H2, H3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP10 - Chatteris

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

Emerging Local Plan

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

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy for the Location of Residential Development

Policy LP5 – Health and Wellbeing

Policy LP7 - Design

Policy LP8 – Amenity Provision

Policy LP11 – Community Safety

Policy LP12 – Meeting Housing Needs

Policy LP20 - Accessibility and Transport

Policy LP22 – Parking Provision (Appendix 6)

Policy LP24 – Natural Environment

Policy LP25 - Biodiversity Net Gain

Policy LP27 – Trees and Planting

Policy LP28 - Landscape

Policy LP29 - Green Infrastructure

Policy LP31 - Open Space and Recreational Facilities

Policy LP32 – Flood and Water Management

Policy LP46 – Residential Site Allocations for Chatteris

Policy LP46.10 – Womb Farm

Delivering and Protecting High Quality Environments in Fenland SPD

DM2 – Natural Features and Landscaping Schemes

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

DM4 – Waste and Recycling Facilities

DM6 – Mitigating Against Harmful Effects

Developer Contributions SPD 2015

Cambridgeshire Flood and Water SPD 2016

The Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 Policy 5: Mineral Safeguarding Areas (MSAs)

8 KEY ISSUES

- Principle of Development
- Design considerations and visual amenity of area
- Residential Amenity/Health and wellbeing
- Highways and parking
- Flood Risk and Drainage
- Ecology
- Developer Contributions
- Other matters

9 BACKGROUND

9.1 This application relates to a phase of the wider 'Womb Farm' development which is currently being constructed under the extant permission for 248 dwellings (F/YR19/0834/O and F/YR21/1224/RM). This phase originally consisted of 27 dwellings and this application seeks to increase this to 31; the applicant advises that this is to enable a mix of homes that are more appropriate to the market conditions of the area.

10 ASSESSMENT

Principle of Development

- 10.1 As referred to above, this site has an extant permission for 27 dwellings obtained under F/YR19/0834/O and F/YR21/1224/RM and as such the principle of development is already established.
- 10.2 Policy LP4, Part B sets out the criteria for assessing housing development proposals and advises that large scale proposals (250 dwellings or more) on the edge of market towns are directed to the identified specific or broad locations for sustainable growth. The application site is not such an allocation, the wider site has permission for 248 dwellings and the increase of 4 within this phase would increase this to 252, in excess of that accepted by LP4. However, this increase is considered inconsequential when viewed in the context of the wider development and would not therefore render the revised scheme unacceptable if it is justifiable in all other respects.

Design considerations and visual amenity of area

- 10.3 Given the overall scale of the wider development and with its main access from Doddington Road and Fenland Way, the wider development itself will form its own character area and as such the development is not considered to result in any conflict with the existing character and appearance of the area.
- 10.4 The layout proposed is of a similar arrangement to that previously approved, with the dwellings of a comparable scale and appearance. The revised layout does however result in the loss of a dwelling facing onto the terminus of the southern private road, with the rear boundary treatment of plot 228 now in this location, this does somewhat diminish this element of the scheme, however it would not be

- visible from the primary roads and is not considered sufficiently detrimental to warrant a refusal in this regard.
- 10.5 With regards to external materials, a mix of buff and red bricks and cream render are proposed for the walls and grey and brown plain tiles for the roof, these are as previously approved for the wider site and are as such considered acceptable.
- 10.6 The Finished Floor Levels are comparable to those previously approved under the F/YR21/1224/RM (Drawing 1090-00-05 RM Application Finished Levels (included within Conditions Information Pack)) which were considered acceptable.
- 10.7 A detailed landscape plan has been submitted for the proposed development. With regards to hard landscaping, the secondary and private roads, and parking spaces propose to utilise the same material (brindle block paving), it was requested that some variation was provided to differentiate, however it was advised that this is as previously approved for the wider site, following further review this does not appear to be the case. The primary road appears to be tarmac, however this is not confirmed, and a condition will be re-imposed in relation to construction details with the addition of materials to ensure a suitable finish is secured for all roads. Boundary treatments are in the main 1.8m high close boarded fences, however walls are proposed where large extents of enclosure are in prominent locations and knee rails separate private and public areas. With regards to soft landscaping the Council's Arboricultural Officer has no objections to the proposed tree and hedge species or locations, considering that there is good use of fastigiate tree forms to allow planting in smaller spaces and sufficient management detail to ensure establishment and long-term development of the soft landscaping over time; the use of mixed native hedging is also welcomed.

Residential Amenity/Health and wellbeing

- 10.8 Each property is served by policy compliant levels of private amenity space (a minimum of a third of each plot) and dwellings are spaced and oriented so as to avoid overlooking and overbearing impacts.
- 10.9 The Designing Out Crime Team consider that the sheds/cycles stores are acceptable, but note that no lighting scheme is submitted with the application. A lighting scheme was conditioned under F/YR21/1224/RM and discharged under F/YR22/3087/COND, however the applicant has advised that this is required to be updated and as such a condition in this regard will be re-imposed.
- 10.10 As per the previous permissions conditions will be imposed in relation to noise mitigation, securing a Construction Environmental Management Plan, contamination, fire hydrants and refuse collection.

Highways and parking

- 10.11 The road layout is predominately the same as approved, with the exception of the southern private road being extended to accommodate additional dwellings. The primary spine road and secondary roads are proposed to be built to adoptable standard whereas the tertiary roads are intended to be privately managed.
- 10.12 The Local Highways Authority (LHA) have advised that the proposed changes to the site layout to accommodate the additional four dwelling are largely immaterial in highway safety terms. The turning head at plot 238 was amended following LHA comments and on this basis they have no objections to the application and

- recommend re-appending all relevant highway conditions from the original development permissions (including that in relation to the footpath link highlighted by the Town Council).
- 10.13 Each plot has the required number of parking spaces to comply with Policy LP15 and Appendix A of the Fenland Local Plan. It is acknowledged that that the garages fall short of the internal space standards to be considered a parking space, however these are usable and reflective of the previously approved scheme.
- 10.14 In terms of cycle parking, all dwellings have access to either a garage or a shed, which can be used to safely store cycles.

Flood Risk and Drainage

- 10.15 The Lead Local Flood Authority (LLFA) have reviewed the submitted Drainage Report and have no objection in principle to the proposed development, advising that the submitted details demonstrate that surface water from the proposed development can be managed through the use of a combination of permeable paved surfaces, swales and an attenuation basin (much of which is off site and forms part of the wider development).
- 10.16 The LLFA originally recommended 4 conditions in relation to 1) a detailed surface water drainage scheme, 2) surface water during construction 3) submission of evidence the scheme has been constructed in accordance with the approved details and 4) surface water drainage scheme in accordance with the drainage report. The requirement for these conditions was queried given that the detailed design was approved under F/YR21/1224/RM and the information submitted with this application advises that this would remain unchanged, with only the catchment areas changing to suit the new layout with no detriment to the overall drainage model. On this basis the LLFA advised that condition 1 was not required and a condition linking this phase to the wider drainage infrastructure (and in accordance with the submitted drainage strategy) would provide sufficient certainty in this regard. Conditions 2 and 3 were not imposed on the original applications, under which the land subject of the application could be developed for 27 dwellings, and as such it is not considered reasonable to impose these additional conditions.
- 10.17 Anglian Water originally raised concerns regarding the scheme, however following liaison with the applicant, provided revised comments advising the Drainage Report is acceptable and the foul water drainage proposals are part of a strategy already agreed for the wider development. Conditions will be reimposed accordingly.

Ecology

10.18 The Ecology Officer originally objected due to the lack of information submitted to accompany the application. An ecology update was subsequently submitted and on this basis the Ecology Officer is satisfied that the proposed re-plan will not have any significant adverse impact on the site (when compared to approved planning permission F/YR21/1224/RM) subject to relevant conditions being reimposed, including compliance with Condition 13 securing the Landscape and Ecological management Plan (discharged under F/YR21/3137/COND).

Developer Contributions

10.19 Housing Strategy have advised that on the basis of 20% affordable housing provision for the proposed development a total of 6 affordable dwellings are

required, consisting of 4 affordable rented homes and 2 shared ownership. The submitted site plan indicates that plots 217-218 and 251-252 are proposed to be affordable rented and plots 249-250 shared ownership, consistent with this requirement. The additional 4 dwellings proposed would not necessitate any additional affordable housing provision for the wider development which remains at 50 (the calculation is rounded to the nearest whole dwelling and in this case would be rounded down from 50.4 to 50 whereas it was previously rounded up from 49.6 to 50). The affordable housing is to be secured by appropriate legal mechanism (either a variation of the original agreement and/or a separate legal agreement as appropriate).

- 10.20 The Cambridgeshire & Peterborough Integrated Care System (CAPICS) advises that a developer contribution of £17,777.52 will be required to mitigate the impacts of this proposal in relation to primary healthcare provision, specifically in relation to George Clare Surgery and additional workforce to support an increase in appointments and resultant estate demand.
- 10.21 The East of England Ambulance Service advise that the contribution required to create additional ambulance services to support the population arising from the proposed development is calculated to be £9,920, a list of projects that this could support have been indicated.
- 10.22 The Cambridgeshire County Council Planning and Sustainable Growth Service have requested a total contribution of £324,960 in relation to this development to be split between Early Years, Primary and Secondary education, and Libraries.
- 10.23 In addition to the above the Developer Contributions SPD 2015 sets out that 22% of a development site area should make provision for open space. Given that the site is no larger than the previous application there is no additional requirement in this regard over and above that which has already been secured for the wider site.
- 10.24 The applicant has put forward a draft Heads of Terms advising that the contributions secured on the development of 248 dwellings on the wider site have already been paid (which has been confirmed with the Head of Planning) and as such, contributions shall only be sought in respect of the additional 4 dwellings now proposed, at £2000 per dwelling in line with the Local Plan & CIL Viability Assessment 2019.
- 10.25 It is therefore necessary to establish where the £8,000 of S106 contributions are to be allocated, as it is clear that this would not cover the contributions requested, and in doing so it is necessary to consider the following tests:
- 10.26 Planning obligations must be:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 10.27 The contributions secured on the wider development were in relation to Education, Libraries and Life Long Learning, as such it is not proposed to allocate any further contribution to this area.
- 10.28 The NHS were not allocated any contributions as part of the wider development as at that time as they were unable to provide comments, as such it is considered

the contributions should be allocated here. Unfortunately, the EEAST have not identified a specific capital project to which contributions can be allocated. The CAPICS have identified contributions in relation to George Clare Surgery and the additional workforce to support increased appointments and resultant estate demand as a result of the development, as such it is proposed to allocate the £8000 contribution towards this, to be secured via appropriate legal mechanism.

Other matters

Minerals and Waste

- 10.29 The site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021. This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised.
- 10.30 The Minerals and Waste Planning Authority (MWPA) acknowledges that planning permission has been granted on this site in the past for a similar proposal. They advise however, that with the adoption of the Cambridgeshire and Peterborough Minerals and Waste Local Plan in July 2021, the mineral safeguarding areas were revised and updated and Policy 5 became relevant to any development proposed on this site. The MWPA do not consider that Policy 5 has been adequately addressed and as such object to this proposal.
- 10.31 The extant permission on this site is a material consideration which is afforded significant weight. The wider development is currently under construction and the site can be developed as approved without any consideration or requirements in relation to the policy aforementioned at paragraph 10.29 above. Hence, whilst it is acknowledged that the application does not address this policy, given that the resources would be lost as a result of the extant development, it is not considered reasonable to refuse the current application on this basis.

Archaeology

10.32 Cambridgeshire County Council Archaeology has advised that the development area has been subject to archaeological investigation previously and as such they have no objections or requirements for the development.

Conditions

10.33 Should the application be successful, the conditions on F/YR19/0834/O (attached for reference as Appendix A) and F/YR21/1224/RM (attached for reference as Appendix B) will be updated and re-imposed accordingly, to take into account those details already approved under discharge of conditions where relevant and the revised details under this application.

11 CONCLUSIONS

- 11.1 This application is a re-plan of a phase of the wider 'Womb Farm' development which is currently being constructed under the extant permission for 248 dwellings (F/YR19/0834/O and F/YR21/1224/RM), to increase the number of dwellings from 27 to 31, enabling a mix of homes that are more appropriate to the market conditions of the area.
- 11.2 There are no issues to address in relation to the character and visual amenity of the area, residential amenity, highways and parking, flood risk and drainage and ecology, subject to updated and re-imposed conditions. Affordable housing provision and contributions in line with the Local Plan & CIL Viability Assessment 2019 are to be secured through appropriate legal mechanism

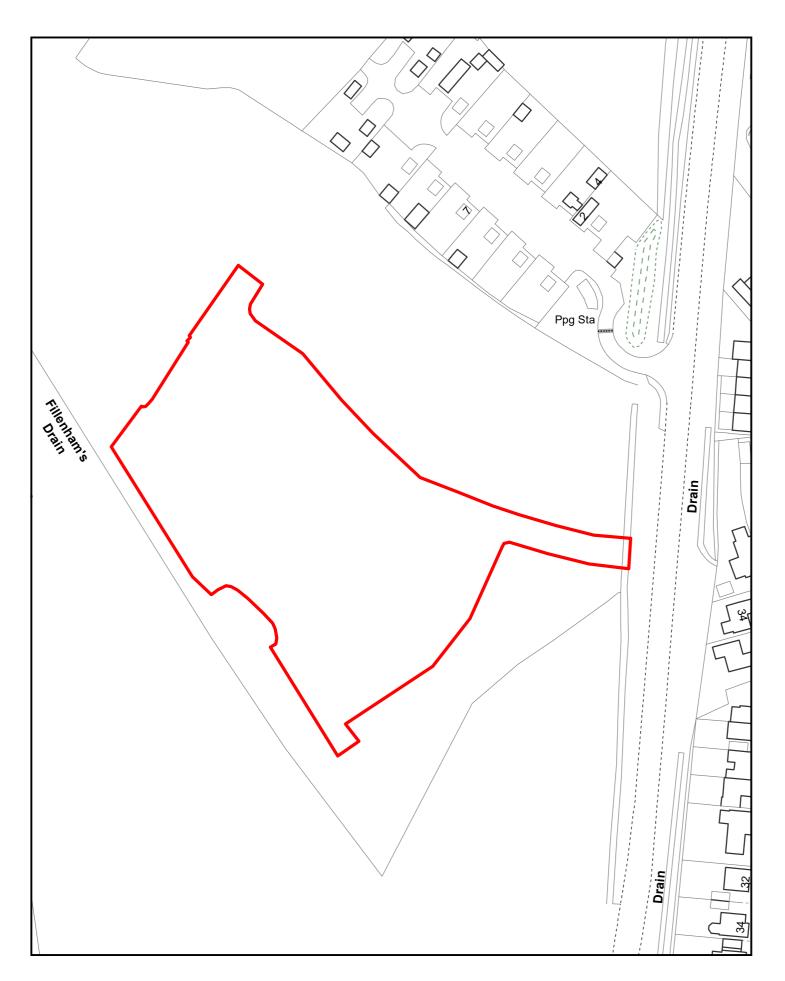
- 11.3 The site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021. The Minerals and Waste Planning Authority do not consider that Policy 5 has been adequately addressed and as such object to this proposal. The extant permission on this site is a material consideration which is afforded significant weight, and given that the resources would be lost as a result of the extant development, it is not considered reasonable to refuse the current application on this basis.
- 11.4 As such, it is recommended to grant the application with conditions on the original permissions updated and re-imposed accordingly.

12 RECOMMENDATION

GRANT with delegated authority to the Head of Planning to finalise the planning conditions and terms of the S.106 agreement

OR

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

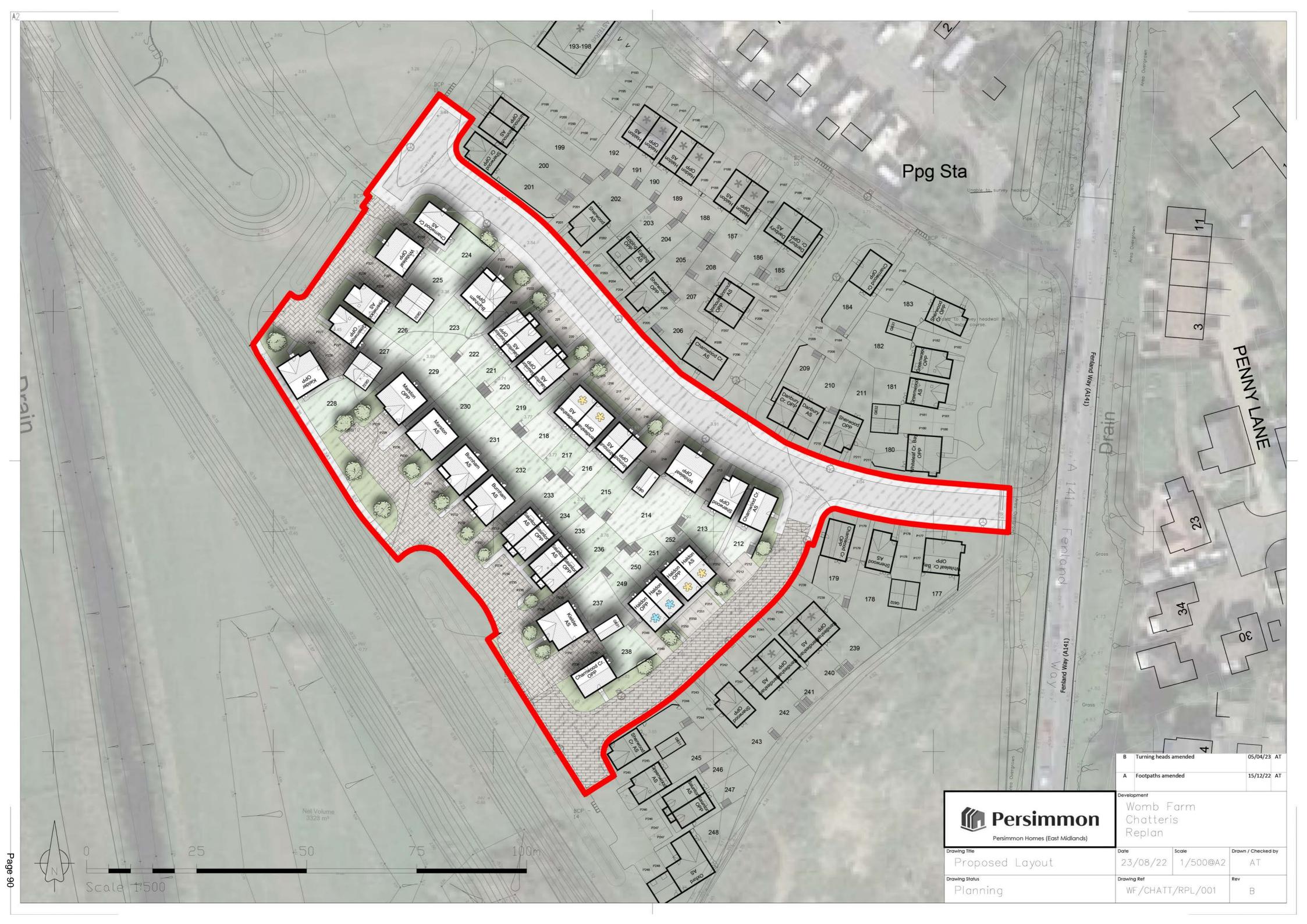


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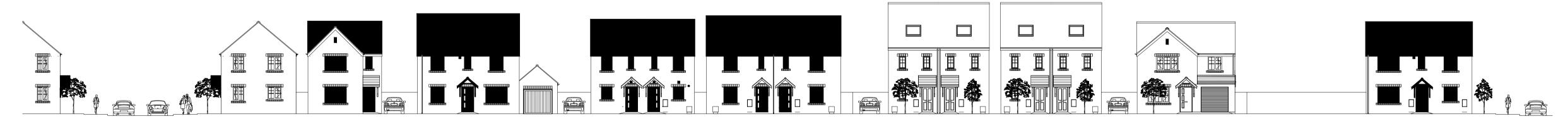




Plots 224-228



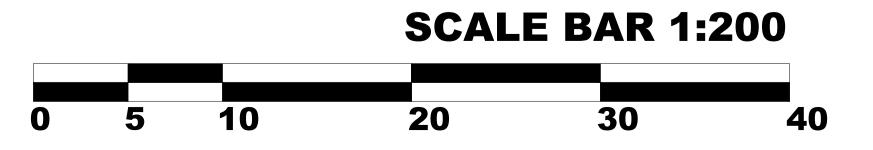
Plots 229-236



Plots 212-224



Plots 238-212



B Street scenes updated 11.09.23 AT

A Street scenes updated 11.05.23 AT

Rev Date By



Site Name:

Womb Farm Chatteris

Peterborough

Drawing:

Street Scenes

Scale@A1: Drawn By: Date:

on: Drawing No: Rev

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F/YR23/0362/O

Applicant: Elaine Chiva Agent : Elaine Chiva Ideal Prestige Properties Ltd Aspect Architectural Design

Land West Of 491, March Road, Turves, Cambridgeshire

Erect up to 3 x dwellings with associated accesses and infrastructure (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee

Chairman.

1 EXECUTIVE SUMMARY

- 1.1 This application seeks outline permission for up to 3no dwellings with all matters reserved, though access is indicated from March Road.
- 1.2 Policy LP3 of the Fenland Local Plan identifies Turves as a Small Village, where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. The site cannot be considered as infill development as it extends into undeveloped land beyond the built form of the settlement, and there is no other development on the northern side of March Road that the proposed development could be considered to be filling the space between. As such, the scheme is considered contrary to Policy LP3.
- 1.3 Policy LP12 seeks to support development that does not harm the character of the countryside, and Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The site does not represent residential infilling as it extends into undeveloped land beyond the existing built form of the settlement. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the open countryside that would erode the surrounding rural character. As such, the proposal would be contrary to the requirements of Policies LP3, LP12, LP16(d) and DM3 (2014).
- 1.4 Insufficient information is provided to demonstrate that suitable visibility splays and visibility for turning vehicles can be provided for the required access to March Road. The application materials have therefore not demonstrated that suitable and safe access will be available to the proposed development, contrary to policies LP2 and LP15 which aim to provide safe transport networks.
- 1.5 Insufficient information has been provided to demonstrate that development in

this site will be able to protect and enhance biodiversity on and surrounding the proposal site. The proposal does not demonstrate compliance with Policies LP16 (b) and LP19 of the Fenland Local Plan.

- 1.6 The application does not include evidence in respect of the sequential or exception tests and therefore fails to provide demonstrable evidence that the scheme would be acceptable in respect of flood risk. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).
- 1.7 Consequently, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The subject site is a large, mostly flat parcel of land located on the northern side of March Road, Turves. To the north and west of the site is vacant land. There is a railway line further north. To the east there is a dwelling, which is screened from the subject site by a row of vegetation whilst beyond March Road to the south is a row of dwellings.
- 2.2 The site lies in the countryside and is situated in Flood Zone 3.

3 PROPOSAL

3.1 This application is an outline application proposing the erection of 3no dwellings on the site with all matters reserved. The application form indicates these will be 4no bedroom dwellings for market housing. An indicative plan shows that each of the three plots would have its own access point to March Road, which runs along the south of the site.

4 SITE PLANNING HISTORY

4.1 This site has no planning history.

5 CONSULTATIONS

5.1 Whittlesey Town Council

The Town council recommend refusal as under the FDC local plan this is not an integral part of the village, also highways have requested amendments, and there is no report from Middle level.

5.2 Local Highway Authority

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

While this application is all matters reserved, it is unclear if safe access is achievable due to the proximity of the site to a sharp change in highway alignment. The applicant will need to demonstrate that inter-vehicular visibility splays commensurate with the 40mph speed limit (2.4m x 120m) are achievable within the application boundary and / or the highway boundary. They will also need to

demonstrate that 120m forward visibility to a vehicle stopped to turn right into the site is achievable. Should the applicant wish, I will accept a reduction in visibility based upon observed 85th percentile vehicle speeds.

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, possibly of refusal.

5.3 Natural England

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

5.4 Environmental Health Officer

No objection.

Conditions are requested in relation to contamination and working times.

5.5 Environmental Agency

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

Flood Risk

This site is located within the extent of the 'IDB Flood Risk Area', which forms part of the Local Flood Risk Standing Advice for Fenland District Council. As such, this application falls within the scope of Advice Note 6 and the LPA should refer to this advice note. We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board and have no comments to make on this application.

Sequential and Exception Tests

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

5.6 County Ecology - We recommend refusal of this application due to lack of biodiversity information. This matter can be resolved through the submission of an Ecological Impact Assessment (and any recommended survey work) to the LPA prior to the determination of the planning application. Please find further detailed below: The applicant site potentially supports habitats and species of biodiversity value, which may be impacted by the scheme. However, no ecological impact assessment has been provided as part of the scheme. It is therefore not possible to determine the level of impact of the scheme on biodiversity, which is a material

consideration in the planning process1. It is not possible to determine if the scheme accords with National Planning Policy Framework 2021 (paragraphs 174 & 180-182) or Fenland Local Plan 2014 policy LF-19 which seeks to conserve, enhance and promote the biodiversity interest. Furthermore, the local authority is unable to discharge its statutory duty to conservation biodiversity (Natural Environment and Rural Communities Act 2006) and protect Protected Sites and species of European importance (Conservation of Habitats and Species Regulations 2017). We therefore recommend refusal until an Ecological Impact Assessment is undertaken as submitted as part of the planning application. It is likely that the EcIA will recommend further protected species work (e.g. reptiles), which must also be completed and submitted prior to determination of the planning application.

The planning application should also be supported by evidence to demonstrate how the scheme has been designed to result in a net gain in biodiversity, in accordance with National Planning Policy Framework 2021 (paragraphs 174d & 180d) and Fenland Local Plan policy LP19.

5.7 Local Residents/Interested Parties

Two representations have been received raising concerns and objecting in respect of the following:

- Barn owls hunt on the land and other wildlife use/live on the site
- Drainage and flooding issues
- What will the houses look like?
- Any insurance or damages to be claimed if the house is affected
- Poor infrastructure to accommodate more dwellings
- No access to shops or a bus network
- Highway safety issues
- Erosion of fields

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

LP4 – Housing

LP5 - Meeting Housing Need

LP12 - Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

Emerging Local Plan

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the location of residential development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP18: Development in the Countryside

LP19: Strategic Infrastructure

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

LP33: Development of Land Affected by Contamination

8 KEY ISSUES

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

9 BACKGROUND

- 9.1 There are a number of recent decisions relating to development near the site:
- 9.2 In 2019, application ref: F/YR18/1133/F was approved along Whitlesey Road to the north-east of the side for the erection of 6 dwellings. This development was considered to be infill between the existing dwellings fronting Whittlesey Road to the north and south and is in the same location as a previous consent for three detached dwellings. This approval dated back to 2008 when the relevant site was within the Development Area Boundary for Turves in the then local plan

9.3 In 2022, approvals for additional dwellings were granted on two nearby sites by Planning Committee contrary to the officer recommendation. These approvals included: Outline Planning Permission for up to 2 dwellings to the south of 733 Whittlesey Road (Ref: F/YR22/0919/O); and 1 x dwelling involving the demolition of existing agricultural building, located east of 723 Whittlesey Road (Ref: F/YR22/0012/F).

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan identifies Turves as a Small Village, where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. The site cannot be considered as infill development as it extends into undeveloped land beyond the built form of the settlement to the north, and there is no other development on the northern side of March Road that the proposed development could be considered to be filling the space between. Whilst it is acknowledged that there are residential units at the juncture of March Road/Whittlesey Road, the proposal would as previously stated extend into new undeveloped land and as such would be considered contrary to Policy LP3.
- 10.2 Policy LP12 of the Local Plan supports development that does not harm the wide open character of the countryside and provides further guidance as to the restriction of such development to ensure that is 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.
- 10.3 The site is vacant land on the north side of March Road and is surrounded by vacant land to the north and west. The core shape and form of the settlement includes a row of development on the south side of March Road, and development on both sides of Whittlesey Road from the intersection with March Road. There is currently no development on the north side of March Road on the eastern side of the railway crossing, except for No. 491, which is on the intersection with Whittlesey Road, and is visually separated from the remainder of the land north of March Road by a row of screening vegetation.
- 10.4 The proposed development would be in conflict with the existing core shape and built form of the development along both March Road and Whittlesey Road. Furthermore, expansion of the built form along the northern side of March Road would have an impact on the openness of the area, which is an important characteristic of this area of countryside. Besides the development along Whittlesey Road, there is no expansion of development into the open areas, and no other dwellings which could be considered to be joined to the existing development by infilling.

Development encroaching into this land would be to the detriment of the character and appearance of the area and would arguably create a precedent for further piecemeal development in an unsustainable rural location. Therefore, the proposal is considered contrary to Policy LP12.

- 10.5 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 Turves and is therefore classed as open countryside where development will only be permitted in the circumstances set out within paragraph 80 the NPPF.
- 10.6 Draft Policy LP1 (Part C) of the emerging Local Plan does contain an element relating to frontage linear development up to three dwellings, applicable at the edge of settlements. However, it is considered that this proposed element of the draft emerging Local Plan conflicts with the NPPF and therefore can carry no weight. The draft emerging Local Plan and submissions received has not yet been submitted to the Secretary of State. It is possible and likely that many changes to the emerging Local Plan will still be required. Due to the very early stage of the emerging Local Plan, if the proposal complies with Part C of LP1 of the emerging Local Plan, very limited weight is afforded to this, and in this instance, it is not sufficient to outweigh the clear conflict with the policies of the adopted Local Plan and the NPPF.

Design and Visual Amenity

- 10.7 Details of appearance, 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 three plots fronting March Road, each with a separate access.
- 10.8 Local Plan Policy LP16 identifies that proposals for new development will only be permitted if it can be demonstrated that the proposal, inter alia, (d) makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.
- 10.9 Moreover, in rural areas, a development proposal needs also to satisfy the criteria set out in Policy LP12. As this application is Outline only with no matters committed, the main issue for consideration is whether the principle of development of three new dwellings in this location would accord with the necessary criteria of Policy LP16(d) and LP12.
- 10.10 The development proposed would see up to three detached dwellings positioned on undeveloped open land that currently forms a distinct and natural demarcation between the developed built form of Turves and the surrounding countryside. Openness and extensive views across the fen are very much part of the character of the village and these should be preserved. The railway forms somewhat of a physical barrier running past the north of the site, however, it is noted that there are not boundary treatments or other obvious visual barriers along the railway that would impact the views to the open agricultural plains from street level.

- 10.11 As discussed above in this report, besides the development along Whittlesey Road, there is no development along the northern side of March Road. The existing dwelling on the intersection with Whittlesey Road is clearly visually separated from the subject site and surrounding vacant land by a row of vegetation, and any new development in this location would be imposing new visual precedent to the otherwise open space.
- 10.12 The proposed development would be to the detriment of the character and appearance of the rural area as it would directly be in conflict with the current settlement pattern and would arguably create a precedent for further development into the countryside, eroding the existing rural character to the north of March Road and west of Whittlesey Road, contrary to the requirements of Policy LP12 and Policy LP16(d).

Residential Amenity

- 10.13 Policy LP2 states that development proposals should contribute to the Council's goal of Fenland's residents, including promoting high levels of residential amenity.
- 10.14 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.
- 10.15 Given the location of the properties are within close proximity to the existing railway, noise and vibrations from the railway track are a consideration. It is noted, however, that dwellings have recently been approved closer to the existing railway than the subject site, application ref: F/YR18/1133/F, which included acoustic treatments such as boundary treatments and sound insulations. Given that this application is for outline permission only, with all matters reserved, it is considered that the potential noise impacts of the nearby railway could be suitably addressed at reserved matters stage if this application were to be approved.
- 10.16 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. 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.

Flood Risk

10.17 Paragraph 159 of the NPPF (2021) states that 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.

- 10.18 The site is located in Flood Zone 3, the area at highest risk of flooding. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.
- 10.19 The applicant submitted a Flood Risk Assessment by Geoff Beel Consultancy in support of the proposed development. The Flood Risk Assessment identifies that the site is within a defended floodplain and is considered to be passive until such time as a flood greater than that for which the defences were designed occurs. The submitted assessment states that "The Sequential Test and Exception Test are met as the development is protected against both the 1 in 100 year fluvial flood event and also the 1 in 200 year tidal flood event meeting the requirements of NPPF".
- 10.20 However, as the development is a new build it is required to pass the sequential test as set out within the NPPF and also the Cambridgeshire Flood and Water SPD. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made safe for its lifetime the sequential test still needs to be satisfied, i.e. flood risk safety measures do not overcome locational issues. The submitted Floor Risk Assessment is incorrect in stating that the Sequential Test and Exception Test are met, and no such tests have been provided in the submitted information.
- 10.21 As the site is outside the continuous built form of the settlement, the area of search for the sequential test is required to be district wide. It is clear that there are numerous sites across the district which would be at a lower risk of flooding and therefore sequentially acceptable instead of the subject site. The development therefore fails the sequential test.
- 10.22 As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

Highways/parking

- 10.23 The site is accessed from March Road, which runs along the southern boundary of the site. There is no footpath along the frontage of the site, however, one exists across the road on the southern side of March Road. Whilst the application is in outline form with all matters reserved, the agent has submitted an indicative plan that shows three new access points to March Road.
- 10.24 Whilst the eventual highway details would come forward as part of any reserved matters application, there should be a certainty that a scheme is capable of being achieved that does not impinge on highway/pedestrian safety/sustainability of a scheme.
- 10.25 Highway Officers have provided comment that "While this application is all matters reserved, it is unclear if safe access is achievable due to the proximity of the site to a sharp change in highway alignment. The applicant will need to demonstrate that inter-vehicular visibility splays commensurate with the 40mph speed limit (2.4m x 120m) are achievable within the application boundary and / or

the highway boundary. They will also need to demonstrate that 120m forward visibility to a vehicle stopped to turn right into the site is achievable. Should the applicant wish, I will accept a reduction in visibility based upon observed 85th percentile vehicle speeds."

- 10.26 Insufficient information is provided to demonstrate that suitable visibility splays and visibility for turning vehicles can be provided for the required accessed to March Road. Although this application is for outline planning permission only, with all matters reserved (including access), this information regarding visibility splays is required to demonstrate the proposed development could be accessed safely. This information has not been provided as part of the application materials.
- 10.27 It has not therefore been demonstrated that suitable and safe access will be available to the proposed development, contrary to policies LP2 and LP15 which aim to provide safe transport networks.

Biodiversity

- 10.28 Local Plan Policy LP16 (b) identifies that proposals for new development will only be permitted if it can be demonstrated that the proposal protects and enhances biodiversity on and surrounding the proposal site.
- 10.29 Policy LP19 identifies that the Council will refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured.
- 10.30 The applicant site potentially supports habitats and species of biodiversity value, which may be impacted by the scheme. However, no ecological impact assessment has been provided as part of the scheme. It is therefore not possible to determine the level of impact of the scheme on biodiversity, which is a material consideration in the planning process.
- 10.31 As such, insufficient information has been provided to demonstrate that development in this site will be able to protect and enhance biodiversity on and surrounding the proposal site. The proposal does not demonstrate compliance with Policies LP16 (b) and LP19 of the Fenland Local Plan and the requirements in the NPPF.

11 CONCLUSIONS

- 11.1 It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that is located outside the built framework of Turves and does not represent residential infilling. Furthermore, development of this site would encroach into the countryside at detriment to the rural character of the area in contravention of Policies LP12 and LP16(d).
- 11.2 The application included no details in respect of the Sequential or Exception tests and is therefore contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF.
- 11.3 Insufficient information has been provided to demonstrate that suitable visibility splays and visibility for turning vehicles can be provided for the required access to

March Road, contrary to policies LP2 and LP15 which aim to provide safe transport networks.

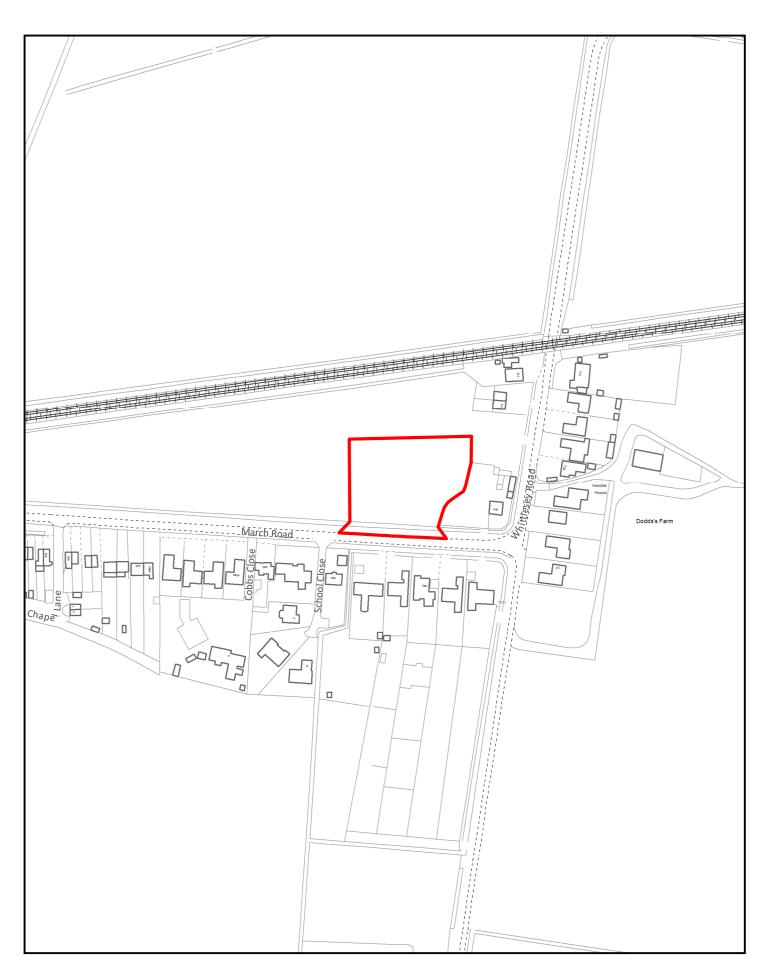
- 11.4 Additionally, insufficient information has been provided to demonstrate that development in this site will be able to protect and enhance biodiversity on and surrounding the proposal site. As such, the proposal fails to demonstrate compliance with Policies LP16 (b) and LP19 of the Fenland Local Plan.
- 11.5 Given the above, the outline application is recommended for refusal.

12 RECOMMENDATION:

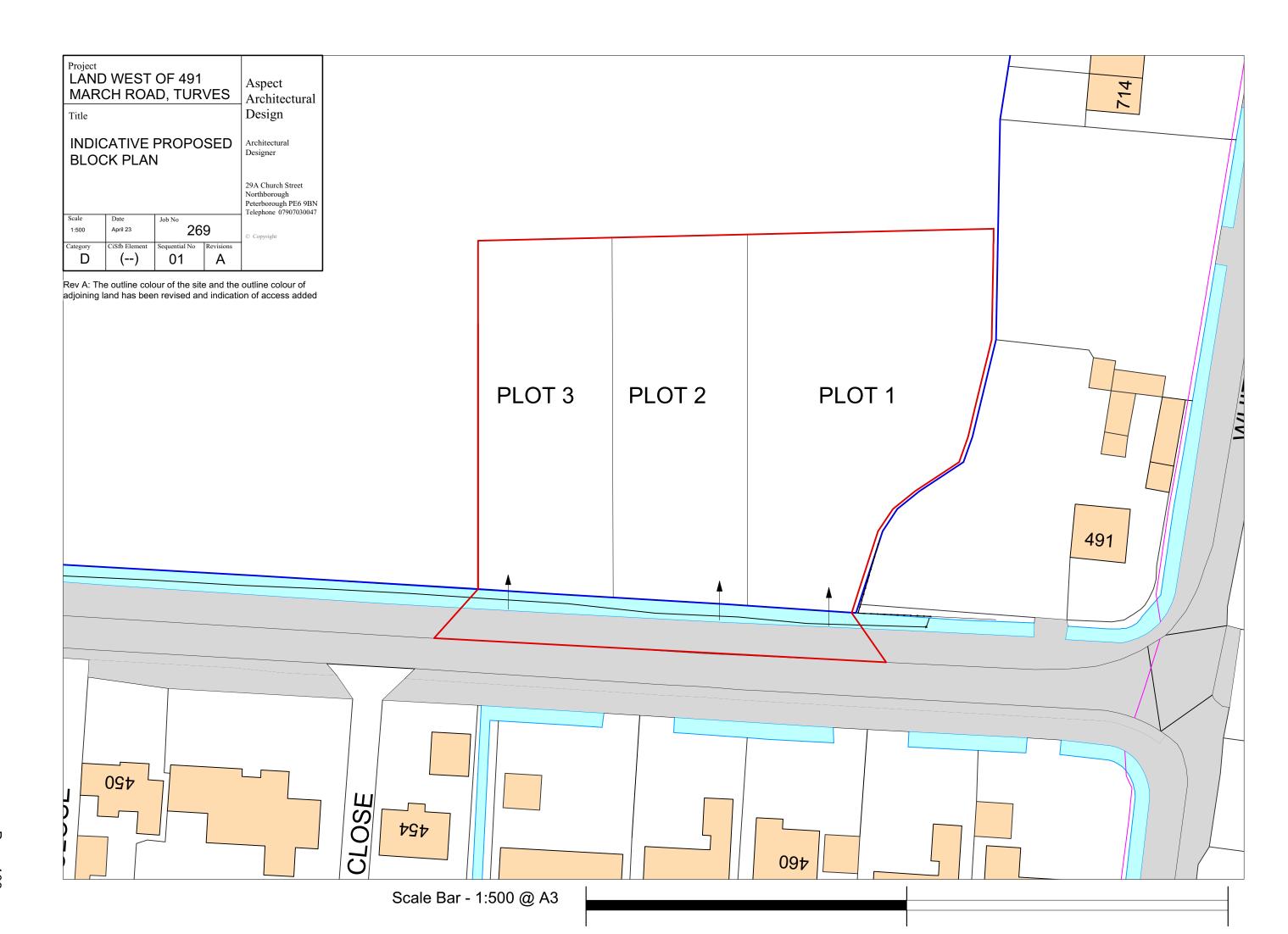
Refuse; for the following reasons:

1	Policy LP3 of the Fenland Local Plan (2014) defines Turves as a 'small village' where development may be permitted on its merits but normally limited in scale to residential infilling. Policy LP12 seeks to support development that does not harm the character of the countryside, and Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The site does not represent residential infilling as it extends into undeveloped land beyond the existing built form of the settlement. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly conflict with the current settlement pattern and would arguably create a precedent for further development into the open countryside that would erode the surrounding Fen rural character. As such, the proposal would be contrary to the requirements of Policies LP3, LP12, LP16(d) and DM3 (2014).
2	Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management. The application does not include evidence in respect of the sequential or exception tests and therefore fails to provide demonstrable evidence that the scheme would be acceptable in respect of flood risk. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).
3	Insufficient information is provided to demonstrate that suitable visibility splays and visibility for turning vehicles can be provided for the required access to March Road. The application materials have therefore not demonstrated that suitable and safe access will be available to the proposed development, contrary to policies LP2 and LP15 which aim to provide safe transport networks.

4	Insufficient information has been provided to demonstrate that development of the site will be able to protect and enhance biodiversity on and surrounding the proposal site. The proposal does not adequately demonstrate compliance with Policies LP16 (b) and LP19 of the Fenland Local Plan.



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F/YR23/0450/F

Applicant: Mr A Henson Agent : Mr R Papworth

Morton & Hall Consulting Ltd

Land North Of 44 Robingoodfellows Lane March Cambridgeshire

Erect 1 x dwelling (2-storey, 2-bed) including part demolition of existing single storey element at 44 Robingoodfellows Lane

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 The application seeks to construct a two-storey end terraced property on land to the north of 44 Robingoodfellows Lane. The proposal is considered to have an adverse impact on the character of the area, providing an incongruous development within the street scene.
- 1.2 As a result, the proposal fails to comply with the Policy LP16 (d) of the Fenland Local Plan 2014 and paragraph 130 of the National Planning policy Framework.

2 SITE DESCRIPTION

- 2.1 The proposed application side forms part of the side garden of no.44 Robingoodfellows Lane, March. The host property is a two storey, end terraced dwelling. The dwelling is finished in render with brick detailing and tiled roof. To the rear (west) of the application site is a recently constructed dwelling, comprising of a two-storey property with hipped roof and finished in smooth render. The application site is enclosed on all sides by 1.8m close boarded fencing.
- 2.2 The site is located within the built up area of March and is accessed off Robingoodfellows Lane. The site is also located in Flood Zone 1.

3 PROPOSAL

3.1 The proposal seeks full planning permission for the construction of a 2-storey, end terraced dwelling, attached to the existing dwelling, no.44 and proposes private amenity space to the rear along with the formation of a new access and parking for 2no cars. The development will also see the partial demolition of an existing rear extension to the host property, and subdivision of the plot to accommodate the private amenity space.

3.2 The dwelling will measure approximately 4.6m wide, 9.8m in depth, 5.6m to the eaves and 7.4m to the ridge. The external materials will be finished in render with brick detailing, to match the existing row of dwellings

4 SITE PLANNING HISTORY

None on the application site itself, however on land to the rear:

Reference F/YR20/0603/F	Description Erect 1 dwelling (2 storey 3 bed)	Decision Grant (at committee)	Date 04/09/20
F/YR18/0389/F	Erection of a 2- storey 3 bed dwelling	Refused	18/06/18
F/YR/0017/F	Erection of a 2- storey 3 bed dwelling	Withdrawn	

5 CONSULTATIONS

5.1 March Town Council

Recommended Approval

5.2 Environment Agency

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

5.3 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 or be affected by ground contamination.

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

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

5.4 Highways

I have no objection to the proposed development as appropriate measures have been included to safeguard the highway.

Should the driveway on Norwalde Street fall towards the highway, a means of surface water interception will be required (e.g., a channel drain). The LHA do not accept permeable surfacing as a suitable means of surface water drainage in

isolation. Please append the following conditions and informatives to any permission granted:

Conditions

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

<u>Visibility Splays:</u> 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

5.5 Middle Level Commissioners

No representation has been received.

5.6 Local Residents/Interested Parties

Seven representations (two from Creek Road and one each from Coldham Bank, The Causeway, Strawberry Way, Hawthorne Grove and Elm Road) have been made in support of the application, and are summarised below (full responses can be found online):

- Ample size for amenity
- Design is sympathetic to the surrounding area
- Within established location for dwellings
- First time buyer home
- Ample parking provided

13 objections (eight from Robingoodfellows Lane, two from Acacia Grove, and one each from Peterhouse Crescent, Bronze Street and Creek Road) have been received. These are summarised below (full responses can be found online):

- Noise disturbance
- Traffic impact
- Parking
- Privacy
- No need for additional dwelling
- Overdevelopment of site
- Access to no.44
- Proposed house is too small
- Overlooking
- · Out of character

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 130 – achieving well-designed places

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

Context

Identity

Built Form

Movement

Homes and Buildings

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

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

LP7 - Design

LP8 - Amenity Provision

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP32 – Flood and Water Management

March Neighbourhood Plan

H2 – Windfall Development

8 KEY ISSUES

- Principle of Development
- Character and design
- Residential Amenity
- Parking and Access
- Flood Risk

9 BACKGROUND

9.1 The plot of no.44 Robingoodfellows has been subject to a number of previous applications, most recently was the approved application for the construction of a two storey, hipped roof dwelling with associated site works, in the rear garden (F/YR20/0603/F). This application was granted by the Planning Committee contrary to officer recommendation. The approval has now been implemented in full, with the dwelling currently occupied.

10 ASSESSMENT

Principle of Development

- 10.1 The application site is located within the settlement limits of March, which is defined as a Primary Market Town in accordance with the Settlement Hierarchy of Policy LP3. Within these areas, Policy LP3 states that the majority of the district's new housing should be focused within these areas.
- 10.2 Consequently, the principle of development can be accepted at this location, however this is subject to compliance with the wider policies found within the Fenland Local Plan 2014 and set out in section 7.4 of this report.

Character and design

- 10.3 Policy LP16 (d) requires proposal to make a positive contribution to the local distinctiveness and character of the area, enhancing the local setting, responding to and improving the character of the local built environment, providing resilience to climate change, reinforcing local identify and does not adversely impact, either in design or scale terms, on the street scene, settlement patter or the landscape character of the surrounding area.
- 10.4 The host property is an end terrace dwelling on a prominent corner plot at the junction of Norwalde Street and Robingoodfellows Lane. The character and appearance of the street comprises of rows of terraced properties arranged in a linear fashion fronting the road. Corner properties tend to be sited in more spacious plots, with side gardens projecting beyond the building line on the side roads. The host property is a mirror of the dwelling on the opposite side of Norwalde Street (no.46), in that it is an end terraced dwelling which also contains a side garden of similar proportions.
- 10.5 The proposed dwelling would occupy this side garden, extending to a height of two storeys and continuing the existing ridge of no.44 Robingoodfellows. Further to this, the overall width of the proposed dwelling is of a similar proportion to those within

the row, within the row maintaining the uniformity that currently exists within the immediate surroundings. Therefore, in design terms, the proposed dwelling is considered to be of good quality design, utilising appropriate materials ensuring the proposal remains sympathetic to the host dwelling.

- 10.6 As mentioned above, the proposal would extend the width of the terraced, to fill the space between no.44 and Norwalde Road, bringing the two-storey property within 1.1m of the boundary. This is considered to erode the open character of the site which is emphasised by its prominent siting and projection beyond the uniform build line to the west. Moreover, by filling this space with an additional dwelling, this will increase the visual impact of the terrace, rendering it a highly prominent feature within the street scene. This development is also considered to result in overdevelopment of the plot, by way of its cramped appearance in the street scene.
- 10.7 In light of the above, it is considered the proposal would cause harm to the character and appearance of the street scene and therefore be in conflict with Policy LP16(h) of the Local Plan.

Residential Amenity

- 10.8 Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light.
- 10.9 The host dwelling is an end terraced property and does not contain any windows on the northern elevation. The additional property will run flush with the front and rear elevations of the host property; therefore, the proposal will not result in the loss of light or privacy, current enjoyed by the host property.
- 10.10 In terms of the impact upon the recently constructed dwelling to the rear (west) of the site, there is a separation distance of approximately 20.5m. This is regarded as an acceptable separation distance in urban locations and complies with best practice. It is therefore considered that the proposed dwelling will not impact upon this property by way of loss of light or privacy.
- 10.11Given the intervening roads to the east and north, there will be no perceived detrimental impact upon the properties to the side or opposite the site.
- 10.12 Policy LP16 (h) of the Local Plan expects new development to provide sufficient private amenity space, suitable to the type and amount of development proposed. As a guide, and depending on local character, this means that a minimum of a third of the plot curtilage should be set aside as private amenity space. This would equate to approximately 50sqm of amenity space for no.44 and 58sqm for the proposed dwelling. Both plots provide in excess of the minimum standards (65sqm and 69sqm respectively), therefore it is considered that sufficient private amenity space has been provided for both dwellings.
- 10.13 It is therefore considered that the proposal complies with Polices LP16 (e) and (h) of the Fenland Local Plan 2014.

Parking and Access

10.14 Policy LP15 of the Fenland Local Plan 2014 states that development schemes should provide well designed car parking appropriate to the amount of

development proposed, ensuring that all new development meets the councils defined parking standards as set out in Appendix A.

- 10.15 The Fenland Local Plan 2014 Parking Standards require dwellings up to 3 bedrooms to have 2no appropriately sized parking spaces available which may include a garage. The proposed dwelling would be a 2-bedroom property. Drawing H8813/01 shows 2no appropriately sized parking spaces to the rear of the dwelling. The Highways Authority have been consulted on the application and they recommended no objections subject to a number of conditions/informatives to be imposed should the application be approved.
- 10.16 It is therefore considered that the proposal is complaint with Policy LP15 of the Fenland Local Plan 2014.

Flood Risk

10.17 The site is located within Flood Zone 1, therefore considered to eb at low risk of flooding. As such, the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or mitigation measures. The scheme is therefore considered complaint with Policy LP14 of the Fenland Local Plan 2014.

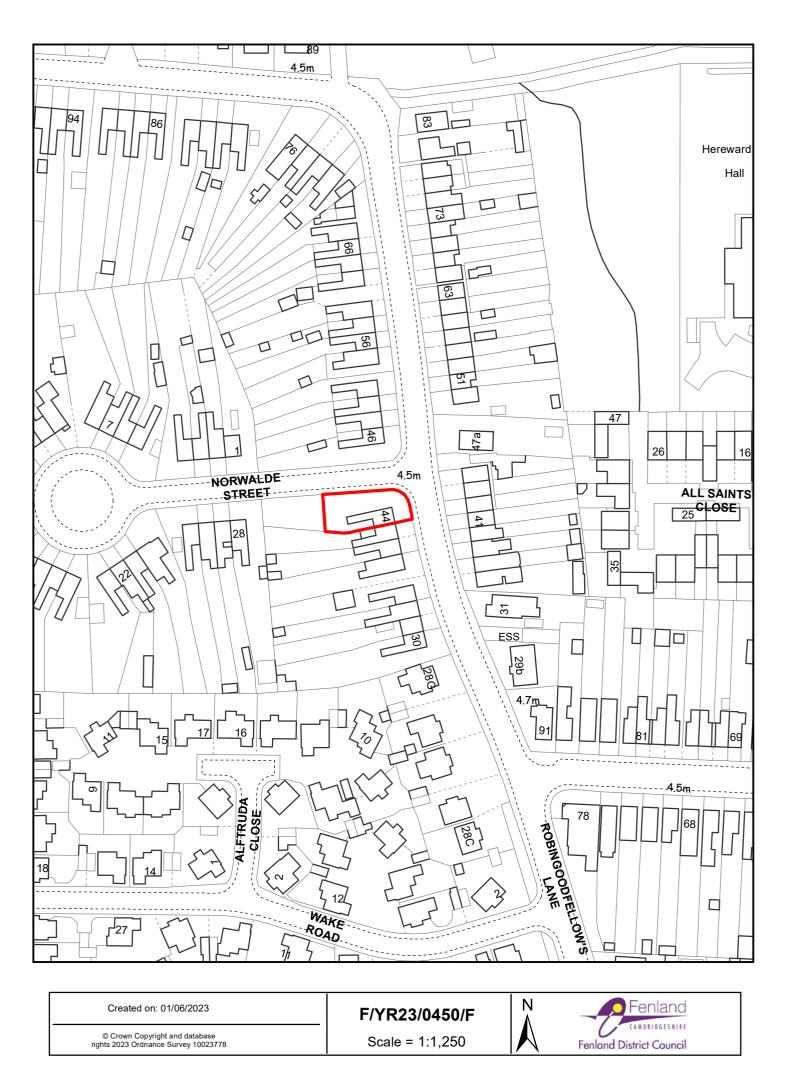
11 CONCLUSIONS

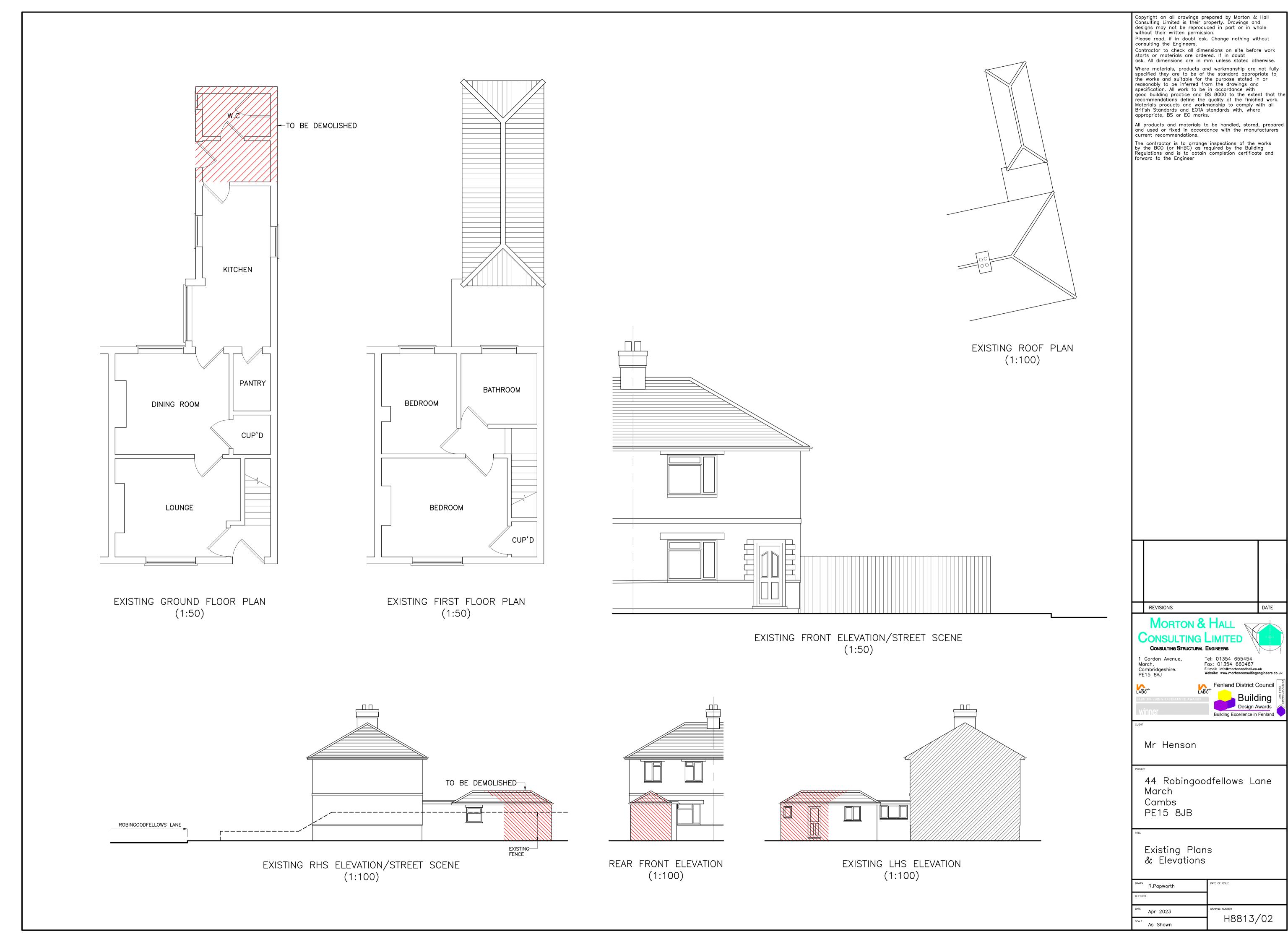
- 11.1 The site is located within the settlement limits of the Market Town of March where residential development is supported, subject to complying with wider policies.
- 11.2 Whilst the parking, amenity and design of the dwelling is considered to be acceptable, the Planning Department have reservations with regards to the overall scale and mass of the proposal, and the impact which it will have on the street scene.
- 11.3 The introduction of an additional terraced property on the application site would give rise to adverse harm on the local character and street scene due to the cramped nature of the development and the resultant dwelling to plot ratio. Extending the built development into the side garden will remove the openness of the site, which also acts as a buffer to reduce the visual impact of the terrace overall. This will result in a highly prominent development, which is out of character with the surrounding area and street scene. The proposal is therefore not in accordance with Policy LP16 (d) of the Fenland Local Plan and paragraph 130 of the National Planning policy Framework.

12 RECOMMENDATION

Refuse; for the following reason:

Policy LP16 (d) of the Fenland Local Plan (2014) states that development should make a positive contribution to the local distinctiveness and character of the area, enhance 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. The introduction of an additional terraced property on the application site would give rise to adverse harm on the local character and street scene due to the cramped nature of the development and the resultant dwelling to plot ratio. Extending the built development into the side garden will remove the openness of the site, which also acts as a buffer to reduce the visual impact of the terrace overall. This will result in a highly prominent development, which is out of character with the surrounding area and street scene. The proposal is therefore not in accordance with Policy LP16 (d) of the Fenland Local Plan and paragraph 130 of the National Planning policy Framework.

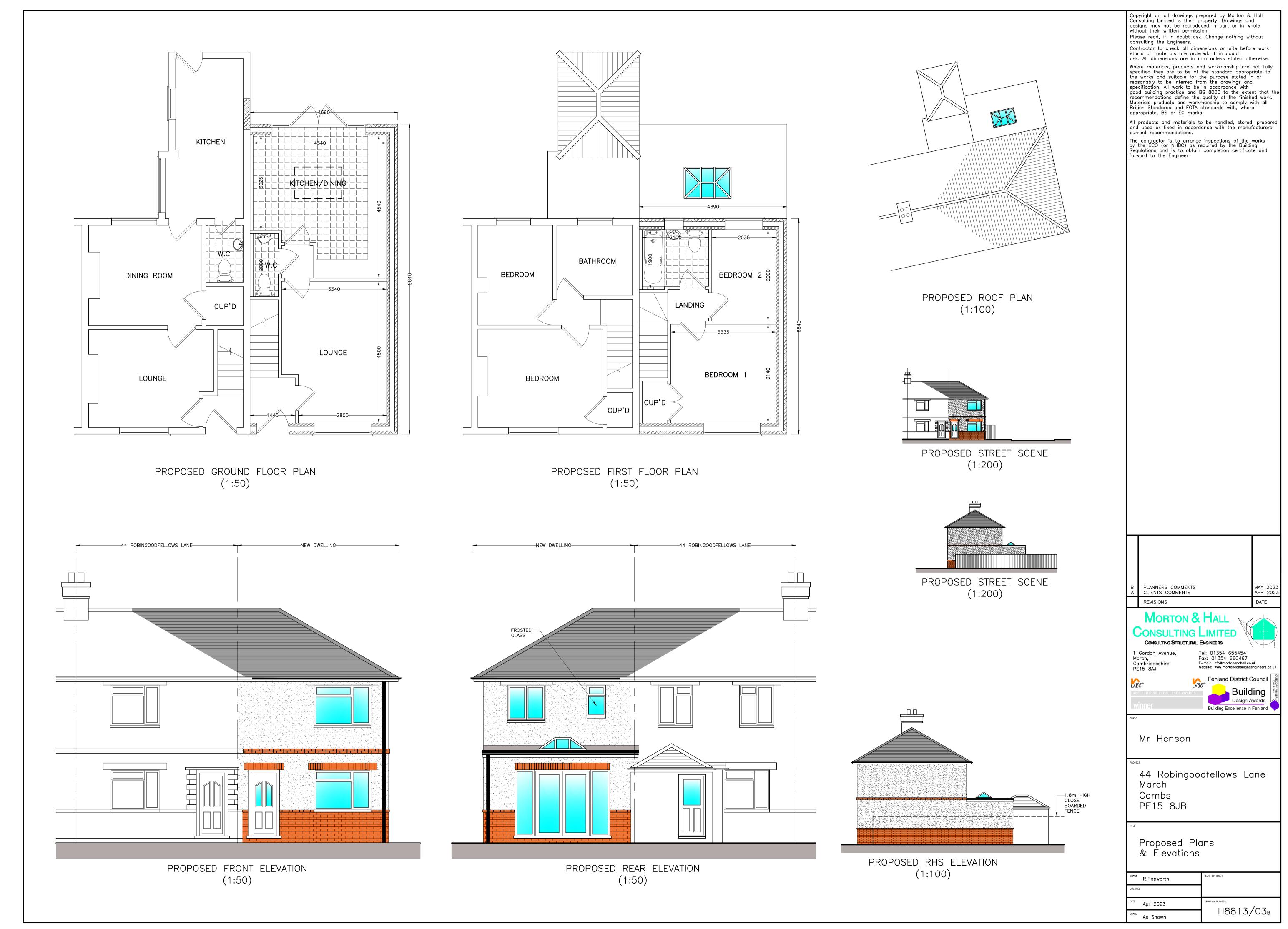




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F/YR23/0491/O

Applicant: Mr M Henson Agent: Mrs A Watson

Swann Edwards Architecture Limited

Land East Of 137, Upwell Road, March, Cambridgeshire

Erect up to 6no dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for up to 6 dwellings with all matters reserved for future consideration.
- 1.2 There are no issues to address in relation to highways, residential amenity, flood risk, ecology and archaeology; subject to conditions and full details being submitted.
- 1.3 However, the site sits at the transition between the existing built form of March and the open countryside and is considered to be more closely associated with the undeveloped rural landscape. It is considered that this development would detrimentally exacerbate ribbon development that would allow an unnecessary and harmful urban sprawl of development into the open countryside and would diminish the openness and rural nature of the area. Furthermore, the indicative layout, with one point of access, would result in a development at odds with the existing character of built form as it would be set back behind a shared access, which is not characteristic of the area and there has been no demonstration that an alternative access arrangement to that put forward could be successfully achieved.
- 1.4 As such, it is recommended to refuse the application as per the previous decision of the Council on this site, noting that there has been no material change in circumstance in this respect which could lead to an alternative conclusion.

2 SITE DESCRIPTION

- 2.1 The application site comprises approx. 0.5ha and is located on the southern side of the Upwell Road (B1099) extending into the open countryside. It is located adjacent to 137 Upwell Road extending eastwards.
- 2.2 The land is in agricultural use (Grade 3) and there is an existing field access onto the site from Upwell Road, there are drainage ditches along the site frontage orientated east-west and within the site orientated north-south, extending into the field beyond. The mature street trees lining both sides of Upwell Road, along with the green verges and drainage ditch are key characteristics of the area resulting in

a verdant character. The site is located predominately in Flood Zone 1, with the eastern most section of the site falling within Flood Zones 2 and 3.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 6 dwellings with the access utilising the existing field access, along with a footpath linking to the existing pedestrian infrastructure at the access with 137 Upwell Road to the west. All matters are reserved for future consideration and as such at this stage all details submitted are indicative.
- 3.2 Full plans and associated documents for this application can be found at:

F/YR23/0491/O | Erect up to 6no dwellings (outline application with all matters reserved) | Land East Of 137 Upwell Road March Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

F/YR21/1343/O Erect up to 9no dwellings (outline Refused application with all matters reserved) 23/11/2022

5 CONSULTATIONS

5.1 Town Council

Objection; part of the site falls within flood zone 3 and the FRA deems the eastern part of the site to be "at risk". Development considered to impact adversely on highway safety and drainage and represents over-development on the more rural outskirt of town.

5.2 Cambridgeshire County Council Archaeology

I am writing you to regarding the archaeological implications of the above referenced planning application. The proposed development lies in an area of archaeological potential. The eastern edge of the March fen island is known to have extremely dense cropmarks indicating Iron Age and Roman Settlement overlying Rodden deposits, silted fen channels. This is particularly true for the north east of March where the Major Roman routeway, the Fen causeway extends out in to the fen (Cambridgeshire Historic Environment Record CB15033, 08458, 09376, 08974) and extending south towards to the development (CHER 08981, 09378, 09377). To the east of the proposed development further cropmarks have indicated a circular enclosure of probable Roman date with possible internal hut circles (CHER 03796) and possibly associated roman spot finds (CHER03173). To the south of the proposed development possible further linear features (CHER 08982).

Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is

included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

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

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

5.3 Projects Officer (Homes for Ukraine/Housing Strategy & Enabling) (FDC)
As this application is below the threshold for affordable housing, I have no comment to make.

5.4 Cambridgeshire County Council Highways (29/6/2023)

As this is an outline application with all matters reserved, I can only comment upon the principle of the development.

Key to achieving a safe development is safe access. The indicative plans submitted shown a single access with 2.4m x 43m inter-vehicular visibility splays. However, part of Upwell Road is subject to a 30mph limit while the rest is subject to a 40mph limit meaning in order to demonstrate a safe access can be achieved, a visibility splay of 2.4m x 120m is needed to the east. Based upon the application boundary and highway boundary, I am content that such a visibility could be achieved but it may result in loss of existing established trees which the LPA may wish to consider.

On this basis, I do not object to the application.

Should the application be permitted, I recommend that the applicant consult CCC's General Principles for Development when preparing any future reserved matters applications, particularly in relation to the access proposals.

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

Please append the following Conditions to any permission granted:

- Construction Facilities: Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.
- Wheel Wash Facilities: Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.
- Off-Site Highway Works: No development shall take place until details of works for a new footway along Upwell connecting the development to the existing footway to the west have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.

5.5 Cambridgeshire County Council Highways (18/7/2023)

The access is within the 30mph limit but vehicles will be approaching at 40mph. In theory, vehicles should already be travelling at 30mph when they pass the sign but we know this is often not the case. Should the applicant wish they could undertake a speed survey to capture approach speeds but in absence of this information I must assume vehicles will be approaching at 40mph.

Regarding the setback of trees, the above is key to determining if they could obstruct visibility.

5.6 Cambridgeshire County Council Highways (14/8/2023)

Based upon my previous comments, the applicant has provided a revised visibility plan demonstrating 2.4m x 120m inter-vehicular visibility splays from the site access. On the basis of this plan, the first tree immediately to the east of the access will need to be removed. The LPA may wish to consider the loss of this established tree and the applicant is encouraged to mitigate this loss within their site.

I maintain that the principle of development is acceptable in highway terms. Please append the following Conditions to any permission granted:

- Construction Facilities: Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.
- Wheel Wash Facilities: Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.

• Off-Site Highway Works: No development shall take place until details of works for a new footway along Upwell connecting the development to the existing footway to the west have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.

5.7 Ecology Officer

Thank you for your consultation letter received on 13 June 2023 regarding the above planning application.

The proposal is acceptable on ecology grounds, providing that off-site compensation (for loss of priority habitat), as shown DRAWING D2 MITIGATION/ENHANCEMENT PLAN / described in the Preliminary Ecological Appraisal can be secured through suitably worded planning conditions / obligations.

AND that the follow information to protect and enhance biodiversity is secured through suitably worded planning condition(s):

1. Construction Environment Management Plan / compliance with mitigation measures

set out in PEA

- 2. Landscape and Biodiversity Enhancement Scheme
- 3. Lighting Design Strategy for Biodiversity
- 4. Time Limit on Development Further Biodiversity Surveys Required
- 5. Informative breeding birds

Please find further details below

- 1. Construction Environment Management Plan (condition)
 The Preliminary Ecological Appraisal recommends mitigation measures to protect
 the following biodiversity features / species during construction:
- Nesting birds, reptiles, amphibians, bats, hedgehogs and other mammals

If planning permission is granted, we recommend these mitigation measures are secured through suitably worded planning conditions for either:

- (a) Compliance condition for mitigation measures set out in the PEA; or
- (b) incorporation into a Construction Environment Management Plan, as suggested below:

SUGGESTED DRAFT CONDITION: Construction Environment Management Plan No development shall take place until a construction environment management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

a) ecological mitigation measures recommended in the Preliminary Ecological Appraisal

b).....

Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect biodiversity)

2. On-site and Off-site Landscape and Biodiversity Enhancement Scheme (condition)

The Preliminary Ecological Appraisal recommends mitigation / compensation measures to be incorporated into the landscape scheme to address adverse impact and enhancement for:

- Arable field margins and hedgerows
- Nesting birds, bats, reptiles and invertebrates

Details of these mitigation / enhancement measures and their management should be secured as part of a Landscape and Biodiversity Enhancement Scheme, secured through a suitably worded condition:

SUGGESTED DRAFT CONDITION: Landscape and Biodiversity Enhancement Scheme (on-site and off-site)

Within 6 months of the date of this approval, a scheme for the landscaping and biodiversity enhancements and habitat improvements as set out within the approved Preliminary Ecological Appraisal (Philip Parker Associates Ltd, March 2023) at the site and adjoining land (off-site) shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping and biodiversity enhancement details to be submitted shall include:

- a) Planting plans to all areas, retained hedge and trees, species, numbers, size and density of planting; the planting shall be sufficient to result in overall no net loss of biodiversity,
- b) Placement, type, number and details of any recommended biodiversity enhancements and habitat improvements as described within the Preliminary Ecological Appraisal,
- c) means of enclosure noting that all new garden fencing should be designed to allow

hedgehogs to be able to pass through the fencing.

d) details of siting and timing of all construction activities to avoid harm to all nature

conservation features

- e) [Additional details from landscape officer....]
- f) A timetable for landscaping and biodiversity enhancement implementation.
- g) management and maintenance details

The approved landscape and biodiversity enhancement scheme shall be carried out within 6 months of the approval of the scheme. The approved landscape scheme shall be carried out within the first available planting season following approval of the scheme and in accordance with the timetable for implementation approved as part of the submitted scheme.

The approved landscape and biodiversity enhancement scheme shall be maintained thereafter in perpetuity.

Reason: Fenland Local Plan 2014 policies LF16 & LP19 (to protect and enhance biodiversity)

Lighting Design Strategy for Biodiversity (condition)

The lighting scheme should demonstrate how it's been sensitively design for wildlife (particularly bats) and meet recommendations of the PEA

SUGGESTED DRAFT CONDITION: Lighting Design Strategy for Biodiversity

Notwithstanding the submitted details, and within 6 months of the date of this approval, a "lighting design strategy for biodiversity" in accordance with ILP Publications' "Guidance Note 8 Bats and artificial lighting" shall be submitted to and approved in writing by the Local Planning Authority for all existing and proposed lighting within the development hereby permitted.

Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall: a. identify those areas /features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

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

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

Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect biodiversity)

Time Limit on Development - Further Biodiversity Surveys Required (condition) The ecological survey work was undertaken in December 2022. Wildlife is dynamic and therefore, if there is a delay to the development, the ecological surveys will need to be updated to ensure the proposed ecological mitigation is still appropriate. We suggest this is captured through a suitably worded planning condition:

SUGGESTED CONDITION: Time Limit on Development Before Further Surveys are Required

If the development herby approved does not commence (or, having commenced, is suspected more than 12 months) within 1 years from the date of the planning consent, the approved ecological measures secured through [INSERT BIODIVERSITY CONDITIONS: e.g. CEMP, Landscape Scheme, Lighting Scheme, Bird / Bat Boxes] shall be reviewed and, where necessary, amended and updated. This review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the species / habitats present at the site and ii/ identify any likely new ecological impacts that might arise from any changes. The amended documents shall be submitted to and approved in writing by the local planning authority prior to commencement of development.

Works must be carried out in accordance with the proposed new approved ecology measures and timetable.

Reason: Fenland Local Plan policies LF16 & LF19 (to protect biodiversity)

Breeding Birds (informative)

The PEA identified the potential impact of the scheme on breeding birds. The protection of these birds should be dealt with in the Construction Environment Management Plan (recommended to be secured through planning conditions).

Alternatively, it can be dealt with as an informative to a planning permission, as suggested below:

SUGGESTED DRAFT INFORMATIVE – Breeding Birds

The Applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees / scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present. Reason – Wildlife and Countryside Act 1981 (protection of wild birds, their nests, eggs and young)

5.8 Local Residents/Interested Parties

18 supporting comments have been received (5 from Upwell Road, 1 from Binnimoor Road, 1 from Horsemoor, 1 from Coldham Bank, 1 from Robingoodfellows Lane, 1 from Russell Avenue, 1 from Ireton Way, 1 from Westwood Avenue and 4 from Creek Road, all in March. 1 from Pond Close, Wimblington and 1 from Midlothian), in relation to the following:

- Beneficial visual impact/improvement to one of March's main approaches/mask the approved development to the rear of 137 Upwell Road
- Enhance the approach to town
- Good quality executive homes/well designed/retains habitats
- Will create/provide jobs
- Net gain to wildlife
- Flooding should not be an issue as there is a good ditch network
- New homes needed and important for growth and improvement of town
- Development in central areas of town have caused traffic problems, this would keep traffic on main roads, access to the site good
- No different to what has happened on Elm Road
- Prime location to school/sustainably linked to town

It should be noted that all matters are reserved and as such the details submitted are indicative only.

All other relevant material considerations will be addressed in the sections below.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context - C1

Identity – I1, I2

Built Form - B2

Movement - M3

Nature - N1, N3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 - Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP9 - March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

Emerging Local Plan

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

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy for the Location of Residential Development

Policy LP5 - Health and Wellbeing

Policy LP7 – Design

Policy LP8 – Amenity Provision

Policy LP18 – Development in the Countryside

Policy LP20 – Accessibility and Transport

Policy LP22 – Parking Provision (Appendix 6)

Policy LP24 – Natural Environment

Policy LP25 - Biodiversity Net Gain

Policy LP28 - Landscape

Policy LP32 – Flood and Water Management

Policy LP39 – Site Allocations for March

March Neighbourhood Plan 2017

H2: Windfall Development

Delivering and Protecting High Quality Environments in Fenland SPD 2014

Policy DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the Area

Policy DM4 – Waste and Recycling Facilities

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- Principle of Development
- Design considerations and visual amenity of area
- Highways
- Residential Amenity/Health and wellbeing
- Flood Risk
- Ecology
- Archaeology

9 BACKGROUND

Application F/YR21/1343/O for up to 9 dwellings on a larger site extending further east, was refused by Planning Committee in November 2022 for the following reasons:

- 1. Policy LP16 of the Fenland Local Plan, 2014 requires that proposals for new development should deliver and protect high quality environments which respond to and improve the character of the local built form and respond to the street scene and existing settlement patterns. The introduction of 9 dwellings (illustrated in a linear orientation) with new vehicular accesses from Upwell Road along with the likely changes needed to the drainage of the highway in this location would diminish the openness and rural nature of the area. It would represent urban sprawl in this particular location. This would be contrary to Policy LP16 of the Fenland Local Plan 2014 and DM3 of the High Quality Environments SPD. This would also be contrary to Policy H2 (f) of the March Neighbourhood Plan.
- 2. Part of the site (illustrative Plots 6 to 9) are located within Flood Zones 2 and 3 where there is a high probability of flooding. The Sequential Test for flood risk has not been passed as there are likely to be available sites within March with a lower probability of flooding that could accommodate the four plots. Allowing the proposed development could therefore place people and property at an increased risk, with no justification, contrary to Policy LP14 of the Fenland Local Plan (2014), NPPF and Section 4 of the Cambridgeshire Flood & Water SPD (2016).
- 3. Policy LP15 of the Fenland Local Plan 2014 requires new development requires development to ensure safe and convenient access for all. In addition, Paragraph 111 of the NPPF (July 2021) states that development proposals should be refused if they result in detrimental impacts to highway safety. By virtue of the lack of sufficient information to demonstrate safe vehicle access to/from Upwell Road and the proposed dwellings, the proposals could result in unacceptable impacts on highway safety in contravention of the aforementioned policies.
- 4. The application site is bordered to the north by a ditch which are identified as having the potential to be a habitat for protected species and indicates accesses to the development is over this ditch. No ecological surveys or evaluation have been undertaken to accompany the application. As such the local planning authority is unable to undertake its duty to conserve biodiversity due to this lack of information. The application is therefore contrary to policies LP16 (b) and LP19 of the Fenland Local Plan 2014 which seek to ensure that new development protects and enhances biodiversity including protected species and their habitats.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan 2014 defines March as a Market Town where (along with the other market towns) the majority of the district's new housing growth should take place. Although Policy LP3 identifies March as being a suitable location for housing growth, and Policy LP9 allocates land for new planned urban extensions to March, the site sits at the transition between the existing built form of March and the open countryside. There is a clear defensible boundary represented by the eastern boundary of 137 Upwell Road on the southern side and the agricultural holding to the north, beyond which is open countryside. As such, the site is considered to be more closely associated with the undeveloped rural landscape, and given the existing characteristics of the site, the principle of development in this location is not considered to be acceptable.
- 10.2 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 March as a Market Town; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement; Part C relates to frontage infill development, for which the criteria is not met. LP39 defines residential site allocations in March and this site does not have such an allocation. As such, the proposal would also be considered contrary to the aforementioned policies of the emerging local plan.

Design considerations and visual amenity of area

- 10.3 The application is in outline with all matters reserved hence detailed design would be subject to a subsequent application should this scheme be successful. It is however necessary to consider the impact of development of this site on the character of the area.
- 10.4 Policies LP2 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 and 174 of the NPPF 2023 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness and character of the area, enhances its local setting, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.
- 10.5 The settlement pattern in Upwell Road to the east of the estate development of Cavalry Park and Smiths Drive and surrounding roads is predominately linear in character, with the exceptions being Upwell Park and the site to the rear of 137 Upwell Road (which has outline permission for up to 9 dwellings (F/YR19/0931/O)) to the west of the application site.
- 10.6 The site is located on the southern side of Upwell Road and currently consists of agricultural land; there are clear views across the site and to the countryside beyond it. The site sits at the transition between the existing built form of March and the open countryside and is considered to be more closely associated with the undeveloped rural landscape. There is a well-defined character here consisting of tree lined, wide green verges siting above the drainage ditch which

provides an attractive entrance to the town. Given these existing characteristics development of the site would change the overall character of the area to its detriment. As such it is considered that this development would exacerbate ribbon development that would allow an unnecessary and harmful urban sprawl of development into the open countryside and would further erode the openness and rural nature of the area.

- 10.7 Whilst acknowledging that this application is in outline form, the indicative layout, with one point of access would result in a development at odds with the existing character of built form as it would be set back behind a shared access, which is not characteristic of the area, where dwellings are predominantly directly accessed by and front Upwell Road itself. The previous application which sought individual accesses was refused (in addition to a number of other reasons) for failure to demonstrate safe accesses could be achieved, and there is no such demonstration within the current application that an alternative arrangement to that put forward could be successfully achieved.
- 10.8 As such, the application is considered contrary to the policies aforementioned in paragraph 10.4 of this report. The previous application on the site was refused for this same reason and there has been no material change in circumstances since this time to lead to an alternative conclusion.

Highways

- 10.9 All matters are reserved for future consideration, hence at this stage the details submitted are indicative. The plans indicate that the existing field access is to be utilised and upgraded, leading to a shared access within the site, behind the existing verge and ditch. A 2m wide footpath is indicated from the access to the site, linking to the existing pedestrian infrastructure to the west.
- 10.10 The speed limit in this location changes from 40mph to the east to 30mph as the town is entered, and visibility is required accordingly. Revised details have been submitted to demonstrate this is achievable and on this basis Highways do not object to the application; conditions are recommended in relation to construction and wheel washing facilities, along with securing footpath provision.
- 10.11 The visibility splays will however result in the loss of the street tree to the east of the access and would require mitigation. Informal comments were sought from the Council's Arboricultural Officer with regards to the indicated footpath and it has been advised that this would be located within the root protection area of the street trees and as such has potential to cause significant damage, hence further details would be required in this regard and could be secured by condition.

Residential Amenity/Health and wellbeing

- 10.12 The application is in outline with all matters reserved, hence detailed design would be subject to a subsequent application should this scheme be successful. It is however necessary to consider whether a policy compliant scheme could be achieved in respect of residential amenity.
- 10.13 The site is of a scale that for the number of dwellings proposed, a scheme incorporating a third of a plot for private amenity space could be achieved for each proposed dwelling, in accordance with Policy LP16 (h).
- 10.14 No waste storage or collection strategy has been indicated, it is unclear whether a refuse vehicle would be able to enter the site and if that is not the case a collection area would be required within 10m of the highway, this would require

residents of some plots to carry bins far in excess of the 30m required by DM4 of the Delivering and Protecting High Quality Environments in Fenland SPD and RECAP guidance.

10.15 The closest neighbouring dwelling is 137 Upwell Road to the west and there is a detached garage/car port separating the dwelling from the site. There are windows in the side elevation of this property facing towards the site and should this application be successful consideration will need to be given, at detailed design stage, to ensure appropriate relationships and boundary treatments are achieved. There are no existing dwellings directly opposite the site (north) or to the east, to the south is open countryside.

Flood Risk

- 10.16 The application site is predominantly in Flood Zone 1, with the eastern most section of the site falling within Flood Zones 2 and 3. The indicative layout demonstrates that the level of development applied for, along with associated infrastructure, can be accommodated within Flood Zone 1 (with only part of the gardens for plots 5 and 6 located in Flood Zones 2 and 3), as such it is considered that the sequential test would not be applicable in this case.
- 10.17 The application is accompanied by a Flood Risk Assessment which indicates that dwellings should have a minimum floor level of 0.3m above ground level and not lower than +0.5OD. The site levels shown within the assessment indicate that the levels within the site would not require the minimum floor level of 0.3m to be exceeded.
- 10.18 The site has a very low risk of surface water flooding.

Ecology

- 10.19 The application is accompanied by a Preliminary Ecology Appraisal (PEA) which assessed the anticipated impacts on protected species and highlighted that further surveys were required in respect of wintering birds. A Winter Bird Survey was also submitted as a result of this, the outcome of which was that the site was not considered to be important for wintering birds (low value).
- 10.20 Habitat loss was also identified, along with precautionary mitigation measures and enhancement to increase the overall biodiversity value of the site, though the landscaping indicated is indicative at this stage and new arable margin habitat is to be created off site (within the blue line, indicating this is land which the applicant owns/controls).
- 10.21 The Ecology Officer considers that the proposal is acceptable on ecology grounds providing that the off-site compensation for the loss of priority habitat is secured and a number of other conditions are also recommended to protect and enhance biodiversity (some of which, such as the landscaping would need to be secured as part of the reserved matters).

Archaeology

10.22 Cambridgeshire County Council Archaeology have advised that the site lies in an area of archaeological potential, they do not object to the development, however request a pre-commencement condition is imposed to secure a programme of archaeological works, should the application be successful.

11 CONCLUSIONS

- 11.1 The application seeks outline planning permission for up to 6 dwellings with all matters reserved for future consideration.
- 11.2 There are no issues to address in relation to highways, residential amenity, flood risk, ecology and archaeology; subject to conditions and full details being submitted.
- 11.3 However, the site sits at the transition between the existing built form of March and the open countryside and is considered to be more closely associated with the undeveloped rural landscape. It is considered that this development would detrimentally exacerbate ribbon development that would allow an unnecessary and harmful urban sprawl of development into the open countryside and would diminish the openness and rural nature of the area. Furthermore, the indicative layout, with one point of access would result in a development at odds with the existing character of built form as it would be set back behind a shared access, which is not characteristic of the area and there has been no demonstration that an alternative access arrangement to that put forward could be successfully achieved.
- 11.4 As such, it is recommended to refuse the application as per the previous decision of the Council on this site, noting that there has been no material change in circumstance in this respect which could lead to an alternative conclusion.

12 RECOMMENDATION

Refuse; for the following reasons:

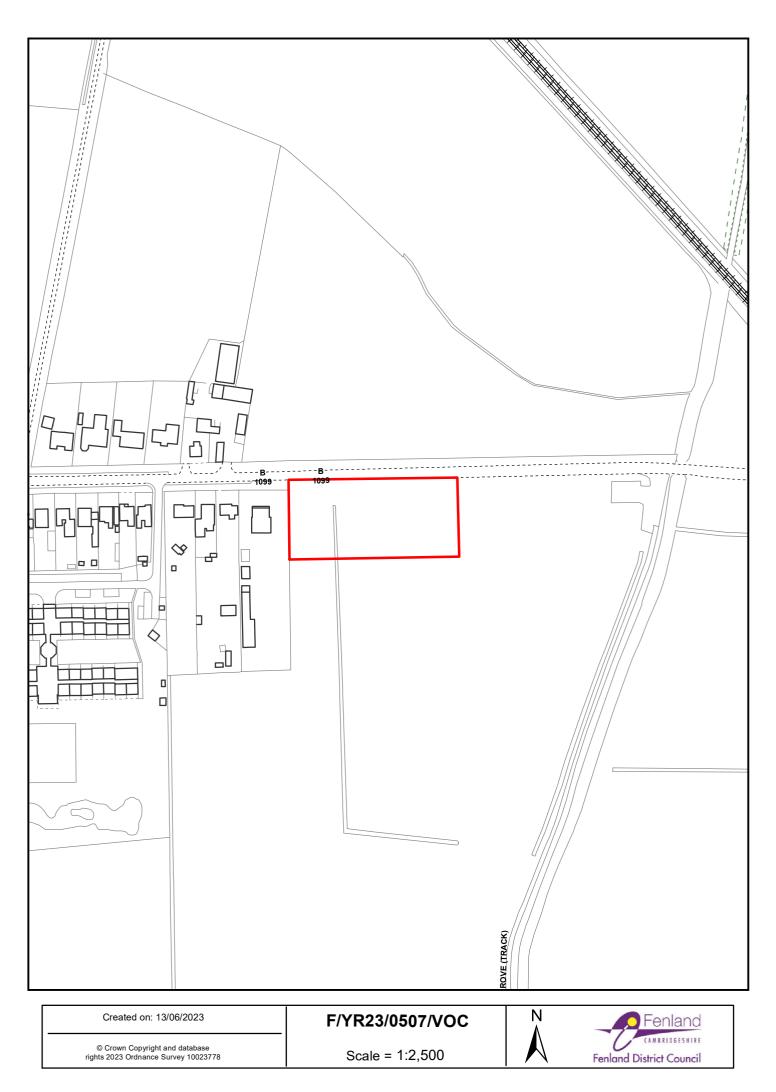
1. Policies LP2 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 and 174 of the NPPF 2023 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness and character of the area, enhances its local setting, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.

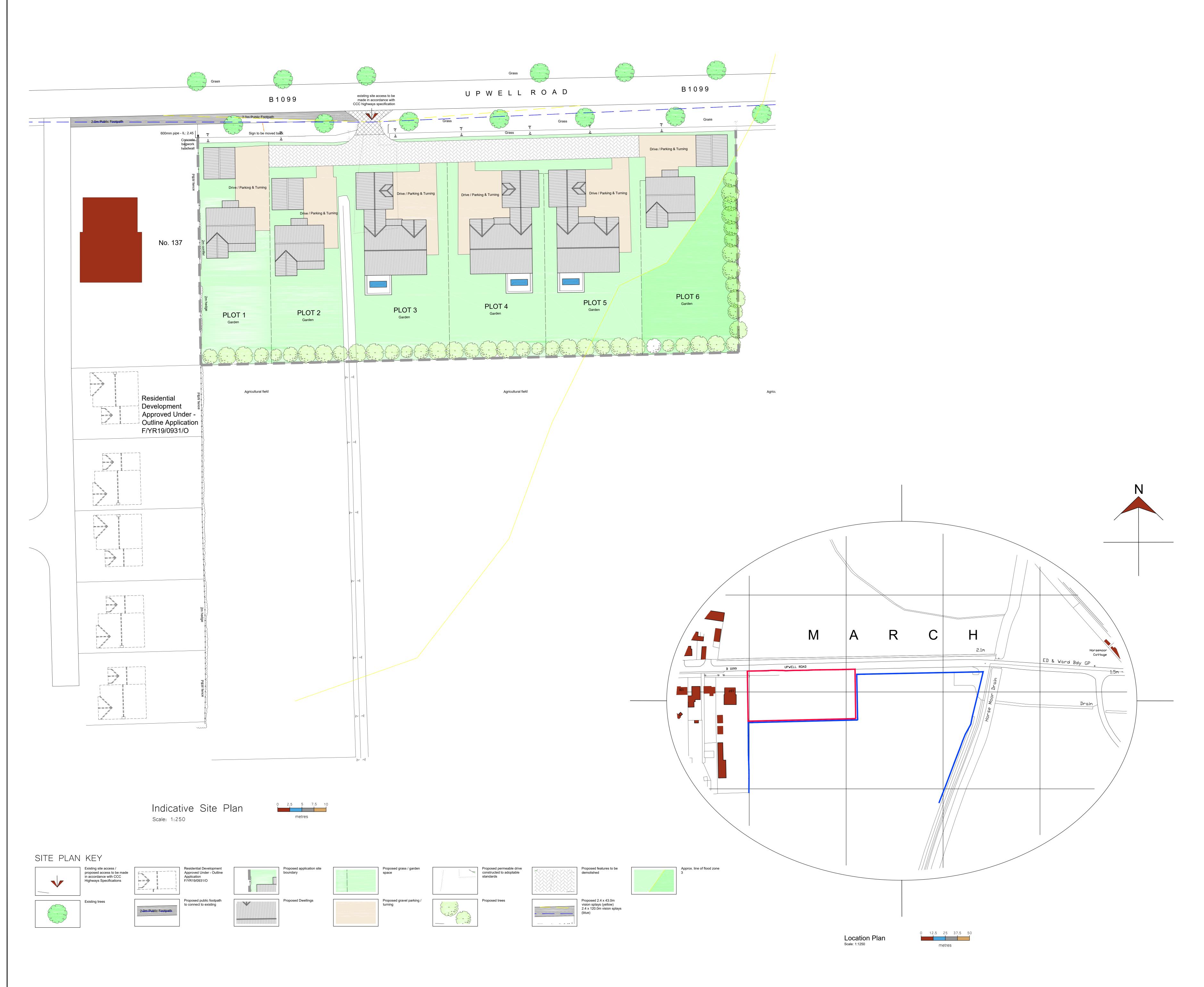
The site sits at the transition between the existing built form of March and the open countryside and is considered to be more closely associated with the undeveloped rural landscape. It is considered that this development would detrimentally exacerbate ribbon development that would allow an unnecessary and harmful urban sprawl of development into the open countryside and would diminish the openness and rural nature of the area.

2. Policies LP2 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 130 of the NPPF 2023 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness and character of the area, enhances its local setting and are informed by the local built environment

Whilst acknowledging that this application is in outline form, the indicative layout, with one point of access would result in a development at odds with the existing character of built form as it would be set back behind a shared access,

which is not characteristic of the area and there has been no demonstration that an alternative access arrangement to that put forward could be successfully achieved.





Swann Edwards Architecture Limited ©



F/YR23/0556/F

Applicant: Mr Dan Clarke Agent : Mr Chris Walford Nor-Cambs Homes & Developments Ltd Peter Humphrey Associates Ltd

Land South Of, 85 - 89 Upwell Road, March, Cambridgeshire

Erect 4 x dwellings (single-storey, 4-bed) with associated access and surface water attenuation pond

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee

Chairman.

1 EXECUTIVE SUMMARY

- 1.1. The site is an irregular shaped parcel of land which is set to the rear of 85-89 Upwell Road, March. The land is fairly flat and is accessed by what is presently a field access between numbers 87 and 89. The boundaries abutting the rear of the existing dwellings on Upwell Road are bordered by various types of solid fencing belonging to these properties. The site relates more to the countryside than the built-up area. With regard to the character of the development along Upwell Road, there are a mix of dwelling types but the overriding character is that of bungalows and this is the case in the vicinity of this site.
- 1.2. The application seeks full planning permission for the erection of 4 detached single storey dwellings, all with attached garages. The application includes the access via the existing field access off Upwell Road between numbers 87 and 89 Upwell Road. The access is 5 metres wide with no pavements and has a narrow grass verge along the edge adjacent to number 89. The access continues in a straight southerly direction down the centre of the site all the way to the southernmost main site boundary (not including the outshot land containing the surface attenuation pond). The proposed four detached dwellings are arranged as two either side of the access and face into the site i.e. they are set at 90 degrees to Upwell Road.
- 1.3. With regard to the principle of the development, the application is not in accordance with policies LP3 and LP12 of the Fenland Local Plan as it is situated in open countryside and does not relate well to the built-up edge of March. However, the decision taken by Committee to grant outline permission for up to six dwellings at the site under application F/YR20/1138/O and that this permission is still extant, is a material consideration which outweighs the policy objections to the proposal in terms of the principle of the development.
- 1.4. The proposed dwellings due to their layout, scale and design do not respect the landscape character of the surrounding countryside and the built character of Upwell Road. The dwellings will be viewed from the street and from the nearest footpaths as well as from the rear of the nearby existing dwellings and will appear domineering and incongruous in this setting i.e. a transition from urban edge to open countryside. The proposal is therefore contrary to policy LP16 (d)

of the Local Plan and policies DM2 and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD which require developments to make a positive contribution to local distinctiveness and character of an area. The proposal also fails to adhere to paragraphs 130 and 134 of the NPPF which require developments to be sympathetic to the local character including surrounding built environment and landscape setting and require development to be refused especially where, as is the case here, it fails to reflect local design policies and government guidance on design.

- 1.5. The proposed dwellings will generate a level of coming and going of vehicles and activity in close proximity to the neighbouring dwellings 87 and 89 Upwell Road (that flank the access and border the site at the rear), to a degree that will adversely impact on these neighbours' amenity. As such the proposal does not comply with policy LP16 (e) of the Local Plan which seeks to protect neighbour amenity.
- 1.6. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1. The site is an irregular shaped parcel of land which is set to the rear of 85-89 Upwell Road, March. The land is fairly flat and is accessed by what is presently a field access between numbers 87 and 89. The boundaries abutting the rear of the existing dwellings on Upwell Road are bordered by various types of solid fencing belonging to these properties. The site relates more to the countryside than the built-up area. With regard to the character of the development along Upwell Road, there are a mix of dwelling types but the overriding character is that of bungalows and this is the case in the vicinity of this site.
- 2.2. The application site includes a roughly square shaped projection of land coming off the southern boundary of the site in which a proposed surface water attenuation pond is located (see background section below). The site lies in flood zone 1 which is the area at least risk of flooding. The pond is also described in the application as a wildlife pond.
- 2.3. It is described as a shared driveway and there is a shared turning area to the south of the garage to plot 1. The access continues in a straight southerly direction down the centre of the site all the way to the southernmost main site boundary (not including the outshot land containing the surface attenuation pond).

3 PROPOSAL

3.1. The application seeks full planning permission for the erection of 4 detached single storey dwellings, all with attached garages. The application includes the access via the existing field access off Upwell Road between numbers 87 and 89 Upwell Road. The access is 5 metres wide with no pavements and has a narrow grass verge along the edge adjacent to number 89. The access continues in a straight southerly direction down the centre of the site all the way to the southernmost main site boundary (not including the outshot land containing the surface attenuation pond). The proposed four detached dwellings are arranged as two either side of the access and face into the site i.e. they are set at 90 degrees to Upwell Road.

- 3.2. The dwellings would be of similar design, however, plots 1 and 2 would have their garages situated at the south side of their dwellings and plots 3 and 4 would have their garages to the north side of their dwellings. Additionally, plots 1 and 3 would be a mix of Flemish brick with white render and light grey uPVC windows and plots 2 and 4 would be a mix of Flemish brick with light grey render and dark grey uPVC windows. All the proposed dwellings would house 4 bedrooms each.
- 3.3. The proposed dwellings, including attached garages, would measure approx. 24.6 metres wide x 14 metres deep x 6.3 metres in maximum height.
- 3.4. As mentioned above the proposal includes an area of land to the rear of the proposed dwellings which includes a surface water attenuation pond as part of the surface water drainage for the site.

4 SITE PLANNING HISTORY

F/YR17/0563/O - Outline application for four dwellings with all matters reserved refused and then dismissed on appeal on 23/10/2018. The main reason for the refusal and subsequent dismissal of the appeal was the adverse impact on the character and appearance of the area and the failure to make a positive contribution to the local distinctiveness and character of the area or reinforce local identity as required by policy LP16 (d) amongst other considerations.

F/YR20/1138/O - Outline application for 6 dwellings approved by Committee contrary to officer recommendation on 14/07/2021.

F/YR22/0705/F – Full application for six dwellings with garages, associated access and surface water attenuation pond was refused on 10/02/2023 after the Planning committee agreed with the officer's recommendation for refusal of the application. The main reasons for refusal of the application were that the proposal failed to make a positive contribution to local distinctiveness contrary to Policy LP 16 (d), the proposed would impact adversely on the private amenity space of the occupiers of 87 and 89 Upwell Road due to the increase in comings and goings and heights of plots 1 and 6 appearing jarring and domineering contrary to Policy LP 16 (e) and the proposal did not adequately deal with surface water drainage in a sustainable manner contrary to Policy LP14.

5 CONSULTATIONS

5.1. March Town Council (18/07/2023)

Recommend refusal, Development outside the DAB.

5.2. Local Residents/Interested Parties

Objectors

One letter of objection has been received from a neighbouring dwelling along Upwell Road, this is summarised as follows:

 The Cambridgeshire Flood and Water SPD 2016 requires a site-specific flood risk assessment to be carried out before planning permission is given for land that is outside the Development Plan, and involves a change of use to a more vulnerable use i.e. from agricultural land to residential. This has not been carried out, as I have already stated in my objections on all previous applications on this site. A percolation test carried out on the

- adjacent field, on the eastern boundary, was unproven. This area suffers from surface water flooding.
- The LLFA/IDB do not appear to have been consulted, by the applicant, with regards to the surface water drainage system which will require their permission to discharge into the drain.
- An allowance of 1metre, in my opinion, does not appear adequate for the maintenance to the riparian dyke on the eastern boundary and the drain on the western boundary. Part of the dyke on eastern boundary has already been filled in and this could contribute to flooding elsewhere. The site was covered in water all winter.

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)

- Paragraph 47 Determine applications in accordance with the development plan unless material considerations indicate otherwise
- Section 12 Achieving well designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change
- -Section 15 Conserving and enhancing the natural environment

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2021

Context

Identity

Built Form

Nature

Uses

Homes and Buildings

7.4. Fenland Local Plan 2014

LP1 A Presumption in Favour of Sustainable Development

LP2 Facilitating Health and Wellbeing of Fenland Residents

LP3 Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 Housing

LP5 Meeting Housing Need

LP12 Rural Areas Development Policy

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

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

LP16 Delivering and Protecting High Quality Environments across the District

LP19 The Natural Environment

7.5. Delivering and Protecting High Quality Environments in Fenland SPD adopted July 2014

7.6. Cambridgeshire Flood and Water SPD 2016

7.7. Emerging Local Plan

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

LP1 Settlement Hierarchy

LP2 Spatial Strategy for the Location of Residential Development

LP5 Health and Wellbeing

LP7 Design

LP8 Amenity Provision

LP18 Development in the Countryside

LP20 Accessibility and Transport

LP22 Parking Provision

LP24 Natural Environment

LP25 Biodiversity Net Gain

LP27 Trees and Planting

LP28 Landscape

LP32 Flood and Water Management

7.8. March Neighbourhood Plan 2017

H2 – Windfall Development

8 KEY ISSUES

- Principle of Development
- Layout and Design/Appearance
- Amenity
- Access, turning and parking provision
- Other (delete as appropriate)

9 BACKGROUND

9.1. As set out in the site history, permission for four dwellings was refused on this site under application F/YR17/0563/O. The applicant appealed this decision, and the appeal was dismissed on 25th October 2018, the appeal Inspector stating the following;

"I conclude that the development would have an adverse effect on the character and appearance of the area. It would fail to make a positive contribution to local distinctiveness and character of the area, or reinforce local identity as required by LP Policy LP16 (d) amongst other considerations."

- 9.2. Notably, at this time, the Council could not demonstrate a five-year supply of housing and so the tilted balance towards approving housing was engaged and the Inspector still dismissed the appeal on character and appearance grounds.
- 9.3. Subsequently, despite the significant weight of the appeal decision, Members approved an outline application for up to 6 dwellings under F/YR20/1138/O on 14 July 2021.

- 9.4. Following this, a full application for six dwellings with garages, associated access and surface water attenuation pond was refused on 10 February 2023 after the Planning committee agreed with the officer's recommendation for refusal of the application.
- 9.5. With regard to the wider area, planning permission was refused by Committee on a site to the east, contrary to officer recommendation, for up to 8 dwellings under application F/YR21/0811/O on the grounds that the close proximity of the access road to the neighbouring property would result in unacceptable adverse impacts on the residential amenity of the occupiers of 105 Upwell Road. The application had been recommended for approval because of the permission that had been granted under F/YR20/1138/O by Members in 2021 (part of the current application site). This site now forms part of a larger application that has been submitted to the council that is pending decision for the development of 26 dwellings, the formation of an access road and attenuation pond under application F/YR23/0266/F.
- 9.6. The land to the west of the site which adjoins Upwell Road and the western built up edge of March had an application F/YR22/0062/O refused for up to 110 dwellings on the grounds that the application site was not allocated for development in the adopted Fenland Local Plan (2014) or the March Neighbourhood Plan, the site is allocated in the emerging Local Plan but the plan was deemed as being insufficiently advanced to carry significant weight in terms of decision making.

10 ASSESSMENT

Principle of Development

- 10.1. Policy LP3 including the spatial strategy, identifies March as a primary market town where the majority of the district's new housing and other growth should take place. The site is located close to March and so in terms of a sustainable location, the site is acceptable.
- 10.2. However, the site is located outside the main built-up form of March and thereby relates more to the open countryside. The appeal inspector in dismissing the proposal for four dwellings in 2018, determined that the site did not constitute an infill site and represented encroachment into a distinctive area of open and rural land which is contiguous with more extensive areas of fail to make a positive contribution to the local distinctiveness and character of the area, or reinforce local identity as required by LP Policy LP16 (d) amongst other considerations. As such, the development would fail to comply with LP Policy LP16 (d).
- 10.3. The decision by Members to approve application F/YR20/1138/O contrary to the appeal decision is a material consideration in this current case. This outline permission is extant until July 2024. It could be progressed but would likely require the number of dwellings to be reduced in order to accommodate the surface water attenuation pond. This represents a fallback option and the decision represents a significant material consideration to weigh against the current scheme being contrary to the development plan. It is considered that as the outline permission remains extant and the decision postdates the appeal decision, that this is a material consideration which outweighs the development plan which otherwise would point to a recommendation of refusal of the proposal in principle. The application, in terms of principle is therefore considered to be acceptable for this reason.

Layout and Design/Appearance

- 10.4. Policy LP16 of the Local Plan states that proposals for all new development will only be permitted if it can be demonstrated that the proposal meets all of the criteria which includes; (d) makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.5. The Delivering and Protecting High Quality Environments in Fenland SPD (herein the SPD) was adopted largely to supplement policy LP16 of the Local Plan. Paragraph 1.5 of the SPD states that the majority of the district is rural in character. The unique open, flat character of the fens means that new developments in the countryside and on the edge of settlements can have a significant impact on the landscape form, even when viewed from a considerable distance. Policies DM2 and DM3 are also relevant as these refer to natural features and landscaping schemes (hard surfacing as well as soft landscaping) and making a positive contribution to local distinctiveness and character of the area as covered by LP16 criteria c, d, e and i.
- 10.6. As noted in the aforementioned appeal decision, the Inspector referred to the site as a distinctive area of open and rural land which is contiguous with more extensive areas of countryside abutting March's distinct edge. The inspector also referred to the sheltered housing at Upwell Park as an anomaly (to the pattern of development) and agreed with the Council that it is detached from the appeal site and cannot be considered the predominant character of the built environment in the vicinity of the site. She concluded that this section of Upwell Road is predominantly ribbon development extending into the countryside.
- 10.7. In terms of the built form within the vicinity of the site, the ribbon development along Upwell Road is predominantly made up of bungalows or chalet bungalows with occasional housing of a fairly modest nature, interspersed front (north) of the site are bungalows.
- 10.8. The site will be viewed from Upwell Road through the access and the proposed development will be seen in the context of the nearest neighbouring bungalows which flank the proposed access and front Upwell Road. The site can also be viewed from the footpath that runs in a north south direction and which marks the edge of the built settlement of March (Cavalry Drive) and the field which separates the site from the development site. There are also footpaths to the south of the site running in an east west direction (Stow Fen Drove track) which would afford long distance views of the site. These paths are approximately 288 metres to the rear of the site with no intervening development.
- 10.9. It is acknowledged that the proposed dwellings brought forward for development within this application have been reduced from 6 to 4 dwellings and reduced in height to single storey rather than two storeys in comparison to application F/YR22/0705/F. Nevertheless, it is considered that the proposed dwellings will look out of place and out of scale with the existing prevailing character of low-rise housing and will be visible from public places as well as from the rear of the neighbouring properties. They will appear incongruous if approved. The dwellings will diminish what is currently a relatively less defined transition between the built development in Upwell Road and the open countryside beyond. The change will become prominent and stark i.e. from bungalows at the frontage to larger houses to the rear to open countryside.

Amenity

- 10.10. Policy LP16 (e) states that new development will only be permitted where it can be demonstrated that the proposal does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- 10.11. The appeal inspector in dismissing the appeal in 2018 stated that the development of this site would introduce frontage activity to the rear of dwellings fronting Upwell Road where occupiers of existing dwellings might have a reasonable expectation of quieter amenity space.
- 10.12. The application to the east of the site (F/YR21/0811/O) was considered by Members to result in an adverse impact on the amenity of the occupier of 105 Upwell Road from use of the access road. This was an outline application for up to 8 dwellings, with all matters reserved, with an access road between two existing properties in quite similar circumstances to the current application. In that case the proposed access road would have been less than one metre from the nearest part of 107 Upwell Road and approximately 1.7m from the nearest part of 105 Upwell Road. With regards to the current detailed application, the access road would be approximately 2.85 metres from the nearest part of 87 Upwell Road and approximately 2.70 metres from the nearest part of 89 Upwell Road.
- 10.13. In relation to the submitted application, the traffic generated by 4 dwellings containing a total of 16 bedrooms, as proposed, could be considerable. It is considered that this level of activity would be noticeable to the occupiers of 87 and 89 Upwell Road who, as the previous appeal Inspector pointed out, might have a reasonable expectation of quieter amenity space.
- 10.14. It is therefore considered that, the proposed dwellings will generate a level of coming and going of vehicles and activity in close proximity to the neighbouring dwellings 87 and 89 Upwell Road (that flank the access and border the site at the rear), to a degree that will adversely impact on these neighbours' amenity. As such the proposal does not comply with policy LP16 (e) of the Local Plan which seeks to protect neighbour amenity.

Access, turning and parking provision

- 10.15. Policy LP15 of the Local Plan states that amongst other things, development should provide safe and convenient access for all. Appendix A to the Local Plan sets out the parking requirements for new developments. Dwellings of four or more bedrooms require at least 3 parking spaces. A garage can be counted as a parking space provided that the size of the garage exceeds 7.0 x 3.0 metres measured internally. The proposed garages for all plots meet this requirement and can count as one parking space.
- 10.16. The location of the access and its limitations were known at the time the previous outline application was approved at Committee. It cannot be altered or made wider and has therefore been acceptable in principle. The local highway has not commented on this submitted application, however, did comment on the previous application F/YR22/0705/F which proposed the use of the same access, at that time the local highway authority raised no objections commenting that the access is not of a standard that it would be adopted highway. The shared turning head is needed and will likely be sufficient to meet the needs of the majority of larger vehicles visiting the site, including the refuse collection vehicle. Furthermore, the FDC Refuse team have not commented on this application but did comment on the previous application F/YR22/0705/F, similarly to that application the proposed

- development within this application includes a shared turning area and it is considered, again, that the FDC Refuse team would be able to enter the site with the necessary indemnity in place.
- 10.17. Each plot has sufficient space in which to store cycles. Each property is capable of providing the three required parking spaces. Therefore, in terms of access and parking the proposed development is acceptable.

Flood Risk and Drainage

- 10.18. Policy LP14 of the Local Plan requires that all applications for relevant development must include a drainage strategy to demonstrate that:
 - (a) Suitable consideration has been given to surface water drainage
 - (b) Appropriate arrangements for attenuating surface water run-off can be accommodated within the site; and
 - (c) Issues of ownership and maintenance are addressed.
- 10.19. In addition, the Cambridgeshire Flood and Water SPD and the NPPF contain further advice regarding the need for development to ensure appropriate sustainable drainage to minimise flood risk.
- 10.20. The application site is located within Flood Zone 1 (low risk) and at very low risk of surface water flooding. The previous application at the site ref. F/YR22/0705/F to develop 6 dwellings was refused for reasons including inadequate details to enable the proper assessment of the impacts of the proposal on flood risk arising from the development. A surface water drainage strategy plan and SuDs Management Plan has been submitted which shows that surface water will be piped from the site to a surface water attenuation pond to the south of the dwellings and from there the surface water will be piped to the ditch running north south along the west boundary of the site. The LLFA have been consulted on the submitted application but have provided no comments. If the application was being recommended for approval further details would have been secured by way of an appropriate condition to ensure that the development adequately deals with surface water drainage in a sustainable manner and would not lead to an increased risk of flooding in respect of Policy LP14 of the Local Plan.

11 CONCLUSIONS

- 11.1. With regard to the principle of the development, the application is not in accordance with policies LP3 and LP12 of the Fenland Local Plan as it is situated in open countryside and does not relate well to the built-up edge of March. However, the decision taken by Committee to grant outline permission for up to six dwellings at the site under application F/YR20/1138/O and that this permission is still extant, it a material consideration which outweighs the policy objections to the proposal in terms of the principle of the development.
- 11.2. The proposed dwellings due to their layout, scale and design do not respect the landscape character of the surrounding countryside and the built character of Upwell Road. The dwellings will be viewed from the street and from the nearest footpaths as well as from the rear of the nearby existing dwellings and will appear domineering and incongruous in this setting i.e. a transition from urban edge to open countryside. The proposal is therefore contrary to policy LP16 (d) of the Local Plan and policies DM2 and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD which require developments to make a positive contribution to local distinctiveness and character of an area. The proposal also fails to adhere to paragraphs 130 and 134 of the NPPF which require

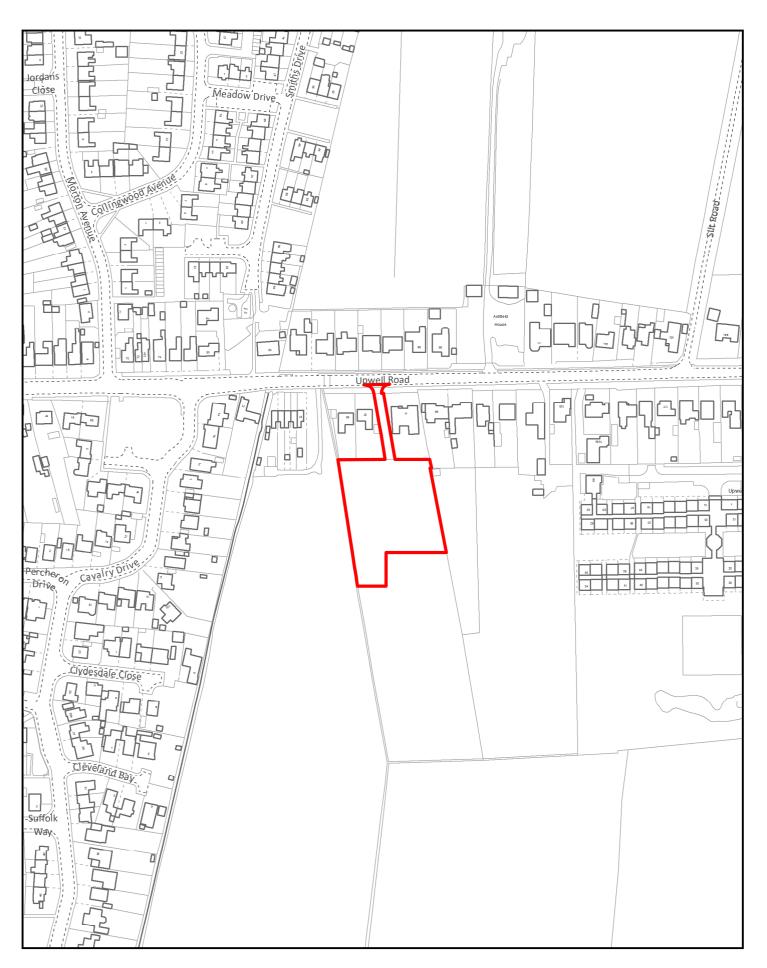
developments to be sympathetic to the local character including surrounding built environment and landscape setting and require development to be refused especially where, as is the case here, it fails to reflect local design policies and government guidance on design.

11.3. The proposed dwellings will generate a level of coming and going of vehicles and activity in close proximity to the neighbouring dwellings 87 and 89 Upwell Road (that flank the access and border the site at the rear), to a degree that will adversely impact on these neighbours' amenity. As such the proposal does not comply with policy LP16 (e) of the Local Plan which seeks to protect neighbour amenity.

12 RECOMMENDATION

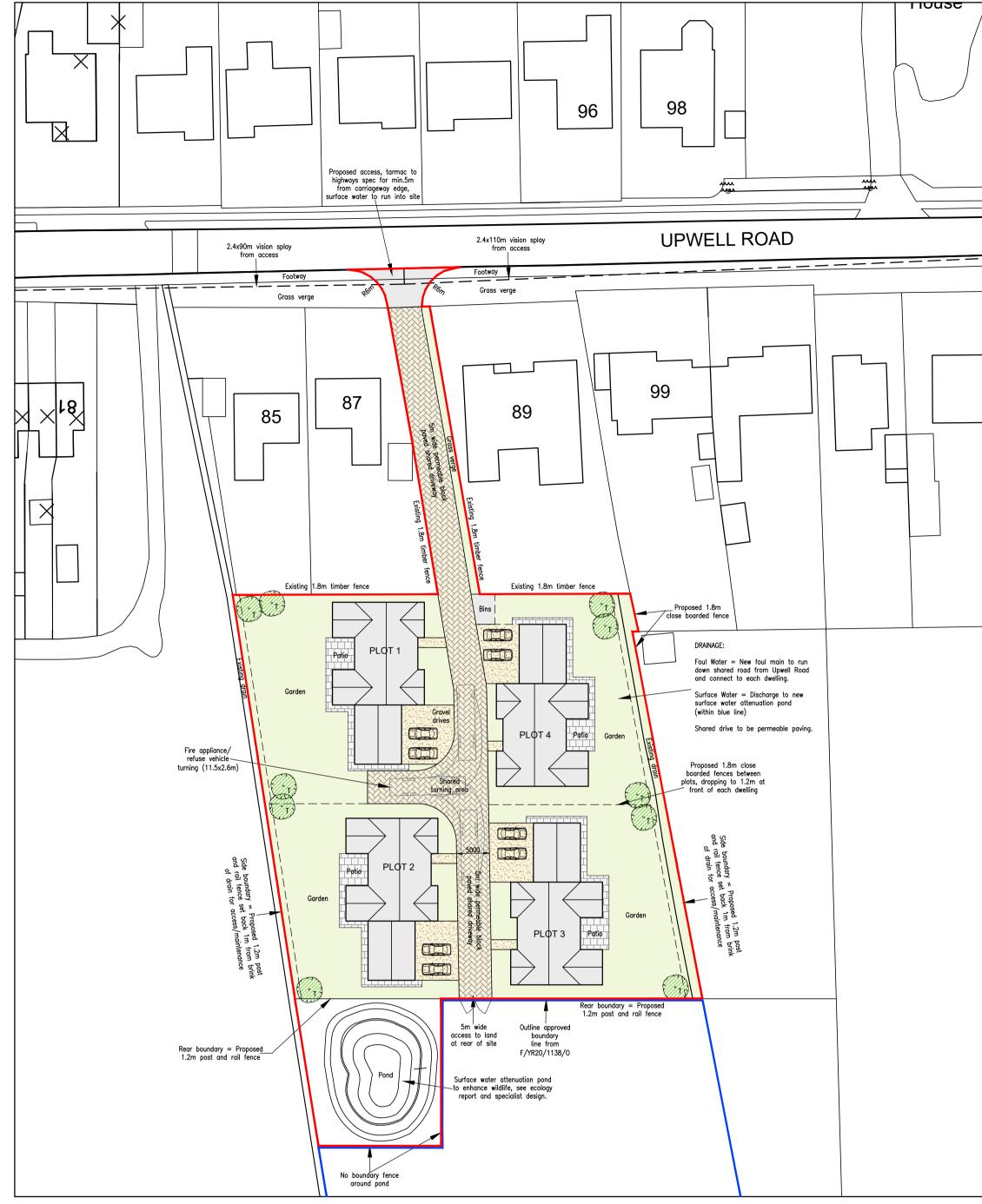
Refuse; for the following reasons:

- 1. The proposed development by reason of its layout, scale, and design fails to take account of the local natural character of the open countryside and the built character of Upwell Road and as such it will be an incongruous form of development which will diminish the less defined transition between the urban area and countryside. The proposal fails to make a positive contribution to local distinctiveness and as such is contrary to Policy LP16 (d) of the Fenland Local Plan, Policies DM2 and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD and paragraphs 130 and 134 of the NPPF.
- 2. The proposed development by reason of the size and scale of the dwellings will result in an increase in comings and goings and activity to a degree that will adversely impact the current quiet private amenity space enjoyed by the occupiers of 87 and 89 Upwell Road. As such the proposal is contrary to policy LP 16 (e) of the Fenland Local Plan which requires new development to not adversely impact the amenity of neighbouring residents.



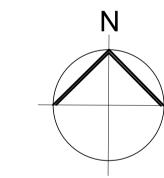
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Location Plan 1:1250



Proposed Site Plan 1:500

LANDSCAPING NOTES:-

T= Small native trees.

bird and invertebrates

Gleditsia Triaconthos Skyline Aesculus Carnes Briotii

Amelanchier 'Robin Hill'

(or 150mm wider than the round rootball whichever is greater) do not plant deeper than the soil mark on the stem. Break up pit base to avoid compaction. Drive 1 stake the soil mark on the stem. Break up pit base to avoid compaction. Drive I stake upright/vertical into bottom of excavated planting pit before planting. Saturate root ball of container grown and rootballed plants before planting. Backfill with excavated material incorporating compost at 1m² per 3m² of soil excavated. Use Super Soft Tree Ties to fix tree to stake no spacer required. Water thoroughly immediately after planting and at intervals as necessary until trees are established. Apply 75mm bark mulch to planting surface. Fit spiral tree guard to tree base.

All planting (as marked on plan) shoould be 5ltr pots. Cultivate and grade bed/strip to create 300mm of fine tilth incorporate mushroom compost at 50mm and rake to level. Dig planting holes and plant in accordance with best practice, Water in and mulch with 75mm bark chippings (as elsewhere). Water and weed as maintenance schedule. Plant at 500mm centres in groups of 5-7 plants of the same species.

- 10% Cornus sanguinea Midwinter Fire'
- 10% Ceonothus thyrsiflorus Skylark'
- 10% Euonymus fortune Emerald n' Gold'
- 10% Laurus nobilis 10% Osmanthus x birkwoodii
- 10% Prunus laurocerasus Otto Lukyen' 10% Viburnum davidii

Tree planting from the following list will allow wildlife movement through the site for bats,

Sorbus Aria Whitebeam

Acer Campestre Alnus Glutinosa

All trees (as marked on plan) should be 08–10cm girth Standard' trees either rootballed or container grown and should be single staked with 75mm minimum diameter stake free from bark with one end pointed. Tree Pits to be 600x600xdepth of rootball or container

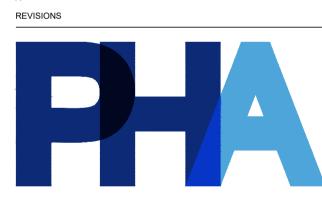
SP= Ornamental and nectar-producing planting.

- 10% Cornus alba Elegantissima'
- 10% Choisya ternata
- 10% Photinia fraseri

NOIE:
Undertake soft landscape works generally in open weather conditions,
typically mild, dull and moist. Do not undertake planting seeding or
turfing when the temperature is below 4°C and falling, when the ground
is covered in snow, in frozen or waterlogged ground or in drought

Planting should be undertaken between November and March when the plants are dormant and planted at centres shown above. Plants should be set at the same root depth as they were at the nursery and should be well firmed in and guards fitted. Rémove any damaged shoots during planting. A 75mm layer of bark mulch (Landscape Bark Madingley Mulch or equivalent) should be applied over the planting bed to reduce weed competition.

If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it is removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the same place unless the Local Authority gives



PETER HUMPHREY ASSOCIATES

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

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NOR-CAMBS HOMES & DEVELOPMENTS LTD

PROPOSED 4No. BUNGALOWS

LAND SOUTH OF 85-89 UPWELL ROAD

MARCH **CAMBS** PE15 0DA

PLANNING DRAWING 1

JOB NO. PAPER SIZE 6395/01P FEB 2023

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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 been apparent to a competent contractor.

Existing Site Plan 1:500



Proposed Side Elevation 1:100

Proposed Roof Plan 1:200

MATERIAL SCHEDULE:-

Mix of render and Vandersanden Flemish Antique facing bricks.

Plot 1 & 3 =White render. Plot 2 & 4 = Light grey render.

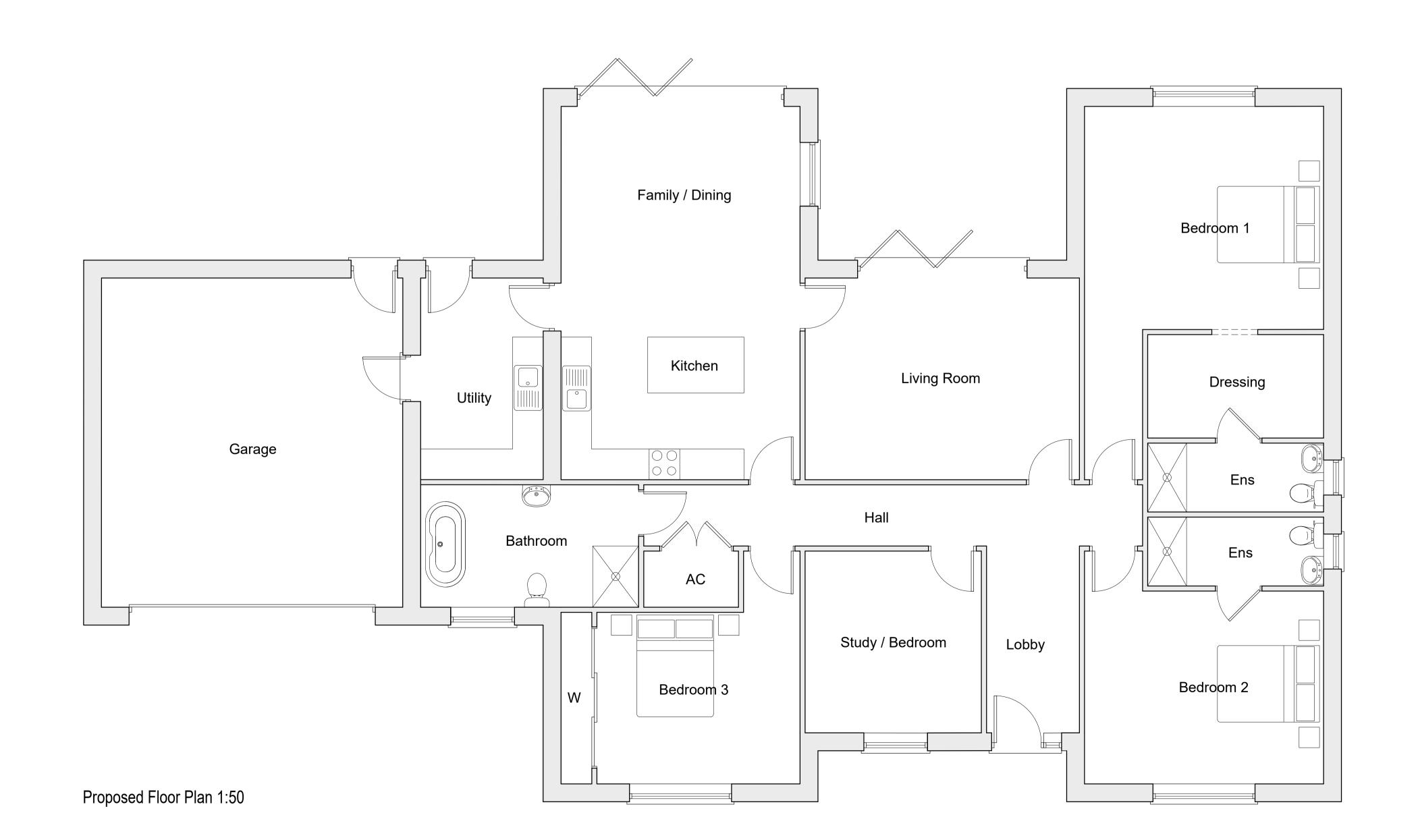
(Facing brick eaves detail & plinth, render to main building, cladding to gable projections)

Imerys Graphite Slate/Clay.

Plot 1 & 3 = Light Grey UPVC flush casement.

Plot 2 & 4 = Dark Grey UPVC flush casement.

Rainwater goods: Black UPVC.





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NOR-CAMBS HOMES & DEVELOPMENTS LTD

PROPOSED 4No. BUNGALOWS

LAND SOUTH OF 85-89 **UPWELL ROAD** MARCH **CAMBS** PE15 0DA

PLANNING DRAWING 2

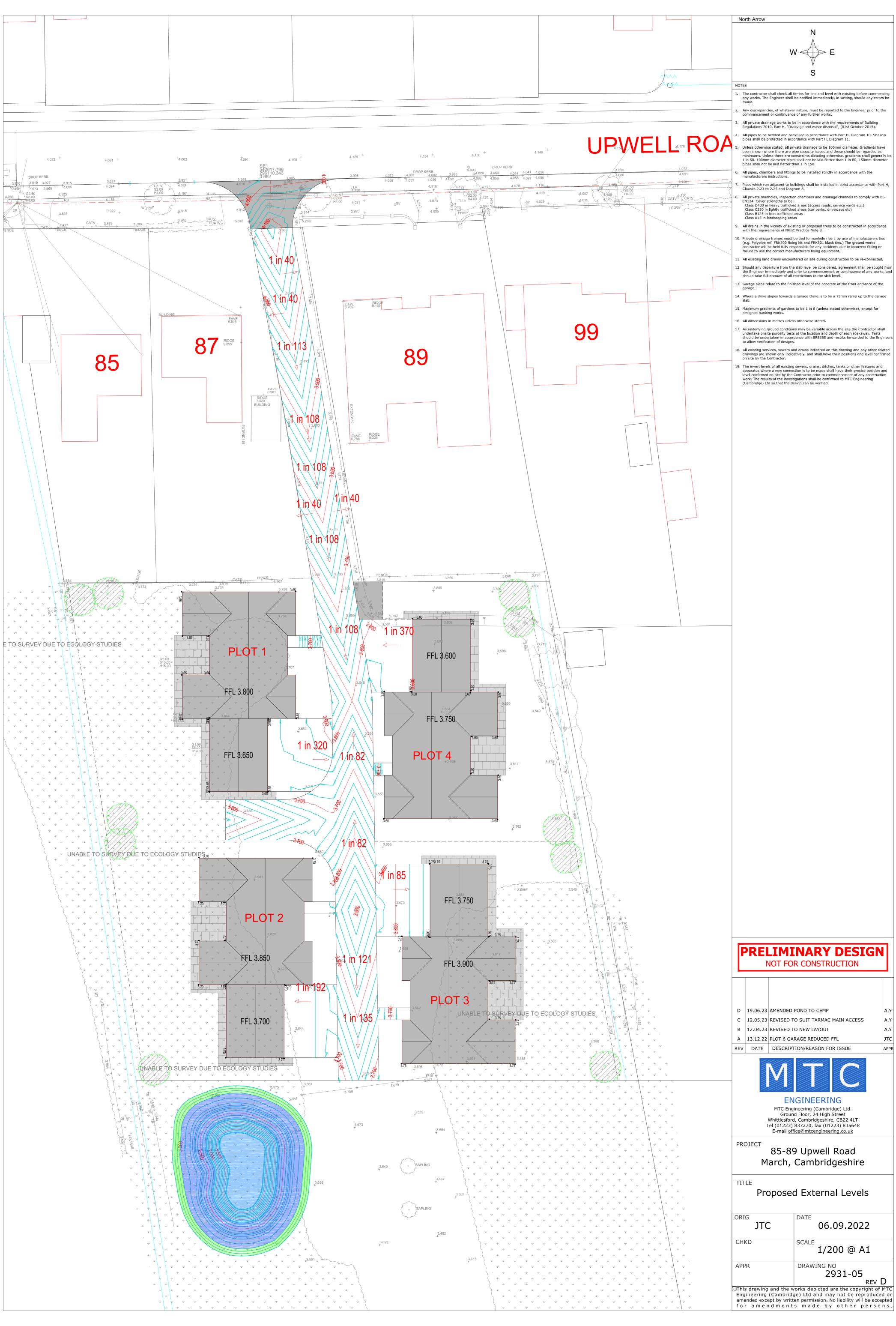
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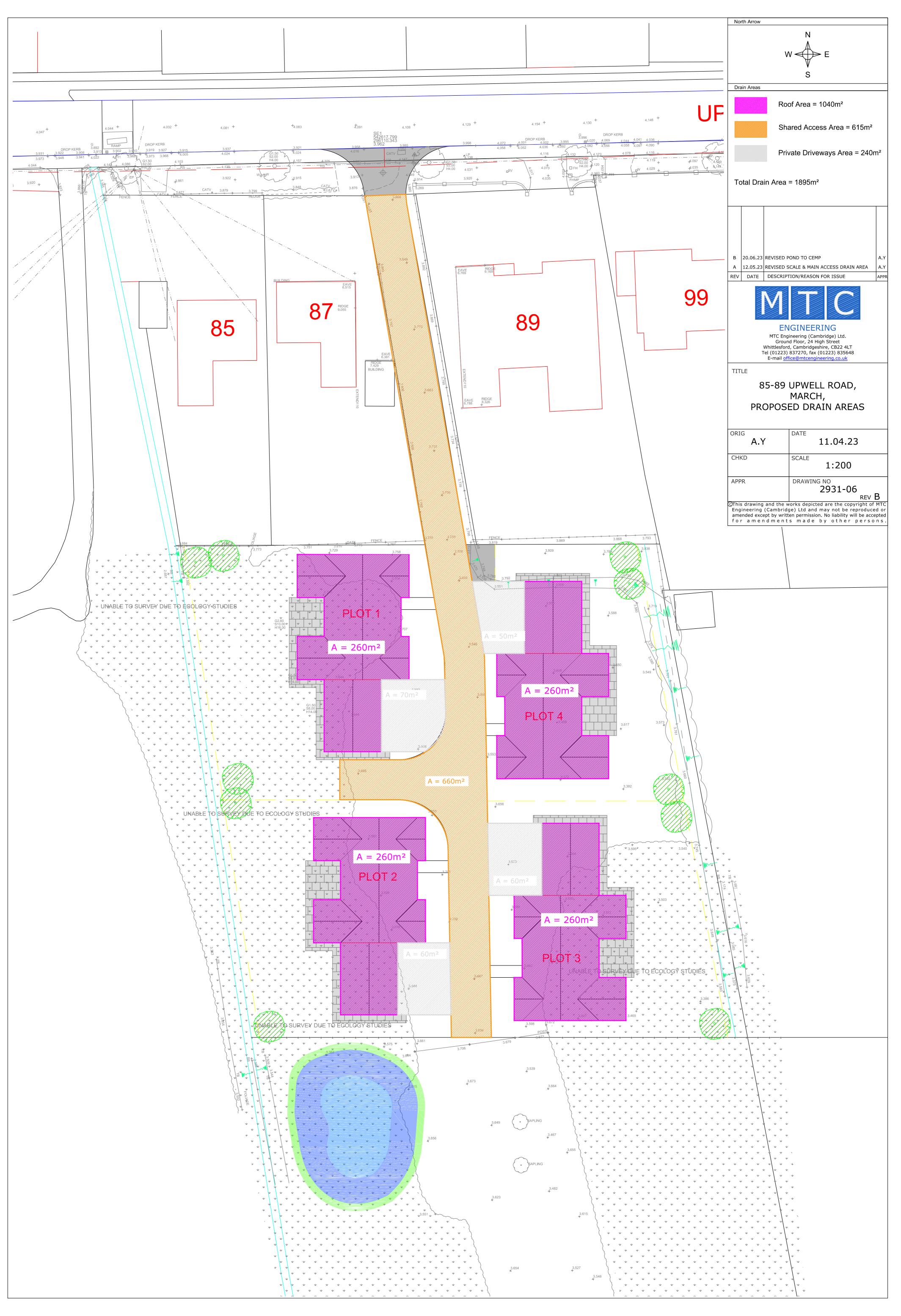
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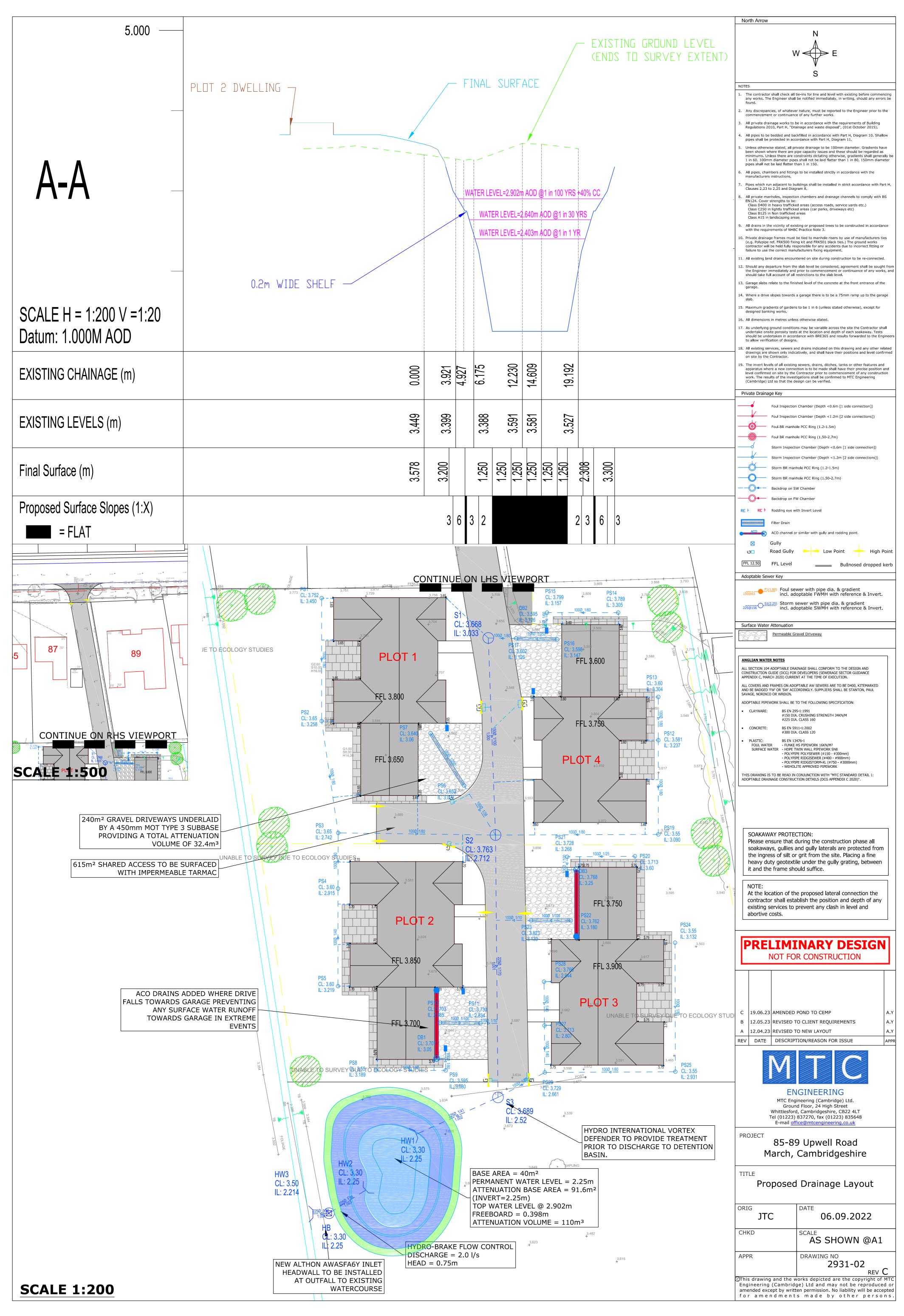
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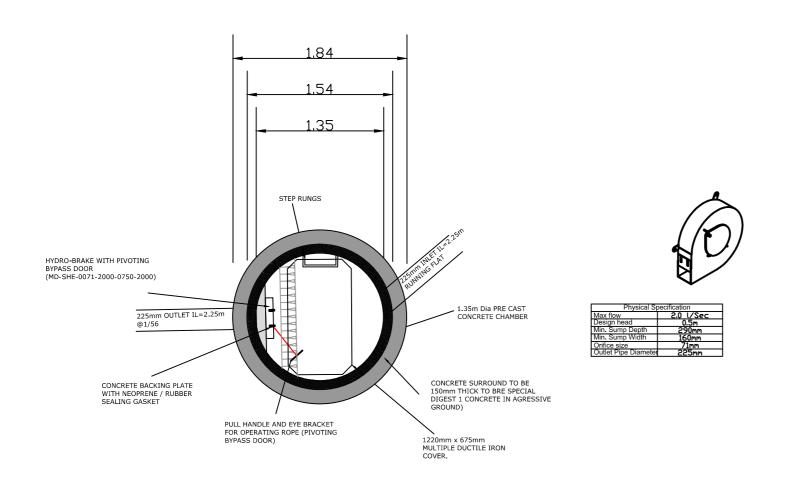
Proposed Front Elevation 1:100



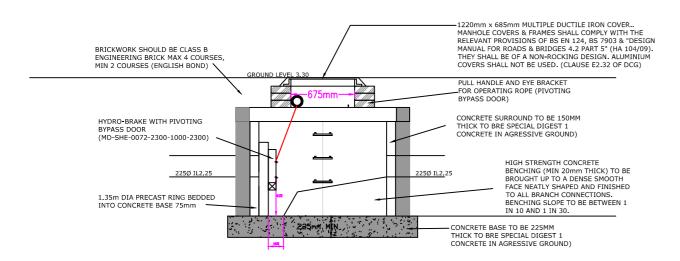




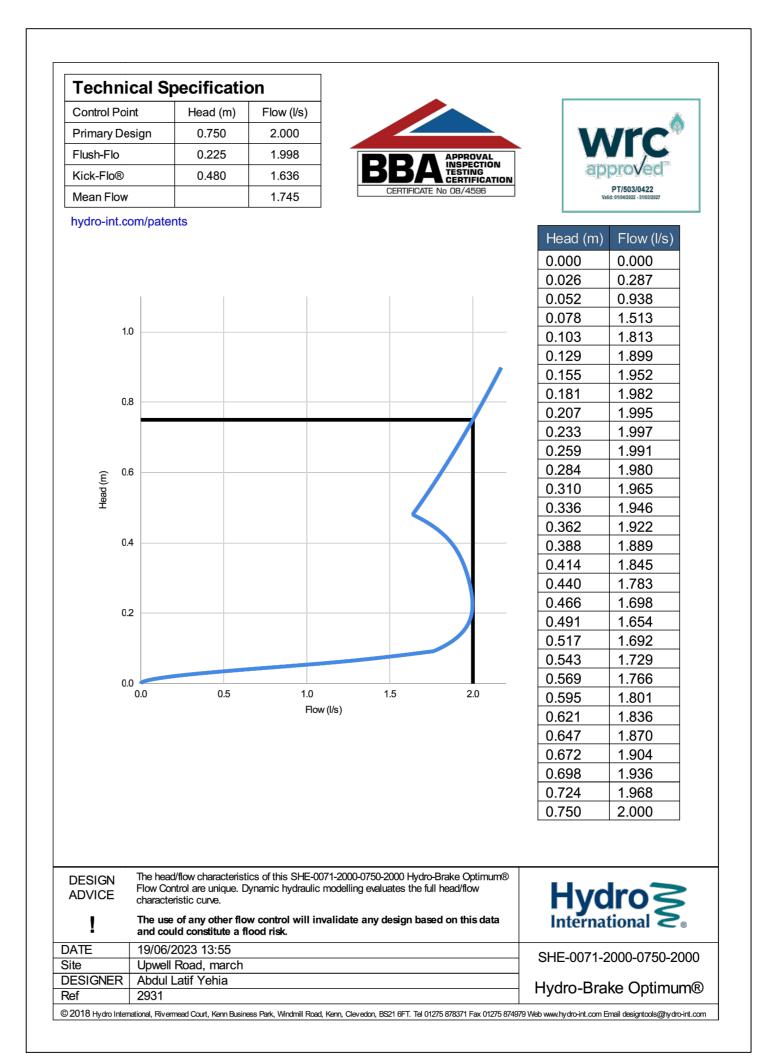
HYDRO BRAKE MH HB DETAIL SCALE 1:20 / SHE-0071-2000-0750-2000

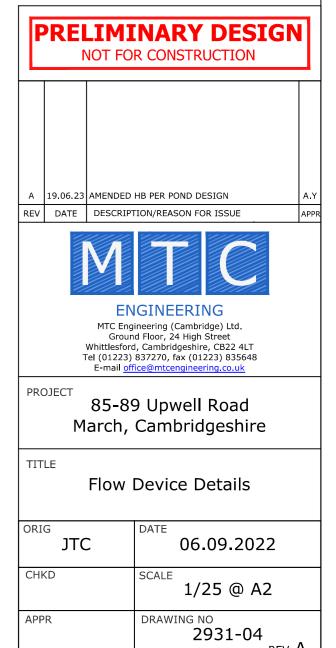


PLAN VIEW



SIDE VIEW





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F/YR23/0593/O

Applicant: Mr D Sawyer & Mr V Agent: Mr R Papworth Rowbottom Morton & Hall Consulting Ltd

Land North Of 15, Badgeney End, March, Cambridgeshire

Erect up to 2 x dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. The application site comprises part of a wider parcel of agricultural land situated to the north of Badgeney Farm and adjoining residential dwelling at 15 Badgeney End, March. To the south west of the site, on the opposite side of the road from Badgeney Farm is another residential dwelling, Badgeney Cottage. The application site is located on the eastern side of Badgeney End, approximately 190m east of the edge of the built framework of March, separated by the railway line that runs to the eastern side of March.
- 1.2. The proposal is an outline planning application for the construction of up to 2 dwellings with matters committed in respect of access. Two new accesses are proposed, one for each dwelling, directly off Badgeney End, with associated area for parking and turning.
- 1.3. Notwithstanding any issues that could be resolved through submission of a detailed Reserved Matters application, there are fundamental locational issues that would mean that the principle of development is unacceptable, which is the main requirement for consideration in respect of this Outline application. It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that is located within agricultural land outside the built framework of March. Furthermore, development at this site would encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d).
- 1.4. In addition, the application site is located within Flood Zone 3, but included no details in respect of the Sequential or Exception tests and is therefore contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF.
- 1.5. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1. The application site comprises part of a wider parcel of agricultural land situated to the north of Badgeney Farm and adjoining a residential dwelling at 15 Badgeney End, March. The site is located within the countryside with open agricultural land situated to the northeast and west. To the southwest of the site, on the opposite side of the road from Badgeney Farm is another residential dwelling, Badgeney Cottage. The application site is located on the eastern side of Badgeney End, approximately 190m east of the edge of the built framework of March, separated by the railway line that runs to the eastern side of March.
- 2.2. In the vicinity of the site Badgeney End is a single track rural road, with limited passing places, which runs north to south within agricultural land.
- 2.3. The site is located in Flood Zone 3, the highest risk of flooding.

3 PROPOSAL

- 3.1. The proposal is an outline planning application for the construction of 2 dwellings on the land with matters committed in respect of access. Two new accesses are proposed, one for each dwelling, directly off Badgeney End, with associated area for parking and turning. The submitted illustrative block plan includes a detached garage to serve the dwelling located at plot 2 with both dwellings to have a drainage basin and vegetable patch located to the east side of their plots.
- 3.2. Full plans and associated documents for this application can be found at: F/YR23/0593/O | Erect up to 2 x dwellings (outline application with matters committed in respect of access) | Land North Of 15 Badgeney End March Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

4.1. No pertinent planning history relevant here.

5 CONSULTATIONS

5.1. March Town Council (07/08/2023)

Object, Development outside the development area boundary, dwellings not work-place dwellings, site located within Flood Zone 3.

5.2. CCC Highways (10/08/2023)

No objection to the proposed development.

Silt Road is a low trafficked and narrow road devoid of any dedicated pedestrian infrastructure and opportunity for vehicle passing. It is therefore not a suitable location for material development in absence of enhancement to the local highway provision.

However, the intensification which will be associated with two new dwellings is not material and is unlikely to result in an unacceptable adverse highway impact. On this basis, I do not consider the proposal to be objectionable in highway safety terms.

That being said, as there is no attractive walking route between the proposed development and March town and as Silt Road and Badgeney End are unlit, I would question the sustainability of site for residential development which is likely to be car dominant. This is something which the LPA may wish to consider under Local Plan policy LP1 and LP15 (C).

I have refrained from providing comments relating to the site layout as this is not for approval.

As this site must be accessed via a level crossing, I recommend you consult with Network Rail.

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

Conditions

- Gates: Prior to the first occupation of the development hereby approved/Prior to the commencement of the use hereby approved any gate or gates to the vehicular access shall be set back 5 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter.
- Wheel Wash Facilities: Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.

5.3. Environment Agency (08/08/2023)

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

We have reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and designated main river flood risk sources only.

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds. However, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

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

Advice for the Applicant

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient measures, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007", which is available on the following website:

https://www.gov.uk/government/publications/flood-resilient-construction-of-new-building

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit https://www.gov.uk/sign-up-for-flood-warnings.

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue procedures for developments. Advice should be sought from the emergency services and the Local Authority's emergency planners when producing a flood evacuation plan.

Sequential and Exception Tests

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

5.4. FDC Environmental Health (23/07/2023)

No Objections to the proposal, as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination.

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

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

5.5. CCC Archaeology (17/07/2023)

The proposed development lies in an area of known high archaeological potential to the east of March, on the edge of a fen island with the fen sloping away to the east. Running through the proposed development area a cropmark indicated a double ditched trackway leading roughly north south (Cambridgeshire Historic Environment Record MCB32116). This trackway follows the edge of the fen less than 100m to the east, and runs towards an area of intense cropmark activity to the north indicating Roman settlement and land use (CHER 08458, 09376, 09378, 08981, 09377) and including the Fen Causeway a major Roman routeway connected settlement across the fen east — west (CHER CB15033). To the east and west further linear features have been identified via cropmarks (CHER MCB24079, 10999). Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work,

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

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

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).

Informatives:

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

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges

5.6. Local Residents/Interested Parties

Objectors

3 letters of objection have been received from 3 addresses within March, including an objection from the occupiers of 15 Badgeney End which adjoins the application site to the south, concerns are summarised as follows:

- Substantial amount of wildlife present at the site
- Derelict buildings in the area unoccupied that could be renovated
- Contrary to policies LP3, LP12, LP14 and LP16(d) of the Fenland Local Plan 2014
- Would create a precedent for further development on this site to the detriment of the surrounding open countryside
- Development site is located outside of settlement boundary
- Site is located in Flood Zone 3, the highest risk of flooding
- · Site is agricultural land used for farming

Supporters

13 letters of support, several of which are identical proformas in nature, have been received from 13 addresses within March which make the following summarised comments:

- The dwellings would enhance the security of properties in the area
- •
- Would add to the character of the area
- Executive style houses are much needed in March
- These properties will be in easy walking/cycling distance to March town centre
- Would support a growing Market town
- The proposed site should be considered part of March and not as an elsewhere location
- Would contribute to the enhancement of the local economy by attracting new residents, creating jobs during the construction process, and potentially bringing more commercial activity to the area
- Site is in an ideal location and appropriate to build an executive type house, similar properties have been built nearby
- The site has good access to and from March

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

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

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

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

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

7.2. National Planning Practice Guidance (NPPG)

Determining Planning Applications

7.3. National Design Guide 2021

Context

Identity

Built Form

Homes and Buildings

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 - Delivering and Protecting High Quality Environments

LP19 - The Natural Environment

7.5. Emerging Local Plan

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

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP7 - Design

LP8 - Amenity Provision

LP18 – Development in the Countryside

LP20 - Accessibility and Transport

LP22 - Parking Provision

LP24 – Natural Environment

LP32 – Flood and Water Management

7.6. March Neighbourhood Plan 2017

H2 – Windfall Development

7.7. Supplementary Planning Documents/Guidance

Cambridgeshire Flood and Water SPD (2016)

8 KEY ISSUES

- Principle of Development
- Impact on Character and Amenity
- Flood Risk
- Access and Parking
- Residential Amenity

9 ASSESSMENT

Principle of Development

- 9.1. Policy LP3 of the Fenland Local Plan 2014 identifies March as a Market Town where, according to Policy LP3, the majority of the district's new housing should take place. However, the site is situated within an area of undeveloped agricultural land approximately 190m east of the edge of the built environment of March and with the physical boundary created by the railway line. As such, it is not considered to be located within the existing urban area of March, and hence the broad principle of developing the site with regard to the development proposals would be inconsistent with this policy.
- 9.2. Taking this into account it is considered that the development site falls within an 'elsewhere' location. As identified under Policy LP3 development in such areas should be restricted to that which is essential for agriculture, horticulture, forestry, outdoor recreation, transport or utility services and to minerals or waste development. Furthermore, owing to the elsewhere location, it is necessary to apply the criteria outlined in Policy LP12. Considering the proposal is to erect a new dwelling at the site, it must meet the tests set out in Part D of Policy LP12 which would require the application to demonstrate an existing functional need (amongst other criteria). This functional need would normally only be supported where is required owing to an adjacent enterprise falling within the categories outlined within Policy LP3, and any approval would likely include a restrictive occupancy condition to the same.

- 9.3. There are other dwellings in the vicinity, such as 15 Badgeney End to the south, Badgeney Cottage to the southwest and further south along Badgeney End, Byways. However, 15 Badgeney End and Badgeney Cottage, pre-date planning as they have been in situ for many years; whilst Byways, approved in 1990, was for the replacement of an existing dwelling.
- 9.4. Furthermore, on land south 15 Badgeney End, the erection of a chalet bungalow was refused under planning application F/YR06/0273/O in 2006, owing to the development being considered as unsustainable residential development within the countryside and concerns over the likely precedent that would arise if the development was approved. Thus, whilst this application pre-dates the current local plan, the unsupported principle of development in this area and concerns by earlier planning officers remains consistent.
- 9.5. Notwithstanding the existence of nearby dwellings, the proposed development would not be 'physically' isolated, however due to lack of nearby services and facilities e.g. shops and bus routes (the nearest bus stop is approx. 1 mile away located at Gray's Lane within March), the site would be 'functionally' isolated due to the site's location outside of the built environment of March. Therefore, the provisions of Para. 79 of the NPPF which seeks to 'promote sustainable development in rural areas' and the tests established by the Braintree judgement would not be relevant and would not outweigh Policy LP12 in this instance.
- 9.6. Details submitted with the application includes no justification regarding functional need for the dwellings being essential to rural enterprises such as agriculture, horticulture, forestry, outdoor recreation, transport or utility services, etc. The submitted application form suggests that the proposed dwellings are intended as executive type housing, which would not have any functional needin this location. Furthermore, the submitted Design and Access statement makes no reference to the houses being necessary to the operation of a rural enterprise. Thus, the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014 and thus the principle of development such as the proposed cannot be supported.

Impact on Character and Amenity

- 9.7. Policy LP16 (d) refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused. Further to the necessary criteria in respect to the functional need for development in elsewhere locations, Policy LP12 seeks to ensure that development respects the character and appearance of the surrounding countryside and farmland.
- 9.8. There were no indicative elevations provided with this outline application, with matters relating to the specific appearance, layout and scale to be committed at Reserved Matters stage.
- 9.9. Central to this proposal is that the development would encroach into previously undeveloped agricultural land, which is characteristic of the nature of the open countryside surrounding the site. Development on this land would be to the detriment of the character and appearance of the area and would arguably create a precedent for further development along this part of Badgeney End which in the future would be hard to defend. As such, the proposal would be contrary to the requirements of Policies LP12 and LP16 (d).

Flood Risk

- 9.10. The site is located in Flood Zone 3, the area at highest risk of flooding. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.
- 9.11. The application is accompanied by a Flood Risk Assessment that does not include consideration of the Sequential and Exception Tests and appears to rely on the fact that the site is within an area benefitting from flood defences. The Flood and Water SPD is explicit in setting out that the existence of defences should be disregarded in undertaking the sequential test.
- 9.12. Noting the adopted and indeed consistent stance of the LPA when applying the sequential test on sites which do not comply with the settlement hierarchy it is asserted that the scheme has no potential to satisfy the sequential test, as this would require the application of the Sequential test on a district wide scale. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made safe for its lifetime the sequential test still needs to be satisfied, i.e. flood risk safety measures do not overcome locational issues.
- 9.13. As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

Access and Parking

- 9.14. Cambridgeshire County Council as the acting Highways Authority have commented on the application and submitted comments of no objection.
- 9.15. The Highways Officer has stated 'Silt Road is a low trafficked and narrow road devoid of any dedicated pedestrian infrastructure and opportunity for vehicle passing. It is therefore not a suitable location for material development in absence of enhancement to the local highway provision. However, the intensification which will be associated with two new dwellings is not material and is unlikely to result in an unacceptable adverse highway impact. On this basis, I do not consider the proposal to be objectionable in highway safety terms.'
- 9.16. However, the Highways Officer did question the sustainability of the site commenting 'there is no attractive walking route between the proposed development and March town and as Silt Road and Badgeney End are unlit, I would question the sustainability of site for residential development which is likely to be car dominant. This is something which the LPA may wish to consider'.
- 9.17. The Highways Officer did outline certain conditions to be implemented if the council were minded approving the application. These conditions relating to the setting back of gates from the edge of the public highway and wheel washing facilities would have been appended to any recommendation for approval.

Residential Amenity

9.18. There were no indicative floor plans or elevations offered with the application and as such the LPA are unable to establish definitively if issues such as overlooking

will need to be reconciled. However, owing to the relative position of the proposed dwellings, shown indicatively, it would appear that there may be negligible issues relating to impacts on residential amenity to reconcile from the scheme.

- 9.19. In terms of occupier amenity, the proposed dwelling appears to be sufficiently distanced from the nearby railway line to limit impacts of noise or vibration to future occupiers. No objections were raised in this respect through consultation with the Environmental Health team.
- 9.20. Furthermore, the illustrative site plan indicates that suitable amenity space may be provided for each of the proposed dwellings to meet the requirements of Policy LP16 (h) of the Fenland Local Plan.
- 9.21. However, the site's position on a rural, unlit road without pedestrian access could result in the dwelling being 'functionally' isolated due to the lack of services and infrastructure to support the site (see para 9.5 of this report). This is a material consideration in respect of Policies LP2 and LP16 with regard to future occupier amenity and could occur as a result of development in an unsustainable location.

10 CONCLUSIONS

- 10.1. Notwithstanding any issues that could be resolved through the submission of a detailed Reserved Matters application, there are fundamental locational issues that would render the principle of development unacceptable, which is the main requirement for consideration in respect of this outline application. It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that is located within agricultural land outside the built framework of March. Furthermore, development of this site would encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d).
- 10.2. In addition, the application site is located within Flood Zone 3, but the application submission included no details in respect of the Sequential or Exception tests and is therefore contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF.

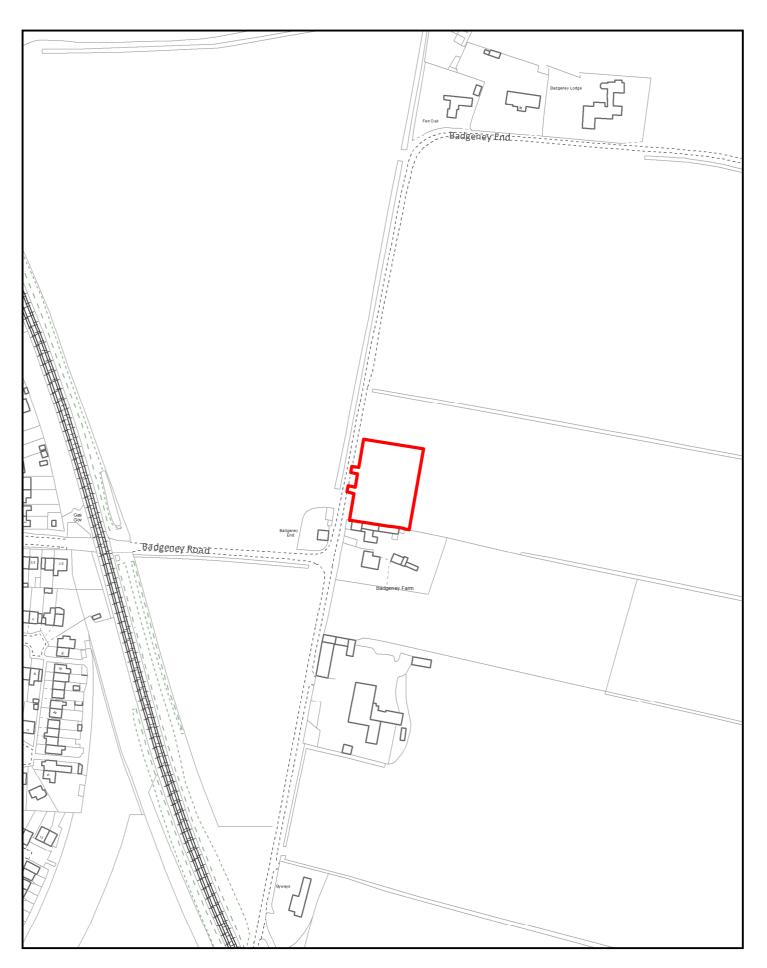
11 RECOMMENDATION

1.

Refuse, for the following reasons;

Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed. The site is considered an 'elsewhere' location where development should be restricted to that which is essential for agriculture, horticulture, forestry, outdoor recreation, transport or utility services and to minerals or waste development. The proposed development is located in existing agricultural land outside the settlement limits of March, where residential development is not normally supported unless justified. The proposal will introduce development into an area that currently has a strong relationship with the adjoining countryside, with no evidence to a clear link to rural enterprise and hence does not demonstrate an essential need for the dwelling in this location. Therefore, the proposal fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.

2	Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the open countryside that would erode the surrounding rural character and would be difficult to defend against. As such, the proposal would be contrary to the requirements of Policies LP12, LP16(d) and DM3 (2014).
3	Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management. The application does not include evidence in respect of the sequential or exception tests and therefore fails to provide demonstrable evidence that the scheme would be acceptable in respect of flood risk. The proposal is therefore contrary to Policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).



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